



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 714.

21 April 1982.

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

No. 65 van 1982: Wysigingswet op Gevangenis, 1982.

No. 714.

21 April 1982.

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

No. 65 of 1982: Prisons Amendment Act, 1982.

Wet No. 65, 1982

WYSIGINGSWET OP GEVANGENISSE, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

I Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

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

WET

Tot wysiging van die Wet op Gevangenis, 1959, ten einde voorsiening te maak vir die aanstelling van tydelike offisiere; 'n vrylatingsadviesraad in te stel en sy werksaamhede en pligte te omskryf; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1982.)

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

Wysiging van
artikel 1 van
Wet 8 van 1959,
soos gewysig deur
artikel 1 van
Wet 75 van 1965,
artikel 46 van
Wet 70 van 1968,
artikel 1 van
Wet 88 van 1977,
artikel 1 van
Wet 58 van 1978,
artikel 1 van
Wet 22 van 1980
en artikel 1 van
Wet 43 van 1981.

Invoeging van
artikel 4A in
Wet 8 van 1959.

1. Artikel 1 van die Wet-op Gevangenis, 1959 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „offisier” deur die volgende omskrywing te vervang:

„offisier’ ’n offisier as sodanig kragtens artikel 4 (1) aangestel, en ook, solank hy sy kommissie behou, ’n tydelike offisier as sodanig kragtens artikel 4A (1) aangestel;” en

(b) deur na die omskrywing van „vrylating op proef” die volgende omskrywing in te voeg:

„vrylatingsadviesraad’ die raad by artikel 5B ingestel;”

2. Die volgende artikel word hierby in die Hoofwet na artikel 15 4 ingevoeg:

„Aanstelling
en ontslag
van tydelike
offisiere.

4A. (1) Die Minister kan van tyd tot tyd, by kommissie onder sy handtekening of met 'n replika van sy handtekening daarop, enige lid van die Gevangenisdiens wat nie 'n offisier is wat kragtens artikel 4 (1) aangestel is nie, as tydelike offisier aanstel.

(2) Behoudens die bepalings van subartikel (3) behou 'n offisier wat kragtens subartikel (1) aangestel is sy kommissie solank dit die Minister behaag.

(3) Die Minister kan, met inagneming van die bepalings van hierdie Wet, so 'n offisier ontslaan of af-dank of hom in rang verlaag."

Invoeging van
artikel 5B in
Wet 8 van 1959.

3. Die volgende artikel word hierby in die Hoofwet na artikel 5A ingevoeg:

„Vrylatings-
adviesraad.

5B. (1) Hierby word 'n raad ingestel wat as die 30
vrylatingsadviesraad bekend staan en wat bestaan
uit—

- (a) 'n regter van die Hooggeregshof van Suid-Afrika;
- (b) 'n landdros van 'n streekafdeling; 35
- (c) 'n prokureur-generaal of 'n adjunk-prokureur-generaal;
- (d) 'n lid van die Suid-Afrikaanse Polisie met of bo die rang van brigadier;

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PRISONS AMENDMENT ACT, 1982

Act No. 65, 1982

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.

ACT

To amend the Prisons Act, 1959, so as to provide for the appointment of temporary commissioned officers; to establish an advisory release board and to define its functions and duties; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 30 March 1982.)

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

1. Section 1 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the insertion before the definition of "bury" of the following definition:

"advisory release board" means the board established by section 5B;; and
 - 10 (b) by the substitution for the definition of "commissioned officer" of the following definition:

"commissioned officer" means a commissioned officer appointed as such under section 4 (1), and includes, for so long as he holds his commission, a temporary commissioned officer appointed as such under section 4A (1);"
- 15 2. The following section is hereby inserted in the principal Act after section 4:

4A. (1) The Minister may from time to time, by commission under his hand or bearing a replica of his signature, appoint any member of the Prisons Service who is not a commissioned officer appointed under section 4 (1), as a temporary commissioned officer.

(2) Subject to the provisions of subsection (3), a commissioned officer appointed under subsection (1) shall hold his commission during the pleasure of the Minister.

