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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local **80c** Plaaslik
Other countries R1,10 Buiteland
Post free • Posvry

VOL. 313

CAPE TOWN, 10 JULY 1991

KAAPSTAD, 10 JULIE 1991

No. 13367

STATE PRESIDENT'S OFFICE

No. 1516.

10 July 1991

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

No. 122 of 1991: Correctional Services and Supervision Matters Amendment Act, 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1516.

10 Julie 1991

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

No. 122 van 1991: Wysigingswet op Aangeleenthede rakende Korrektiewe Dienste en Toesig, 1991

P223
Act No. 122, 1991CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991**GENERAL EXPLANATORY NOTE:**

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

— Words underlined with a solid line indicate insertions in existing enactments.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

ACT

To extend the mission of the Department of Correctional Services and to establish correctional supervision as an alternative dispensation in lieu of prosecution or upon passing sentence; for that purpose to amend the Prisons Act, 1959, by the insertion of definitions of certain expressions, to replace others and to delete others; to extend the functions of the said Department; to further regulate the control of the said Department; to make provision for the appointment and conditions of service of the Commissioner of Correctional Services; to make provision for the appointment, powers, functions and duties of correctional boards and the remuneration of certain members thereof; to make provision for the extension of the constitution, functions and duties of institutional committees and the remuneration of certain members thereof; to make provision for the establishment, constitution, powers, functions and duties of the National Advisory Council on Correctional Services and the remuneration of certain members thereof; to replace certain obsolete expressions; to further regulate membership of the reserve force of the said Department; to extend the period during which members of the said Department may be discharged without an enquiry; to make it an offence to interfere with a member of the said Department or a temporary correctional official in the performance of his functions; to abolish the release of prisoners on probation; to regulate or further regulate the contracting of agreements for the labour or service of prisoners and persons subject to correctional supervision and the sale of the products of the labour or service in any prison; to abolish certain measures in respect of female prisoners; to further regulate the payment of remuneration to prisoners; to make provision for the application and administration of correctional supervision as a community-based punishment; to make provision for the appointment, remuneration, conditions of service and functions of temporary correctional officials and voluntary workers; to make provision for the liability of the State for patrimonial loss arising from the performance of service by any person subject to correctional supervision; to extend the power of the Minister of Correctional Services to delegate certain of his powers under the said Act; to extend the power of the said Minister to make regulations; to replace the short title; and to replace the long title; to amend the Criminal Procedure Act, 1977, by the insertion of definitions of certain expressions; to empower an attorney-general or a prosecutor before judgment in a criminal case to reconsider the case and suspend the court proceedings so that the accused may, with his concurrence, be placed under correctional supervision on certain conditions; to make provision that a probation officer or correctional official and the parent or guardian of any person under the age of 18 years shall be notified of his arrest; to make provision that an accused who has been released on bail may be placed under the supervision of a probation officer or correctional official; to make provision that an accused under the age of 18 years who is in custody may, instead of being released on bail or detained in custody, be placed under the supervision of a probation officer or correctional official; to extend the proof of certain facts by means of an affidavit or certificate; to make provision that a court may impose correctional supervision, or imprisonment from which a person may be placed under correctional supervision in his discretion by the said Commissioner and *vice versa*, as punishment on a

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____** Woorde met 'n volstreep daaronder, dui invloegings in bestaande verordenings aan.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 27 Junie 1991.)

WET

Tot uitbreiding van die missie van die Departement van Korrektiewe Dienste en tot instelling van korrektiewe toesig as 'n alternatiewe beskikkingsmoontlikheid in plaas van vervolging of by vonnisoplegging; om te dien einde die Wet op Gevangenis, 1959, te wysig deur omskrywings van sekere uitdrukings in te voeg, ander te vervang en ander te skrap; die werksaamhede van genoemde Departement uit te brei; die beheer van genoemde Departement verder te reël; voorsiening te maak vir die aanstelling en diensvooraardes van die Kommissaris van Korrektiewe Dienste; voorsiening te maak vir die aanstelling, bevoegdhede, werksaamhede en pligte van korrektiewe rade en die vergoeding van sekere lede daarvan; voorsiening te maak vir die uitbreiding van die samestelling, werksaamhede en pligte van inrigtingskomitees en die vergoeding van sekere lede daarvan; voorsiening te maak vir die instelling, samestelling, bevoegdhede, werksaamhede en pligte van die Nasionale Adviesraad oor Korrektiewe Dienste en die vergoeding van sekere lede daarvan; sekere verouerde uitdrukings te vervang; lidmaatskap van die reserwemag van genoemde Departement verder te reël; die tydperk waarbinne lede van genoemde Departement sonder 'n ondersoek ontslaan kan word, uit te brei; bemoeiing met 'n lid van genoemde Departement of 'n tydelike korrektiewe beampete in die verrigting van sy werksaamhede, strafbaar te stel; die vrylating van gevangenes op proef af te skaf; die aangaan van ooreenkoms vir die arbeid of diens van gevangenes en persone onderworpe aan korrektiewe toesig en die verkoop van die produkte van die arbeid of diens in 'n gevangenis te reël of verder te reël; sekere maatreëls ten opsigte van vroulike gevangenes af te skaf; die betaling van vergoeding aan gevangenes verder te reël; voorsiening te maak vir die toepassing en administrasie van korrektiewe toesig as 'n gemeenskapbaseerde straf; voorsiening te maak vir die aanstelling, vergoeding, diensvooraardes en werksaamhede van tydelike korrektiewe beampetes en vrywillige werkers; voorsiening te maak vir aanspreeklikheid van die Staat vir vermoënskade voortspruitend uit die verrigting van diens deur 'n persoon onderworpe aan korrektiewe toesig; die bevoegdheid van die Minister van Korrektiewe Dienste om sekere van sy bevoegdhede kragtens genoemde Wet te deleger, uit te brei; die bevoegdheid van genoemde Minister om regulasies uit te vaardig, uit te brei; die kort titel te vervang; en die lang titel te vervang; die Strafproseswet, 1977, te wysig deur omskrywings van sekere uitdrukings in te voeg; die bevoegdheid aan 'n prokureur-generaal of aanklaer te verleen om voor uitspraak in 'n strafsaak die saak te heroorweeg en die hofverrigtinge op te skort sodat die beskuldigde, met sy instemming, op sekere voorwaardes onder korrektiewe toesig geplaas kan word; voorsiening te maak dat 'n proefbeampete of korrektiewe beampete en die ouer of voog van 'n persoon onder die ouderdom van 18 jaar van sy inhegtenisneming verwittig word; voorsiening te maak dat 'n beskuldigde wat op borgtug vrygelaat is onder toesig van 'n proefbeampete of korrektiewe beampete geplaas kan word; voorsiening te maak dat 'n beskuldigde onder die ouderdom van 18 jaar wat in aanhouding is, in plaas van op borgtug vrygelaat of in bewaring aangehou te word, onder toesig van 'n proefbeampete of korrektiewe beampete geplaas kan word; die bewys van sekere feite deur middel van 'n beëdigde verklaring of sertifikaat uit te brei; voorsiening te maak dat 'n hof korrektiewe

person convicted of an offence, and for conditions on which such punishment may be so imposed; to make provision for the conversion by the court, on application by the said Commissioner, of imprisonment into correctional supervision or any other proper punishment and *vice versa*; to make provision that the said Commissioner may in his discretion place a person upon whom a period of imprisonment has been imposed as an alternative to a fine, under correctional supervision under certain circumstances and *vice versa*; to make provision that any person under the age of 21 years who has been convicted of any offence may on certain conditions be placed under the supervision of a correctional official; to make provision for the conversion of certain orders in respect of convicted juveniles; to make provision that a person who has been committed to a rehabilitation centre and is found not to be fit for treatment in such a centre, may be referred back to the court for imposition of a proper sentence; to make provision that the passing or operation of certain sentences may be postponed or suspended, respectively, on condition that the convicted person submits himself to correctional supervision; to empower the Minister of Justice to make regulations so as to establish steering projects for the launching of correctional supervision as an alternative dispensation in lieu of prosecution or upon passing sentence and for that purpose to appoint an implementation committee and one or more boards to advise him in that regard; and to make provision for certain transitional measures; and to provide for matters connected therewith.

