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## REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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#### DEPARTMENT OF THE PRIME MINISTER

No. 159.

1 June 1979.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 54 of 1979: Prisons Amendment Act, 1979.

#### DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1169.

1 Junie 1979.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 54 van 1979: Wysigingswet op Gevangenisse, 1979.

Act No. 54, 1979

PRISONS AMENDMENT ACT, 1979.

## GENERAL EXPLANATORY NOTE:

**[**

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

# GOVERNMENT GAZETTE

## ACT

**To amend the Prisons Act, 1959, in order to reduce the number of strokes which may be imposed for an escape or attempted escape accompanied by violence; to increase the power of the Commissioner of Prisons to release prisoners on parole; to provide for the issue of a warrant of arrest, and for the detention, of a prisoner who fails to observe a condition of his release on parole; and for the treatment, training and employment of all classes of prisoners detained in a hospital prison for psychopaths; to regulate the detention of judgment debtors; and to effect certain textual alterations; and to provide for incidental matters.**

*(English text signed by the State President.)  
(Assented to 21 May 1979.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 48 of Act 8 of 1959.

1. Section 48 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the Afrikaans text of paragraph (b) of subsection (1) for the word “ontsnap” of the word “ontvlug”, and by the substitution in that subsection for the words “ten strokes” of the words “seven strokes”. 5

Amendment of section 68 of Act 8 of 1959, as amended by section 20 of Act 75 of 1965 and section 50 of Act 70 of 1968.

2. Section 68 of the principal Act is hereby amended— 10  
 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:  
   “(a) if the total period of imprisonment to be served by a prisoner under one or more sentences does not exceed **four months** two years; or”; 15  
 (b) by the deletion of paragraph (b) of subsection (1);  
 (c) by the deletion in the proviso to subsection (1) of the expression “(b) or”; and  
 (d) by the substitution for subsection (2) of the following subsection: 20

“(2) If the Commissioner is satisfied that any such prisoner has, before the expiration of the period of release on parole, failed to observe any condition of such release on parole he may **by order recall him to a prison and thereupon he shall be liable** issue a 25

warrant for the arrest of such prisoner, which may be executed by any peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), 20A and which shall serve as authority for the prisoner to be

**ALGEMENE VERDUIDELIKENDE NOTA:**

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordnings aan.

— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordnings aan.

**WET**

Tot wysiging van die Wet op Gevangenisse, 1959, om die aantal houe te verminder wat opgelê kan word weens 'n ontvlugting of poging tot ontvlugting wat met geweld gepaard gaan; om die bevoegdheid van die Kommissaris van Gevangenis uit te brei om gevangenes op parool vry te laat; om voorseening te maak vir die uitreiking van 'n lasbrief vir die inhegtenisneming, en vir die aanhouding, van 'n gevangene wat versuum om 'n voorwaarde van sy vrylating op parool na te kom; en vir die behandeling, opleiding en arbeid van alle klasse gevangenes wat in 'n hospitaalgevangenis vir psigopate aangehou word; om die aanhouding van vonnisskuldenaars te reël; en om sekere teksveranderings aan te bring; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 21 Mei 1979.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 48 van die Wet op Gevangenisse, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur in paragraaf (b) van subartikel (1) die woord „ontsnap“ deur die woord „ontvlug“ te vervang, en deur in daardie subartikel die woorde „tien houe“ deur die woorde „sewe houe“ te vervang.
2. Artikel 68 van die Hoofwet word hierby gewysig—
- 10     (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:  
       „(a) indien die totale tydperk van gevangenisstraf wat 'n gevangene ingevolge een of meer vonnisse uitgedien moet word, nie meer as **[vier maande]** **twee jaar** is nie; of“;
- 15     (b) deur paragraaf (b) van subartikel (1) te skrap;  
       (c) deur in die voorbehoudbepaling by subartikel (1) die uitdrukking „(b) of“ te skrap; en  
       (d) deur subartikel (2) deur die volgende subartikel te vervang:  
       „(2) Indien die Kommissaris oortuig is dat so 'n gevangene voor die verstryking van die tydperk van vrylating op parool versuum het om 'n voorwaarde van die vrylating op parool na kom, kan hy **[by bevel hom terugroep na 'n gevangenis en daarop is hy onderhewig aan]** 'n lasbrief vir die inhegtenisneming van so 'n gevangene uitreik, wat deur 'n vredesbeampte soos omskryf in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977), uitgevoer kan word en wat dien as magtiging vir die aanhouding van die gevangene in 'n
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Wysiging van artikel 48 van Wet 8 van 1959.

Wysiging van artikel 68 van Wet 8 van 1959, soos gewysig deur artikel 20 van Wet 75 van 1965 en artikel 50 van Wet 70 van 1968.

## Act No. 54, 1979

## PRISONS AMENDMENT ACT, 1979.

Amendment of  
section 81 of  
Act 8 of 1959,  
as substituted by  
section 20 of  
Act 58 of 1978.

Insertion of  
section 81A in  
Act 8 of 1959.

detained in prison until lawfully discharged or released therefrom [and if at large he shall be deemed to be unlawfully at large].”.