(3) The Minister may, subject to the provisions of this Act, discharge or retire any such commissioned officer or reduce him in rank."
- 20 3. The following section is hereby inserted in the principal Act after section 5A:

5B. (1) There is hereby established a board to be styled the advisory release board and consisting of—

(a) a judge of the Supreme Court of South Africa;

(b) a magistrate of a regional division;

(c) an attorney-general or a deputy attorney-general;

(d) a member of the South African Police of or above the rank of brigadier;

Amendment of section 1 of Act 8 of 1959, as amended by section 1 of Act 75 of 1965, section 46 of Act 70 of 1968, section 1 of Act 88 of 1977, section 1 of Act 58 of 1978, section 1 of Act 22 of 1980 and section 1 of Act 43 of 1981.

Insertion of section 4A in Act 8 of 1959.

Insertion of section 5B in Act 8 of 1959.

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- (e) 'n lid van die Gevangenisdiens met of bo die rang van brigadier;
- (f) 'n lid van die vrylatingsraad; en
- (g) twee ander persone wat nie in die heeltydse diens van die Staat is nie en wat na die oordeel van die Staatspresident besondere kennis of ondervinding het van aangeleenthede wat met die werksaamhede en pligte van die vrylatingsadviesraad in verband staan, om die werksaamhede en pligte wat by hierdie Wet aan die vrylatingsadviesraad toevertrou of opgelê word, te verrig.
- (2) Die Staatspresident stel elke lid van die vrylatingsadviesraad aan, en so 'n lid beklee sy amp so lank dit die Staatspresident behaag.
- (3) (a) Die Staatspresident wys vir elke lid van die vrylatingsadviesraad beoog in subartikel (1) (a) tot (f) 'n plaasvervanger aan wat dieselfde kwalifikasie het as die lid waarvoor hy die plaasvervanger is.
- (b) So 'n plaasvervanger het, by afwesigheid van die lid waarvoor hy die plaasvervanger is van 'n vergadering van die vrylatingsadviesraad, by so 'n vergadering al die bevoegdhede en pligte van daardie lid.
- (4) Die kworum vir 'n vergadering van die vrylatingsadviesraad is drie lede daarvan wat die lid beoog in subartikel (1) (a) of sy plaasvervanger of die lid beoog in subartikel (1) (b) of sy plaasvervanger insluit.
- (5) Die lid van die vrylatingsadviesraad beoog in subartikel (1) (a) is die voorsitter van die vrylatingsadviesraad en die lid beoog in subartikel (1) (b) is die vise-voorsitter.
- (6) 'n Besluit van die meerderheid van die aanwesige lede op 'n vergadering van die vrylatingsadviesraad is die besluit van daardie raad, en by staking van stemme oor enige aangeleentheid, het die lid wat by die betrokke vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.
- (7) 'n Lid van die vrylatingsadviesraad wat nie in die heeltydse diens van die Staat is nie ontvang sodanige toelaes as wat die Minister in oorleg met die Minister van Finansies bepaal."

Wysiging van artikel 55 van Wet 8 van 1959, soos gewysig deur artikel 49 van Wet 70 van 1968 en artikel 13 van Wet 58 van 1978.

4. Artikel 55 van die Hoofwet word hierby gewysig deur sub-paragraaf (iv) van paragraaf (d) van subartikel (6) deur die volgende subparagraawe te vervang:

- „(iv) in die geval van 'n offisier wat kragtens artikel 4 (1) aangestel is, gelas dat die saak na die Staatspresident verwys word, wat daarop enige van die in artikel 4 (2) bepaalde stappe kan doen; of
- (v) in die geval van 'n tydelike offisier wat kragtens artikel 4A (1) aangestel is, enige van die in artikel 4A (3) bepaalde stappe doen."

Vervanging van opskrifte voor artikel 61 van Wet 8 van 1959, soos vervang deur artikel 6 van Wet 22 van 1980.

5. Die opskrifte voor artikel 61 van die Hoofwet word hierby deur die volgende opskrifte vervang:

„HOOFSTUK VI

WERKSAAMHEDE EN PLIGTE VAN INRIGTINGSKOMITEES, [EN]
VRYLATINGSRADE EN DIE VRYLATINGSADVIESRAAD, EN VRY-
LATINGS VAN GEVANGENES

- (i) *Werksaamhede en pligte van inrigtingskomitees, [en] vrylatingsrade en die vrylatingsadviesraad*".