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

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, Government Notice No. 2302 of 31 October 1980, section 1 of Act 43 of 1981, section 1 of Act 65 of 1982, section 1 of Act 104 of 1983, section 1 of Act 6 of 1985 and section 1 of Act 92 of 1990

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| <p>1. Section 1 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—</p> <ul style="list-style-type: none"> (a) by the deletion of the definitions of “advisory release board”, “release board” and “release on probation”; 10 (b) by the substitution for the definition of “Commissioner” of the following definition: <p style="padding-left: 20px;">“‘Commissioner’ means the Commissioner of <u>Prisons</u> <u>Correctional Services</u> appointed under section 4(1);”;</p> <ul style="list-style-type: none"> (c) by the insertion after the definition of “Commission for Administration” of the following definitions: <p style="padding-left: 20px;">“‘correctional board’ means a correctional board appointed under section 5;</p> <p style="padding-left: 20px;">‘correctional official’ means a member of the Department referred to in section 2(1) or any person appointed under section 84C(a);</p> <p style="padding-left: 20px;">‘correctional supervision’ means a community-based punishment to which a person is subject in accordance with Chapter VIII A and the regulations if—</p> <ul style="list-style-type: none"> (a) he has been placed under that under section 6(1)(c) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); (b) it has been imposed on him under section 276(1)(h) or (i) of the Criminal Procedure Act, 1977, and he, in the latter case, has been placed under that; (c) his sentence has been converted into that under section 276A(3)(e)(ii) or 287(4)(b) of the Criminal Procedure Act, 1977, or he has been placed under that under section 287(4)(a) of the Criminal Procedure Act; | <p>5</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
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WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

toesig, of gevengenisstraf waaruit iemand deur genoemde Kommissaris na goeddunke onder korrektiewe toesig geplaas kan word en vice versa, as straf aan iemand wat weens 'n misdryf skuldig bevind word, kan ople, en vir voorwaardes waarop so 'n straf aldus opgelê kan word; voorsiening te maak vir die omskepping deur die hof, op aansoek deur genoemde Kommissaris, van gevengenisstraf in korrektiewe toesig of 'n ander gepaste straf en vice versa; voorsiening te maak dat genoemde Kommissaris iemand aan wie alternatiewe gevengenisstraf vir 'n boete opgelê is onder sekere omstandighede na goeddunke onder korrektiewe toesig kan plaas en vice versa; voorsiening te maak dat 'n persoon onder die ouderdom van 21 jaar wat aan 'n misdryf skuldig bevind is, op sekere voorwaardes onder toesig van 'n korrektiewe beampete geplaas kan word; voorsiening te maak vir die omskepping van sekere bevele ten opsigte van veroordeelde jeugdiges; voorsiening te maak dat iemand wat na 'n rehabilitasiesentrum verwys is en bevind word nie geskik vir behandeling in so 'n sentrum te wees nie, na die hof terugverwys kan word vir oplegging van 'n gepaste vonnis; voorsiening te maak dat die oplegging of tenuitvoerlegging van sekere vonnissonderskeidelik uitgestel of opgeskort kan word op voorwaarde dat die veroordeelde hom aan korrektiewe toesig onderwerp; aan die Minister van Justisie die bevoegdheid te verleen om regulasies uit te vaardig ten eindeloodsprojekte in te stel om korrektiewe toesig as 'n alternatiewe beskikkingsmoontlikheid in plaas van vervolging of by vonnisoplegging van stapel te stuur en te dien einde 'n implementeringskomitee en een of meer rade aan te stel om hom in dié verband te adviseer; en voorsiening te maak vir sekere oorgangsmaatreëls; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Staatspresident en die Parlement 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, Goewermentskennisgewing No. 2302 van 31 Oktober 1980, artikel 1 van Wet 43 van 1981, artikel 1 van Wet 65 van 1982, artikel 1 van Wet 104 van 1983, artikel 1 van Wet 6 van 1985 en artikel 1 van Wet 92 van 1990

1. Artikel 1 van die Wet op Gevangenis, 1959 (hieronder die Hoofwet 10 genoem), word hierby gewysig—

(a) deur die volgende omskrywing na die omskrywing van "dagparool" in te voeg:

"Departement" die Departement van Korrektiewe Dienste by artikel 2(1) ingestel;"

(b) deur die omskrywing van "Kommissaris" deur die volgende omskrywing te vervang:

"Kommissaris" die Kommissaris van [Gevangenis] Korrektiewe Dienste kragtens artikel 4(1) aangestel;"

(c) deur die volgende omskrywings na die omskrywing van "Kommissie vir Administrasie" in te voeg:

"korrektiewe beampete" 'n lid van die Departement bedoel in artikel 2(1) of 'n persoon kragtens artikel 84C(a) aangestel; "korrektiewe raad" 'n korrektiewe raad kragtens artikel 5 aangestel;

25 "korrektiewe toesig" 'n gemeenskapgebaseerde straf waaraan 'n persoon onderworpe is ooreenkomsdig Hoofstuk VIIIA en die regulasies indien—

(a) hy daaronder geplaas is kragtens artikel 6(1)(c) van die Strafproseswet, 1977 (Wet No. 51 van 1977);

Act No. 122, 1991

CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991

- (d) it is a condition on which the passing of his sentence has been postponed and he has been released under section 297(1)(a)(i)(ccA) of the Criminal Procedure Act, 1977; or
- (e) it is a condition on which the operation of—
- (i) the whole or any part; or
 - (ii) any part, of his sentence has been suspended under section 297(1)(b) or (4) of the Criminal Procedure Act, 1977, respectively;
- (d) by the insertion after the definition of “daily parole” of the following definition:
- “‘Department’ means the Department of Correctional Services established by section 2(1);”;
- (e) by the substitution for the definition of “Minister” of the following definition:
- “‘Minister’ means the Minister of [Justice] Correctional Services;”;
- (f) by the insertion after the definition of “Minister” of the following definition:
- “‘National Advisory Council’ means the National Advisory Council on Correctional Services established by section 5B;”;
- (g) by the insertion after the definition of “prisoner” of the following definition:
- “‘probationer’ means any person who is subject to correctional supervision;” and
- (h) by the substitution for the definition of “reserve force” of the following definition:
- “‘reserve force’ means the [Prisons Service Reserve Force] reserve force referred to in section 9B;”.