3. Section 81 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A President’s patient and any other person detained in a hospital prison for psychopaths shall receive such treatment and training and may be compelled to perform such work as the Commissioner may [prescribe] determine from time to time, unless the medical officer has certified that [such treatment or] the performance of such work is injurious to the health of such President’s patient or such other person.”.

4. The following section is hereby inserted in the principal Act after section 81:

“Detention of judgment debtors.

**81A.** (1) An order for the detention and a sentence for the periodical detention of a judgment debtor shall commence on the day on which the judgment debtor is received at the prison, and a judgment debtor shall be detained for the full continuous period mentioned in the order or, as the case may be, for the interrupted periods agreed upon that the sentence of periodical detention shall be served, unless he is sooner lawfully discharged from further detention.

(2) Where several orders of detention or several sentences of periodical detention, or where one or more such orders and one or more such sentences, subsist in respect of the same judgment debtor, each such order and each such sentence shall be served the one after the expiration of the other, unless the court which made any such order or which imposed any such sentence has expressly directed otherwise.

(3) Where a judgment debtor, after he is received at a prison, escapes, or is irregularly discharged, from custody, his further detention shall be deemed to have been suspended on the date of his escape or discharge, as the case may be, and shall be resumed on the date of his recommittal to prison.”.

Short title.

5. This Act shall be called the Prisons Amendment Act, 1979.

## WYSIGINGSWET OP GEVANGENISSE, 1979.

Wet No. 54, 1979

gevangenis totdat hy wettig daaruit ontslaan of vrygelaat word **[en as hy op vrye voet is, word hy geag onwettiglik op vrye voet te wees].”**

3. Artikel 81 van die Hoofwet word hierby gewysig deur Wysiging van artikel 81 van Wet 8 van 1959, soos vervang deur artikel 20 van Wet 58 van 1978.
- 5 subartikel (3) deur die volgende subartikel te vervang:
- „(3) 'n Presidentspasiënt en enige ander persoon wat in 'n hospitaalgevangenis vir psigopate aangehou word, ontvang die behandeling en opleiding en kan verplig word om die arbeid te verrig wat die Kommissaris van tyd tot tyd **[voorskryf]** bepaal, tensy die geneeskundige beampete sertifiseer dat **[daardie behandeling of]** die verrigting van daardie arbeid nadelig vir die gesondheid van daardie Presidentspasiënt of sodanige ander persoon is.”

4. Die volgende artikel word hierby in die Hoofwet na artikel 15 81 ingevoeg: Invoeging van artikel 81A in Wet 8 van 1959.

- „Aanhouding van vonnis-skuldenaars. 81A. (1) 'n Bevel vir die aanhouding en 'n vonnis vir die periodieke aanhouding van 'n vonnisskuldenaar neem 'n aanvang op die dag waarop die vonnisskuldenaar in die gevangenis opgeneem word, en 'n vonnisskuldenaar word aangehou vir die volle aaneenlopende tydperk in die bevel vermeld of, na gelang van die geval, vir die onderbroke tydperke waarop ooreengekom word dat die vonnis van periodieke aanhouding uitgedien moet word, tensy hy eerder wettig uit verdere aanhouding ontslaan word.
- (2) Waar verskeie bevele van aanhouding of verskeie vonnisse van periodieke aanhouding, of waar een of meer sodanige bevele en een of meer sodanige vonnisse, ten opsigte van dieselfde vonnisskuldenaar bestaan, word elke sodanige bevel en elke sodanige vonnis uitgedien die een na die verstrekking van die ander, tensy die hof wat enige sodanige bevel gegee het of enige sodanige vonnis opgelê het uitdruklik anders gelas het.
- (3) Waar 'n vonnisskuldenaar, nadat hy by 'n gevangenis opgeneem is, uit bewaring ontvlug of onreëelmatig ontslaan word, word sy verdere aanhouding geag opgeskort te gewees het op die datum van sy ontvlughting of ontslag, na gelang van die geval, en word dit voortgesit op die datum van sy hergevanging.”

5. Hierdie Wet heet die Wysigingswet op Gevangenis, 1979. Kort titel.

22 SEPTEMBER 1949

NOTIFICATION OF CHANGES IN THE

REGULATIONS RELATING TO THE CONTROL OF AIR TRAFFIC  
IN THE AIRPORTS AND AIRWAYS OF THE REPUBLIC OF SOUTH AFRICA

NOTIFICATION IS HEREBY GIVEN THAT ON THE 18TH DAY OF SEPTEMBER, 1949, THE AIRPORTS AND AIRWAYS REGULATIONS, 1947, AS AMENDED BY THE AIRPORTS AND AIRWAYS REGULATIONS, 1948, ARE HEREBY REPEALED.

NOTIFICATION IS HEREBY MADE OF THE AIRPORTS AND AIRWAYS REGULATIONS, 1949, WHICH HAVE BEEN APPROVED BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA ON THE 18TH DAY OF SEPTEMBER, 1949.

NOTIFICATION IS HEREBY MADE OF THE AIRPORTS AND AIRWAYS REGULATIONS, 1949, WHICH HAVE BEEN APPROVED BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA ON THE 18TH DAY OF SEPTEMBER, 1949.

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NOTIFICATION  
IS HEREBY  
MADE OF  
THE AIRPORTS  
AND AIRWAYS  
REGULATIONS,  
1949.

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