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- (e) a member of the Prisons Service of or above the rank of brigadier;
 (f) a member of the release board; and
 (g) two other persons who are not in the full-time service of the State and who in the opinion of the State President have special knowledge or experience of matters connected with the functions and duties of the advisory release board, to perform the functions and duties entrusted to or imposed upon the advisory release board by this Act.

(2) The State President shall appoint each member of the advisory release board, and such a member shall hold office during the pleasure of the State President.

(3) (a) The State President shall for each member of the advisory release board contemplated in subsection (1) (a) to (f) designate an alternate who has the same qualification as the member for whom he is the alternate.

(b) Such an alternate shall, in the absence of the member for whom he is the alternate from any meeting of the advisory release board, at such a meeting have all the powers and duties of that member.

(4) The quorum for a meeting of the advisory release board shall be three members thereof who shall include the member contemplated in subsection (1) (a) or his alternate or the member contemplated in subsection (1) (b) or his alternate.

(5) The member of the advisory release board contemplated in subsection (1) (a) shall be the chairman of the advisory release board and the member contemplated in subsection (1) (b) shall be the vice-chairman.

(6) A decision of the majority of the members present at a meeting of the advisory release board shall be the decision of that board, and in the event of an equality of votes on any matter the member presiding at the meeting concerned shall, in addition to his deliberative vote, have a casting vote.

(7) A member of the advisory release board who is not in the full-time service of the State shall receive such allowances as the Minister may determine in consultation with the Minister of Finance."

4. Section 55 of the principal Act is hereby amended by the substitution for subparagraph (iv) of paragraph (d) of subsection (6) of the following subparagraphs:

"(iv) in the case of a commissioned officer appointed under section 4 (1), direct that the matter be referred to the State President, who may thereupon take any steps provided for in section 4 (2); or

(v) in the case of a temporary commissioned officer appointed under section 4A (1), take any steps provided for in section 4A (3)."

Amendment of section 55 of Act 8 of 1959, as amended by section 49 of Act 70 of 1968 and section 13 of Act 58 of 1978.

5. The following headings are hereby substituted for the headings preceding section 61 of the principal Act:

"CHAPTER VI

FUNCTIONS AND DUTIES OF INSTITUTIONAL COMMITTEES, [AND] RELEASE BOARDS AND THE ADVISORY RELEASE BOARD, AND RELEASES OF PRISONERS

Substitution of headings preceding section 61 of Act 8 of 1959, as substituted by section 6 of Act 22 of 1980.

- (i) *Functions and duties of institutional committees, [and] release boards and the advisory release board".*

Wet No. 65, 1982

WYSIGINGSWET OP GEVANGENISSE, 1982

Invoeging van
artikel 61B in
Wet 8 van 1959.

6. Die volgende artikel word hierby in die Hoofwet na artikel 61A ingevoeg:

„Werksaam-
hede en
pligte van
vrylatings-
adviesraad.

61B. Die vrylatingsadviesraad moet wanneer hy deur die Minister aangesê word die Minister adviseer aangaande—

- (a) die algemene beleid wat gevolg behoort te word in verband met die vrylating van gevangenes;
- (b) die grondslag waarop strafvermindering aan verskillende kategorieë gevangenes verleen behoort te word;
- (c) enige aanbeveling wat in 'n besondere geval deur die vrylatingsraad gedoen is;
- (d) enige ander aangeleentheid wat die Minister na die vrylatingsadviesraad verwys.”

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Kort titel.

7. Hierdie Wet heet die Wysigingswet op Gevangenis, 1982. 15

PRISONS AMENDMENT ACT, 1982

Act No. 65, 1982

6. The following section is hereby inserted in the principal Act after section 61A:

Insertion of
section 61B in
Act 8 of 1959.

“Functions
and duties of
5 advisory re-
lease board.

61B. The advisory release board shall when re-
quired by the Minister advise the Minister as to—

- 10
- (a) the general policy which ought to be followed in connection with the release of prisoners;
 - (b) the basis upon which remission of sentence ought to be granted to different categories of prisoners;
 - (c) any recommendation made by the release board in a particular case;
 - (d) any other matter referred to the advisory release board by the Minister.”

7. This Act shall be called the Prisons Amendment Act, 1982.

Short title.