Substitution of section 2 of Act 8 of 1959, as amended by Government Notice No. 2302 of 31 October 1980, section 3 of Act 43 of 1981 and section 2 of Act 104 of 1983 30

2. The following section is hereby substituted for section 2 of the principal Act:

“Establishment and functions of Department of Correctional Services

- 2. (1) There shall be a department to be styled the Department of Correctional Services, consisting of members who shall be known as correctional officials and who—**
- (a) have been appointed as commissioned officers under section 4;
 - (b) have been appointed as members, other than commissioned officers, under section 8; and
 - (c) are members of the reserve force in terms of section 9B.
- (2) The functions of the Department shall be—**
- (a) to ensure that every prisoner lawfully detained in any prison be kept therein in safe custody until lawfully discharged or removed therefrom;
 - (b) as far as practicable, to apply such treatment to convicted prisoners and probationers as may lead to their reformation and rehabilitation and to train them in habits of industry and labour;
 - (c) to apply correctional supervision in respect of probationers;
 - (d) as far as practicable, to be self-sufficient by the optimal application of production means based on management according to business principles;
 - (e) the performance of all work necessary for, arising from, or in connection with, the effective management of the Department; and
 - (f) to perform such other duties as the Minister may from time to time assign to the Department.”

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

- (b) dit aan hom opgelê is kragtens artikel 276(1)(h) of (i) van die Strafproseswet, 1977, en hy, in laasgenoemde geval, daaronder geplaas is;
- 5 (c) sy vonnis kragtens artikel 276A(3)(e)(ii) of 287(4)(b) van die Strafproseswet, 1977, daarin omskep is of hy kragtens artikel 287(4)(a) van die Strafproseswet, 1977, daaronder geplaas is;
- (d) dit 'n voorwaarde is waarop die oplegging van sy vonnis uitgestel en hy vrygelaat is kragtens artikel 297(1)(a)(i)(cca) van die Strafproseswet, 1977; of
- 10 (e) dit 'n voorwaarde is waarop die tenuitvoerlegging van—
(i) die geheel of 'n gedeelte; of
(ii) 'n gedeelte,
van sy vonnis opgeskort is kragtens onderskeidelik artikel 297(1)(b) of (4) van die Strafproseswet, 1977;”;
- 15 (d) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:
“‘Minister’ die Minister van **[Justisie]** **Korrektiewe Dienste;**”;
- (e) deur die volgende omskrywing na die omskrywing van “Minister” in te voeg:
20 “‘Nasionale Adviesraad’ die Nasionale Adviesraad oor Korrektiewe Dienste by artikel 5B ingestel;”;
- (f) deur die omskrywing van “reserwemag” deur die volgende omskrywing te vervang:
“‘reserwemag’ die **[Gevangenisdienssreserwemag]** **reserwemag**
25 vermeld in artikel 9B;”;
- (g) deur die volgende omskrywing na die omskrywing van “Staatsdiens” in te voeg:
“‘toesiggeval’ ‘n persoon wat aan korrektiewe toesig onderworpe
is;”;
- 30 (h) deur die omskrywings van “vrylating op proef”, “vrylatingsadviesraad” en “vrylatingsraad” te skrap.

Vervanging van artikel 2 van Wet 8 van 1959, soos gewysig deur Goewermentskennisgewing No. 2302 van 31 Oktober 1980, artikel 3 van Wet 43 van 1981 en artikel 2 van Wet 104 van 1983

- 35 2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling en werksaamhede van Departement van Korrektiewe Dienste

- 40 2. (1) Daar is 'n departement bekend as die Departement van Korrektiewe Dienste, bestaande uit lede wat as korrektiewe beampedes bekend staan en wat—
(a) as offisiere kragtens artikel 4 aangestel is;
(b) as lede wat nie offisiere is nie, kragtens artikel 8 aangestel is; en
(c) lede van die reserwemag is ingevolge artikel 9B.
(2) Die werksaamhede van die Departement is—
45 (a) om te verseker dat elke gevangene wat wettig in 'n gevangenis angehou word, daarin in veilige bewaring gehou word totdat hy wettig daaruit ontslaan of verwyder word;
(b) om, sover doenlik, die behandeling op veroordeelde gevangenes en toesiggevalle toe te pas wat tot hul verbetering en rehabilitasie mag lei en om hulle in gewoontes van vlyt en arbeid op te lei;
50 (c) om korrektiewe toesig ten opsigte van toesiggevalle toe te pas;
(d) om, sover doenlik, selfversorgend te wees deur die optimale aanwending van produksiemiddelle gebaseer op bestuur volgens besigheidsbeginsels;
55 (e) die verrigting van alle werk wat nodig is vir, voortvloei uit of in verband staan met die doeltreffende bestuur van die Departement; en
(f) om die ander pligte te verrig wat die Minister van tyd tot tyd aan die Departement opdra.”.

Substitution of section 3 of Act 8 of 1959, as substituted by section 3 of Act 43 of 1981

3. The following section is hereby substituted for section 3 of the principal Act:

“Control of Department of Correctional Services

3. (1) The Department shall, notwithstanding anything to the contrary contained in any law but subject to the provisions of subsection (2), be under the control of the Commissioner.

(2) In the execution of his powers and the performance of his duties, including the powers delegated to him under section 93(1), the Commissioner shall be subject to such general policy as may be determined by the Minister and to his directions.”.

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Amendment of section 4 of Act 8 of 1959, as substituted by section 48 of Act 70 of 1968 and amended by section 14 of Act 62 of 1973 and section 31 of Act 97 of 1986

4. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may from time to time, by commission under his hand or bearing a replica of his signature, appoint a commissioned officer, to be styled the Commissioner of [Prisons] Correctional Services, and such other commissioned officers as he may deem necessary: Provided that the conditions of service of the Commissioner shall, subject to the provisions of section 2(2) of the Public Service Act, 1984 (Act No. 111 of 1984), be governed by this Act: Provided further that the Commissioner shall also be entitled to the privileges of a head of a department which are not conferred upon him by this Act.”.

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Substitution of section 5 of Act 8 of 1959, as substituted by section 2 of Act 22 of 1980

5. The following section is hereby substituted for section 5 of the principal Act: 25

“Correctional boards

5. (1) The Minister shall appoint one or more boards at the prisons determined by him, in respect of a region determined by him, to be styled correctional boards, to exercise the powers and to perform the functions and duties conferred upon or assigned to a correctional board by or under this Act.

(2) (a) A member of a correctional board shall hold office for such period as the Minister may determine at the time of his appointment.

(b) A member of a correctional board whose office has become vacant otherwise than under paragraph (c), shall be eligible for reappointment.

(c) If in his opinion there is a valid reason for doing so, the Minister may at any time terminate the period of office of any member of a correctional board.

(d) If the period of office of any member of a correctional board terminates before the expiration of the period for which he has been appointed, the Minister shall, with due regard to the provisions of subsection (3), appoint some other person to fill the vacancy, and until such time as such person is so appointed, the remaining members shall constitute that correctional board.

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(3) (a) A correctional board shall consist of such number of members, who may be members and non-members of the Department, and who, in the latter case, will be able to contribute to that board's functions, as the Minister may think fit.

(b) The Minister shall from time to time designate a member of the Department who serves on a correctional board, as chairman of that board.

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Vervanging van artikel 3 van Wet 8 van 1959, soos vervang deur artikel 3 van Wet 43 van 1981

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Beheer van Departement van Korrektiewe Dienste

- 5 3. (1) Die Departement staan, ondanks enige andersluidende wetsbepaling, maar behoudens die bepalings van subartikel (2), onder die beheer van die Kommissaris.
 (2) By die uitoefening van sy bevoegdhede en die verrigting van sy pligte, met inbegrip van die bevoegdhede kragtens artikel 93(1) aan hom gedelegeer, is die Kommissaris onderworpe aan die algemene beleid wat deur die Minister bepaal word en aan sy voorskrifte.”.

Wysiging van artikel 4 van Wet 8 van 1959, soos vervang deur artikel 48 van Wet 70 van 1968 en gewysig deur artikel 14 van Wet 62 van 1973 en artikel 31 van Wet 97 van 1986

- 15 4. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Die Staatspresident kan van tyd tot tyd, by kommissie onder sy handtekening of met 'n replika van sy handtekening daarop, 'n offisier, wat as die Kommissaris van **[Gevangenisse] Korrektiewe Dienste** bekend staan, en die ander offisiere wat hy nodig ag, aanstel: Met dien verstande dat die diensvoorraad van die Kommissaris, behoudens die bepalings van artikel 2(2) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), deur hierdie Wet gereël word: Met dien verstande voorts dat die Kommissaris ook geregtig is op die voorregte van 'n departementshoof wat nie deur hierdie Wet aan hom verleen word nie.”.

Vervanging van artikel 5 van Wet 8 van 1959, soos vervang deur artikel 2 van Wet 22 van 1980

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Korrektiewe rade

- 30 5. (1) Die Minister stel by die gevangenisdeur hom bepaal, ten opsigte van 'n streek deur hom bepaal, een of meer rade aan, wat as korrektiewe rade bekend staan, om die bevoegdhede uit te oefen en die werkzaamhede en pligte te verrig wat by of kragtens hierdie Wet aan 'n korrektiewe raad verleen of opgedra word.
 (2) (a) 'n Lid van 'n korrektiewe raad beklee sy amp vir die tydperk wat die Minister ten tyde van sy aanstelling bepaal.
 (b) 'n Lid van 'n korrektiewe raad wie se amp andersins as kragtens paragraaf (c) vakant word, kan weer aangestel word.
 (c) Indien daar na sy oordeel 'n gegrondede rede daarvoor bestaan, kan die Minister te eniger tyd die ampstermy van 'n lid van 'n korrektiewe raad beëindig.
 (d) Indien die ampstermy van 'n lid van 'n korrektiewe raad ten einde loop voor die verstryking van die tydperk waarvoor hy aangestel is, stel die Minister, met inagneming van die bepalings van subartikel (3), iemand anders aan om die vakature te vul, en tot tyd en wyl so iemand aldus aangestel word, maak die oorblywende lede daardie korrektiewe raad uit.
 (3) (a) 'n Korrektiewe raad bestaan uit die aantal lede, wat lede en nie-lede van die Departement kan wees, en wat, in laasgenoemde geval, 'n bydrae tot dié raad se werkzaamhede sal kan lewer, wat die Minister goedvind.
 (b) Die Minister wys van tyd tot tyd 'n lid van die Departement wat in 'n korrektiewe raad dien as voorsitter van daardie raad aan.

(4) The members of a correctional board who are not in the full-time service of the State, may receive such remuneration and allowances as the Minister may, on the recommendation of the Commission for Administration, determine with the concurrence of the Minister of Finance.”.

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Amendment of section 5A of Act 8 of 1959, as inserted by section 3 of Act 22 of 1980

6. Section 5A of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) An institutional committee shall consist of so many members, who may be members and non-members of the [Prisons Service] Department, as the Commissioner may think fit and of whom one of the former shall be designated by the Commissioner as chairman of that committee.”; and

(b) by the addition of the following subsections:

“(4) The members of an institutional committee who are not in the full-time service of the State, may receive such remuneration and allowances as the Minister may, on the recommendation of the Commission for Administration, determine with the concurrence of the Minister of Finance.

(5) Any member of a correctional board may attend any meeting of the institutional committee at the prison where such correctional board is appointed.”.

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Substitution of section 5B of Act 8 of 1959, as inserted by section 3 of Act 65 of 1982

7. The following section is hereby substituted for section 5B of the principal Act:

“National Advisory Council on Correctional Services

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5B. (1) There shall be a Council to be styled the National Advisory Council on Correctional Services 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;

(e) a member of the Department of or above the rank of brigadier;

(f) an official of a social welfare authority who holds the rank of director or an equivalent or higher rank and who has been designated by the Minister of National Health;

(g) two or more persons who are not in the full-time service of the State and who, in the opinion of the Minister, have special knowledge or experience of matters connected with the powers, functions and duties of the Department; and

(h) one or more persons designated by the Minister, who may be co-opted for any special purpose as members in specific cases or in general, to exercise or perform the powers, functions and duties which are conferred upon or assigned to that Council under this Act.

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(2) The Minister shall appoint each member of the National Advisory Council referred to in subsection (1)(a) to (h), and such a member shall hold office during the pleasure of the Minister.

(3) (a) The Minister shall for each member of the National Advisory Council contemplated in subsection (1)(a) to (f) designate an alternate who has the same qualification as the member for whom he is the alternate.

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(b) An alternate contemplated in paragraph (a) shall, in the absence of the member for whom he is the alternate from any meeting of the

(4) Die lede van 'n korrektiewe raad wat nie in die heeltydse diens van die Staat is nie, kan die vergoeding en toelaes ontvang wat die Minister, op aanbeveling van die Kommissie vir Administrasie, met die instemming van die Minister van Finansies bepaal.”.

5 Wysiging van artikel 5A van Wet 8 van 1959, soos ingevoeg deur artikel 3 van Wet 22 van 1980

6. Artikel 5A van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Inrigtingskomitee bestaan uit die aantal lede, wat lede en nie-lede van die [Gevangenisiends] Departement kan wees, wat die Kommissaris goedvind en van wie een van eersgenoemdes as voorstander van daardie komitee deur die Kommissaris aangewys word.”; en

(b) deur die volgende subartikels by te voeg:

“(4) Die lede van 'n inrigtingskomitee wat nie in die heeltydse diens van die Staat is nie, kan die vergoeding en toelaes ontvang wat die Minister, op aanbeveling van die Kommissie vir Administrasie, met die instemming van die Minister van Finansies bepaal.

(5) 'n Lid van 'n korrektiewe raad kan 'n vergadering van die inrigtingskomitee by die gevangeris waarby so 'n korrektiewe raad aangestel is, bywoon.”.

Vervanging van artikel 5B van Wet 8 van 1959, soos ingevoeg deur artikel 3 van Wet 65 van 1982

7. Artikel 5B van die Hoofwet word hierby deur die volgende artikel vervang:

25 “Nasionale Adviesraad oor Korrektiewe Dienste

5B. (1) Daar is 'n raad wat as die Nasionale Adviesraad oor Korrektiewe Dienste bekend staan en wat bestaan uit—

- (a) 'n regter van die Hooggereghof van Suid-Afrika;
 - (b) 'n landdros van 'n streekafdeling;
 - (c) 'n prokureur-generaal of 'n adjunk-prokureur-generaal;
 - (d) 'n lid van die Suid-Afrikaanse Polisie met of bo die rang van brigadier;
 - (e) 'n lid van die Departement met of bo die rang van brigadier;
 - (f) 'n amptenaar van 'n maatskaplike welsynsowerheid wat die rang van direkteur of 'n gelykstaande of hoër rang beklee en wat deur die Minister van Nasionale Gesondheid aangewys is;
 - (g) twee of meer persone wat nie in die heeltydse diens van die Staat is nie en wat na die oordeel van die Minister besondere kennis of ondervinding het van die aangeleenthede wat met die bevoegdhede, werksaamhede en pligte van die Departement in verband staan; en
 - (h) een of meer persone deur die Minister aangewys wat vir enige spesiale doel as lede in bepaalde gevalle of in die algemeen gekoöpteer kan word,
- om die bevoegdhede, werksaamhede en pligte wat by of kragtens hierdie Wet aan dié Raad verleen of opgedra word, uit te oefen of te verrig.

(2) Die Minister stel elke lid van die Nasionale Adviesraad beoog in subartikel (1)(a) tot (h) aan, en so 'n lid beklee sy amp solank dit die Minister behaag.

(3) (a) Die Minister wys vir elke lid van die Nasionale Adviesraad beoog in subartikel (1)(a) tot (f) 'n plaasvervanger aan wat dieselfde kwalifikasie het as die lid waarvoor hy die plaasvervanger is.

(b) 'n Plaasvervanger beoog in paragraaf (a) het, by afwesigheid van die lid van wie hy die plaasvervanger is van 'n vergadering van

National Advisory Council, have all the powers and duties of that member at such a meeting.

(4) The majority of the members of the National Advisory Council shall constitute a quorum for a meeting of that Council.

(5) The member of the National Advisory Council contemplated in subsection (1)(a) shall be the chairman of that Council and one of the members contemplated in subsection (1)(b) to (g) shall be designated by the Minister as the vice-chairman.

(6) A decision of the majority of the members present at a meeting of the National Advisory Council, shall be the decision of that Council, 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 National Advisory Council who is not in the full-time service of the State may receive such allowances as may be determined by the Minister with the consent of the Minister of Finance.”.

Amendment of section 9 of Act 8 of 1959, as amended by section 2 of Act 4 of 1972

8. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Every person, other than a person deemed to be a commissioned officer in terms of subsection (2), shall, while acting as a temporary warden, be vested with the same powers, functions and responsibilities, perform the same duties and be subject to the same discipline and authority as a [warder] member appointed in terms of section 8(1).”.

Amendment of section 9A of Act 8 of 1959, as substituted by section 3 of Act 4 of 1972

9. Section 9A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) All members of the [Prisons Service] Department, temporary correctional officials and voluntary workers referred to in section 84C and temporary warders, other than temporary warders who by agreement receive no remuneration for their services, shall be paid salaries or wages and allowances or reimbursement for expenses in accordance with the provisions of the Public Service Act, [1957 (Act No. 54 of 1957)] 1984 (Act No. 111 of 1984).”.

Amendment of section 9B of Act 8 of 1959, as inserted by section 4 of Act 104 of 1983 and amended by section 2 of Act 92 of 1990

10. Section 9B of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Every person who has served in a full-time capacity for a period [of not less than four years] as may be determined by the Minister with the concurrence of the Minister of Defence in a post on the fixed establishment of the [Prisons Service] Department, and who has resigned or who resigns from the service of the [Prisons Service] Department on or after 1 January 1983, becomes at the commencement of this [Act] section or upon his resignation a member of the [Prisons Service Reserve Force] reserve force, and, subject to the provisions of this Act, remains a member thereof until he attains the age of 55 years.”; and

(b) by the substitution for the proviso to subsection (5) of the following proviso:

“Provided that where a member of the reserve force has rendered [more than four years] continuous service in excess of the period referred to in subsection (1) in a full-time capacity in a post on the fixed establishment of the [Prisons Service] Department, his obligation so to serve shall be reduced by 120 days for every completed year of such continuous service in excess of [four years] the period referred to in subsection (1).”.

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die Nasionale Adviesraad, by so 'n vergadering al die bevoegdhede en pligte van daardie lid.

(4) Die meerderheid van die lede van die Nasionale Adviesraad maak 'n kworum vir 'n vergadering van dié Raad uit.

5 (5) Die lid van die Nasionale Adviesraad beoog in subartikel (1)(a) is die voorsitter van dié Raad en een van die lede beoog in subartikel (1)(b) tot (g) word deur die Minister as die ondervoorsitter aangewys.

10 (6) 'n Besluit van die meerderheid van die aanwesige lede op 'n vergadering van die Nasionale Adviesraad is die besluit van dié 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.

15 (7) 'n Lid van die Nasionale Adviesraad wat nie in die heeltydse diens van die Staat is nie kan die toelaes ontvang wat die Minister met die instemming van die Minister van Finansies bepaal.”.

Wysiging van artikel 9 van Wet 8 van 1959, soos gewysig deur artikel 2 van Wet 4 van 1972

8. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

20 “(3) Elke persoon, behalwe 'n persoon wat ingevolge subartikel (2) geag word 'n offisier te wees, is, terwyl hy as tydelike bewaarder optree, met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas, moet dieselfde pligte verrig en is aan dieselfde tug en gesag onderworpe as 'n **[bewaarder]** lid wat kragtens artikel 8(1) aangestel is.”.

Wysiging van artikel 9A van Wet 8 van 1959, soos vervang deur artikel 3 van Wet 4 van 1972

9. Artikel 9A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

30 “(1) Aan alle lede van die **[Gevangenisdienst]** Departement, tydelike korrektiewe beampies en vrywillige werkers bedoel in artikel 84C en tydelike bewaarders, behalwe tydelike bewaarders wat by ooreenkoms geen besoldiging vir hul dienste ontvang nie, word salarissoe of lone en toelaes of vergoeding vir uitgawes betaal ooreenkomsdig die bepalings van die Staatsdienswet, **[1957 (Wet No. 54 van 1957)]** 1984 (Wet No. 111 van 1984).”.

Wysiging van artikel 9B van Wet 8 van 1959, soos ingevoeg deur artikel 4 van Wet 104 van 1983 en gewysig deur artikel 2 van Wet 92 van 1990

10. Artikel 9B van die Hoofwet word hierby gewysig—

40 (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke persoon wat in 'n heeltydse hoedanigheid vir 'n tydperk **[van minstens vier jaar]** deur die Minister met die instemming van die Minister van Verdediging bepaal in 'n pos op die vaste diensstaat van die **[Gevangenisdienst]** Departement diens gedoen het, en wat op of na 1 Januarie 1983 uit die diens van die **[Gevangenisdienst]** Departement bedank het of bedank, word by die inwerkingtreding van hierdie **[Wet]** artikel of by sy bedanking 'n lid van die **[Gevangenisdienstreservemag]** reserwemag, en bly, behoudens die bepalings van hierdie Wet, 'n lid daarvan totdat hy die ouderdom van 55 jaar bereik.”; en

50 (b) deur die voorbehoudsbepaling by subartikel (5) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat waar 'n lid van die reserwemag meer as **[vier jaar]** die tydperk bedoel in subartikel (1) ononderbroke diens in 'n heeltydse hoedanigheid in 'n pos op die vaste diensstaat van die **[Gevangenisdienst]** Departement gedoen het, sy verpligting om aldus in die reserwemag diens te doen met 120 dae vir elke voltooide jaar van sulke ononderbroke diens bo **[vier jaar]** die tydperk bedoel in subartikel (1) verminder word.”.

Amendment of section 13 of Act 8 of 1959, as amended by section 6 of Act 104 of 1983

11. Section 13 of the principal Act is hereby amended by the substitution in subsection (1) for subparagraph (iii) of paragraph (b) of the following subparagraph:

“(iii) within a period of [12] 24 months after the appointment of that member it appears to the Commissioner that he is unfit to remain in the service of the **[Prisons Service] Department**.”.

Amendment of section 39 of Act 8 of 1959

12. Section 39 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of the following paragraphs:

“(b) imprisonment for corrective training, shall be detained in a prison for a period of at least two years but not exceeding four years, to be determined by the Minister after **[a prison board]** an institutional committee has made a recommendation;

(c) imprisonment for the prevention of crime, shall be detained in a prison for a period of at least five years but not exceeding eight years, to be determined by the Minister after **[a prison board]** an institutional committee has made a recommendation.”.

Insertion of section 42A in Act 8 of 1959

13. The following section is hereby inserted in the principal Act after section 42:

“Penalty for interference with members of Department or correctional officials

42A. Any person who resists or intentionally hinders or obstructs any member of the Department or any correctional official in the exercise of his powers or the performance of his functions or duties shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or, in default of payment, to imprisonment for a period not exceeding 12 months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.”.

Substitution of headings before section 61 of Act 8 of 1959, as substituted by section 5 of Act 65 of 1982

14. The following headings are hereby substituted for the headings before section 61 of the principal Act:

“CHAPTER VI**POWERS, FUNCTIONS AND DUTIES OF INSTITUTIONAL COMMITTEES, **[RELEASE BOARDS]** CORRECTIONAL BOARDS AND THE **[ADVISORY RELEASE BOARD]** NATIONAL ADVISORY COUNCIL ON CORRECTIONAL SERVICES, AND RELEASE OF PRISONERS**

(i) *Powers, functions and duties of institutional committees, **[release boards]** correctional boards and the **[advisory release board]** National Advisory Council”.*

Amendment of section 61 of Act 8 of 1959, as substituted by section 7 of Act 22 of 1980 and amended by section 23 of Act 92 of 1990

15. Section 61 of the principal Act is hereby amended—

(a) by the substitution for the words preceding paragraph (a) of the following words:

“An institutional committee shall, with due regard to any remarks made by the court in question at the time of the imposition of the

Wysiging van artikel 13 van Wet 8 van 1959, soos gewysig deur artikel 6 van Wet 104 van 1983

11. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel (1) subparagraaf (iii) van paragraaf (b) deur die volgende subparagraaf te vervang:

5 "(iii) dit binne 'n tydperk van [12] 24 maande na daardie lid se aanstelling aan die Kommissaris blyk dat hy ongesik is om in die diens van die **[Gevangenisdiens]** Departement te bly."

Wysiging van artikel 39 van Wet 8 van 1959

12. Artikel 39 van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) 10 deur die volgende paragrawe te vervang:

"(b) gevengenisstraf vir korrektiewe opleiding, word in 'n gevengenis aangehou vir 'n tydperk van minstens twee jaar maar hoogstens vier jaar, wat deur die Minister bepaal word nadat 'n **[gevangenisraad]** inrigtingskomitee' n aanbeveling gedoen het;

15 "(c) gevengenisstraf ter voorkoming van misdaad, word in 'n gevengenis aangehou vir 'n tydperk van minstens vyf jaar maar hoogstens agt jaar, wat deur die Minister bepaal word nadat 'n **[gevangenisraad]** inrigtingskomitee' n aanbeveling gedoen het."

Invoeging van artikel 42A in Wet 8 van 1959

20 13. Die volgende artikel word hierby in die Hoofwet na artikel 42 ingevoeg:

"Straf vir bemoeiing met lede van Departement of korrektiewe beampetes"

25 **42A. Iemand wat 'n lid van die Departement of 'n korrektiewe beampete by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede of pligte weerstaan of opsetlik hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of, by wanbetaling, met gevengenisstraf vir 'n tydperk van hoogstens 12 maande, of met sodanige gevengenisstraf sonder die keuse van 'n boete of met sodanige boete sowel as sodanige gevengenisstraf."**

Vervanging van opskrifte voor artikel 61 van Wet 8 van 1959, soos vervang deur artikel 5 van Wet 65 van 1982

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

"HOOFSTUK VI"**BEVOEGDHEDE, WERKSAAMHEDE EN PLIGTE VAN INRIGTINGSKOMITEES, **[VRYLATINGSRADE]** KORREKTIEWE RADE EN DIE **[VRYLATINGSADVIESRAAD]** NASIONALE ADVIESRAAD OOR KORREKTIEWE DIENSTE, EN VRYLATING VAN GEVANGENES**

40 (i) **Bevoegdhede, werksaamhede en pligte van inrigtingskomitees, **[vrylatingsrade]** korrektiewe rade en die **[vrylatingsadviesraad]** Nasionale Adviesraad".**

Wysiging van artikel 61 van Wet 8 van 1959, soos vervang deur artikel 7 van Wet 22 van 1980 en gewysig deur artikel 23 van Wet 92 van 1990

45 15. Artikel 61 van die Hoofwet word hierby gewysig—
(a) deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

" 'n Inrigtingskomitee moet met behoorlike inagneming van enige opmerkings wat ten tyde van die oplegging van vonnis deur die

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| <p>sentence and at such times and intervals (which intervals shall not be longer than six months) as may be determined by the Commissioner or when otherwise required by the <u>Minister or the Commissioner [or release board]</u>—"; and</p> <p>(b) by the substitution for paragraphs (b) and (c) of the following paragraphs:</p> <p style="padding-left: 2em;">(b) submit reports in the form prescribed by regulation to the Commissioner on, <i>inter alia</i>, the conduct, adaptation, training, aptitude, industry, physical and mental state of health and the possibility of relapse into crime of every prisoner who is detained in the prison in respect of which it has been appointed and—</p> <p style="padding-left: 2em;">(i) upon whom a sentence of imprisonment of two years or more has been imposed; or</p> <p style="padding-left: 2em;">(ii) with regard to whom a special report is required by the Minister or the Commissioner;</p> <p style="padding-left: 2em;">(c) with due regard to any report on such a prisoner which is submitted in terms of paragraph (b), make recommendations to the Commissioner regarding—</p> <p style="padding-left: 2em;">(i) the placing of such a prisoner under correctional supervision by virtue of a sentence under section 276(1)(i) or under section 287(4)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or the conversion of such a prisoner's sentence into correctional supervision under section 276A(3)(e)(ii) or 287(4)(b) of the Criminal Procedure Act, 1977, and the period for which and the conditions on which such a prisoner may be so subjected to correctional supervision;</p> <p style="padding-left: 2em;">(ii) the release of such a prisoner on parole under the provisions of this Act or upon expiration of his sentence and the period for which, the supervision under which and the conditions on which such a prisoner may be so released on parole;</p> <p style="padding-left: 2em;">(iii) the remission of a portion of the sentence imposed on such a prisoner if he is a prisoner referred to in paragraph (b)(i); and</p> <p style="padding-left: 2em;">(d) exercise such other powers and perform such other functions and duties as are prescribed by regulation."</p> | 5 10 15 20 25 30 35 40 |
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Substitution of section 61A of Act 8 of 1959, as inserted by section 8 of Act 22 of 1980 40

16. The following section is hereby substituted for section 61A of the principal Act:

"Powers, functions and duties of correctional boards

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| <p>61A. A correctional board may exercise the powers and shall perform the functions and duties which the Minister may from time to time confer upon or assign to that board and shall—</p> <p>(a) as far as practicable take such steps as may be necessary for the effective reintegration of released prisoners and probationers with the community;</p> <p>(b) extend and promote the community's interests and involvement in correctional matters;</p> <p>(c) advise the Minister regarding any matter which ought to be considered by the National Advisory Council;</p> <p>(d) advise the Minister in accordance with the particular circumstances and needs of a region concerned regarding the most cost-effective running of such a region;</p> <p>(e) discuss any matter resulting from or in connection with the effective functioning of the Department and inform the regional commissioner concerned or commander of the area concerned regarding the board's view in respect thereof."</p> | 45 50 55 60 |
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WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

- betrokke hof gemaak is en op **[sodanige]** die tye en met **[sodanige]** die tussenpose (welke tussenpose nie langer as ses maande mag wees nie) **[as]** wat die Kommissaris bepaal of wanneer hy anders deur die Minister of die Kommissaris [of vrylatingsraad] aangesê word—”; en
- (b) deur paragrawe (b) en (c) deur die volgende paragrawe te vervang:
- “(b) verslae in die by regulasie voorgeskrewe vorm aan die Kommissaris voorlê oor, onder andere, die gedrag, aanpassing, opleiding, aanleg, vlyt, fisiese en geestesgesondheidstoestand en die moontlikheid van terugval in misdaad van elke gevangene wat aangehou word in die gevangenis ten opsigte waarvan hy aangestel is en—
- (i) aan wie ’n vonnis van gevangenisstraf van twee jaar of langer opgelê is; of
 - (ii) ten aansien van wie ’n spesiale verslag deur die Minister of die Kommissaris verlang word;
- (c) met behoorlike inagneming van enige verslag oor so ’n gevangene wat ingevolge paragraaf (b) voorgelê is, aanbevelings aan die Kommissaris doen betreffende—
- (i) die plasing van so ’n gevangene onder korrektiewe toesig uit hoofde van ’n vonnis kragtens artikel 276(1)(i) of kragtens artikel 287(4)(a) van die Strafproseswet, 1977 (Wet No. 51 van 1977), of die omskepping van so ’n gevangene se vennis in korrektiewe toesig kragtens artikel 276A(3)(e)(ii) of 287(4)(b) van die Strafproseswet, 1977, en die tydperk waarvoor en die voorwaardes waarop so ’n gevangene aldus aan korrektiewe toesig onderwerp kan word;
 - (ii) die vrylating van so ’n gevangene op parool kragtens die bepalings van hierdie Wet of by verstryking van sy vonnis en die tydperk waarvoor, die toesig waaronder en die voorwaardes waarop so ’n gevangene aldus op parool vrygelaat kan word;
 - (iii) die afslag van ’n gedeelte van die vonnis opgelê aan so ’n gevangene indien hy ’n gevangene bedoel in paragraaf (b)(i) is; en
- (d) die ander bevoegdhede uitoefen en die werkzaamhede en pligte verrig wat by regulasie voorgeskryf word.”.
- 40 **Vervanging van artikel 61A van Wet 8 van 1959, soos ingevoeg deur artikel 8 van Wet 22 van 1980**
16. Artikel 61A van die Hoofwet word hereby deur die volgende artikel vervang:
- “Bevoegdhede, werkzaamhede en pligte van korrektiewe rade**
- 61A. ’n Korrektiewe raad kan die bevoegdhede uitoefen en moet die werkzaamhede en pligte verrig wat van tyd tot tyd deur die Minister aan dié raad verleen of opgedra word, en moet—**
- (a) sover doenlik die stappe doen wat nodig is vir die doeltreffende herinskakeling by die gemeenskap van vrygelate gevangenes en toesiggevalle;
 - (b) die gemeenskap se belang en betrokkenheid by korrektiewe aangeleenthede uitbou en bevorder;
 - (c) die Minister adviseer betreffende enige aangeleenthed wat deur die Nasionale Adviesraad oorweeg behoort te word;
 - (d) na gelang van die besondere omstandighede en behoeftes van ’n betrokke streek die Minister adviseer betreffende die mees koste-effektiewe bedryf van so ’n streek;
 - (e) enige aangeleenthed wat voortvloeи uit of in verband staan met die doeltreffende funksionering van die Departement bespreek en die betrokke streekkommissaris of bevelvoerder van die betrokke gebied inlig betreffende die raad se siening ten opsigte daarvan.”.

Substitution of section 61B of Act 8 of 1959, as inserted by section 6 of Act 65 of 1982

17. The following section is hereby substituted for section 61B of the principal Act:

"Powers, functions and duties of National Advisory Council on Correctional Services

61B. The National Advisory Council may of its own accord, but shall, when required by the Minister, advise the Minister regarding—

- (a) the general policy which ought to be followed in respect of—
 - (i) correctional supervision and matters in connection therewith;
 - (ii) the detention and treatment of prisoners;
 - (iii) the release of prisoners;
 - (iv) the efficient and most cost-effective management of the Department;
- (b) the basis upon which remission of sentence ought to be granted to different categories of prisoners;
- (c) any recommendation regarding the release of a prisoner, the placing of a prisoner under correctional supervision or the conversion of a prisoner's sentence into correctional supervision which has been submitted to the Minister in a particular case;
- (d) the reintegration of prisoners and probationers with the community;
- (e) the assimilation of released prisoners and probationers into the labour force;
- (f) the generation of revenue by the Department; and
- (g) any other matter which is in the interests of the efficient running of the Department.”.

Substitution of section 62 of Act 8 of 1959

18. The following section is hereby substituted for section 62 of the principal Act:

"Release of prisoners sentenced to imprisonment for corrective training or imprisonment for the prevention of crime

62. (1) Upon receipt of a report from [a prison board] an institutional committee regarding a prisoner who has been sentenced to imprisonment for corrective training or to imprisonment for the prevention of crime and containing a recommendation for the release of such prisoner on a date falling within the relevant period of detention prescribed by section 39, the Commissioner shall submit such report to the Minister.

(2) The Minister may authorize the release of such prisoner on the date recommended by the [prison board] institutional committee or on any other date within the said period, either unconditionally or [on probation or], subject to any such condition as he may determine, on parole as he may direct.”.

Substitution of section 63 of Act 8 of 1959, as amended by section 16 of Act 58 of 1978

19. The following section is hereby substituted for section 63 of the principal Act:

"Remissions of sentence of prisoners sentenced to two years or more

63. (1) Upon receipt of a report from [a prison board] an institutional committee regarding a prisoner serving a sentence of imprisonment of two years or more and containing a recommendation for a remission of sentence within the limits prescribed by the [State]

**Vervanging van artikel 61B van Wet 8 van 1959, soos ingevoeg deur artikel 6 van
Wet 65 van 1982**

17. Artikel 61B van die Hoofwet word hierby deur die volgende artikel vervang:

- 5 **“Bevoegdhede, werksaamhede en pligte van Nasionale Adviesraad oor Korrektiewe Dienste**
- 10 **61B. Die Nasionale Adviesraad kan uit eie beweging maar moet, wanneer hy deur die Minister aangesê word, die Minister adviseer betreffende—**
- 15 (a) die algemene beleid wat gevolg behoort te word ten opsigte van—
- (i) korrektiewe toesig en aangeleenthede wat daarmee in verband staan;
 - (ii) die aanhouding en behandeling van gevangenes;
 - (iii) die vrylating van gevangenes;
 - (iv) die doeltreffende en mees koste-effektiewe bestuur van die Departement;
- 20 (b) die grondslag waarop strafvermindering aan verskillende kategorie gevangenes verleen behoort te word;
- 25 (c) enige aanbeveling betreffende die vrylating van 'n gevangene, die plasing van 'n gevangene onder korrektiewe toesig of die omskepping in korrektiewe toesig van 'n gevangene se vonnis wat in 'n besondere geval aan die Minister voorgelê is;
- 30 (d) die herinskakeling van gevangenes en toesiggevalle by die gemeenskap;
- (e) die opname van vrygelate gevangenes en toesiggevalle in die arbeidsmag;
- (f) die generering van inkomste deur die Departement; en
- (g) enige ander aangeleenthed wat in belang is van die doeltreffende bedryf van die Departement.”.

Vervanging van artikel 62 van Wet 8 van 1959

18. Artikel 62 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vrylating van gevangenes gevonnis tot gevangenisstraf vir korrektiewe opleiding of gevangenisstraf ter voorkoming van misdaad

- 35 **62. (1) By ontvangs van 'n verslag van 'n [gevangenisraad] inrigtingskomitee betreffende 'n gevangene wat gevonnis is tot gevangenisstraf vir korrektiewe opleiding of tot gevangenisstraf ter voorkoming van misdaad en wat 'n aanbeveling bevat vir die vrylating van die gevangene op 'n datum wat binne die by artikel 39 voorgeskrewe toepaslike tydperk van aanhouding val, lê die Kommissaris die verslag aan die Minister voor.**

40 (2) Die Minister kan magtig verleen vir die vrylating van die gevangene op die datum deur die [gevangenisraad] inrigtingskomitee aanbeveel of op enige ander datum binne bedoelde tydperk, of onvoorwaardelik of [op proef of], onderhewig aan enige voorwaarde wat hy mag bepaal, op parool soos hy mag gelas.”.

**Vervanging van artikel 63 van Wet 8 van 1959, soos gewysig deur artikel 16 van
Wet 58 van 1978**

19. Artikel 63 van die Hoofwet word hierby deur die volgende artikel vervang:

“Afslag van vonnis van gevangenes gevonnis tot twee jaar of meer

- 50 **63. (1) By ontvangs van 'n verslag van 'n [gevangenisraad] inrigtingskomitee betreffende 'n gevangene wat 'n vonnis van gevangenisstraf van twee jaar of meer uitdien wat 'n aanbeveling bevat vir 'n afslag van vonnis binne die perke wat deur die [Staatspresident]**

Act No. 122, 1991

CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991

President Minister by regulation, the Commissioner may remit such portion of the sentence, either unconditionally or on such conditions as he, on the recommendation of the **[board]** committee, may determine.

(2) (a) If the report referred to in subsection (1) contains a recommendation by the **[prison board]** institutional committee for the grant of remission in excess of the limits prescribed by the **[State President]** Minister by regulation, or if no remission of sentence is granted by the Commissioner under subsection (1), the Commissioner shall submit such report to the Minister with such recommendation as he may think fit. 5 10

(b) The Minister may authorize the release of the prisoner **[on probation or]**, subject to any such condition as he may determine, on parole **[as he may direct]**.".

Substitution of section 64 of Act 8 of 1959, as substituted by section 18 of Act 107 of 1990 15

20. The following section is hereby substituted for section 64 of the principal Act:

"Release of prisoner serving life sentence"

64. (1) A prisoner upon whom a life sentence has been imposed, 20 shall not be released unless the **[advisory release board]** National Advisory Council—

(a) after having been requested by the Minister to advise him in relation to that prisoner; and
(b) after considering a report of **[a release board]** an institutional committee, 25 with due regard to the interests of society, has made a recommendation to the Minister for the release of the prisoner and the Minister has accepted that recommendation.

(2) If the Minister accepts the recommendation for the release of such a prisoner, he may authorize the release of the prisoner on the date recommended by the **[advisory release board]** National Advisory Council or on any other date, either unconditionally or **[on probation or]**, subject to any such condition as he may determine, on parole as he may direct.". 30 35

Amendment of section 66 of Act 8 of 1959, as amended by section 9 of Act 22 of 1980

21. Section 66 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"Subject to the provisions of the proviso to section 38, no person 40 who has been declared an habitual criminal under the provisions of any law shall be released until **[a prison board]** an institutional committee has reported to the Commissioner—"; and

(b) by the substitution for subsections (2) and (3) of the following subsections:

"(2) Upon receipt of a report from **[a prison board]** an institutional committee regarding a prisoner such as is referred to in subsection (1) and containing a recommendation for the release of such prisoner, the Commissioner shall submit such report to the Minister. 45

(3) The Minister may authorize the release of the prisoner **[either on probation or]**, subject to any such condition as he may determine, on parole on the date recommended by the **[release board]** institutional committee or on such other date as he may direct.". 50

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE KORREKTIWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

- Minister by regulasie voorgeskryf is, kan die Kommissaris afslag van bedoelde gedeelte van die vonnis verleen, of onvoorwaardelik of op [sodanige] die voorwaardes [as] wat hy, op die aanbeveling van die [raad] komitee, mag bepaal.

(2) (a) Indien die in subartikel (1) bedoelde verslag 'n aanbeveling van die [gevangenisraad] inrigtingskomitee bevat vir die verlening van afslag bo die perke wat deur die [Staatspresident] Minister by regulasie voorgeskryf is, of indien die Kommissaris geen afslag van vonnis kragtens subartikel (1) verleen nie, lê die Kommissaris die verslag aan die Minister voor met so 'n aanbeveling as wat hy goedvind.

(b) Die Minister kan magtiging verleen vir die vrylating van die gevangene [op proef of], onderhewig aan enige voorwaarde wat hy mag bepaal, op parool [soos hy mag gelas].".

15 15 Vervanging van artikel 64 van Wet 8 van 1959, soos vervang deur artikel 18 van Wet 107 van 1990

20 20. Artikel 64 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vrylating van gevangene wat lewenslange gevangenisstraf uitdien

25 64. (1) 'n Gevangene wat tot lewenslange gevangenisstraf gevonnis is, word nie vrygelaat nie tensy die [vrylatingsadviesraad] Nasionale Adviesraad—

(a) nadat hy deur die Minister versoek is om hom met betrekking tot daardie gevangene te adviseer; en

(b) na oorweging van 'n verslag van 'n [vrylatingsraad] inrigtingskomitee,

30 met behoorlike inagneming van die belang van die gemeenskap 'n aanbeveling vir die vrylating van die gevangene aan die Minister gedoen het en die Minister daardie aanbeveling aanvaar het.

(2) Indien die Minister die aanbeveling vir die vrylating van so 'n gevangene aanvaar, kan hy magtiging verleen vir die vrylating van die gevangene op die datum deur die [vrylatingsadviesraad] Nasionale Adviesraad aanbeveel of op enige ander datum of onvoorwaardelik of [op proef of], onderhewig aan enige voorwaarde wat hy mag bepaal, op parool soos hy mag gelas..".

35 35 Wysiging van artikel 66 van Wet 8 van 1959, soos gewysig deur artikel 9 van Wet 22 van 1980

40 21. Artikel 66 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

45 “Behoudens die bepalings van die voorbehoudsbepaling by artikel 38, word iemand wat kragtens die een of ander wetsbepaling tot 'n gewoontemisdadiger verklaar is, nie vrygelaat nie voordat 'n [gevangenisraad] inrigtingskomitee aan die Kommissaris verslag gedoen het”; en

50 (b) deur subartikels (2) en (3) deur die volgende subartikels te vervang:

55 “(2) By ontvangs van 'n verslag van 'n [gevangenisraad] inrigtingskomitee betreffende 'n in subartikel (1) bedoelde gevangene en wat 'n aanbeveling bevat vir die vrylating van bedoelde gevangene, lê die Kommissaris die verslag aan die Minister voor.

60 (3) Die Minister kan magtiging verleen vir die vrylating van die gevangene [of op proef of], onderhewig aan enige voorwaarde wat hy mag bepaal, op parool op die datum deur die [vrylatingsraad] inrigtingskomitee aanbeveel of op enige ander datum wat hy gelas..”.

Amendment of section 67 of Act 8 of 1959, as substituted by section 10 of Act 22 of 1980

22. Section 67 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words following on paragraph (b) of the following words:
- “and irrespective of whether the imprisonment was imposed with or without the option of a fine, release such prisoner before the expiration of the period in question [either on probation or] on parole for such period and on such conditions as may be specified in the warrant of release.”; and
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) If any prisoner so released [on probation or] on parole completes the period thereof without breaking any condition of the release, he shall no longer be deemed to be liable to any punishment in respect of the conviction upon which he was sentenced.”.

Amendment of section 68 of Act 8 of 1959, as substituted by section 11 of Act 22 of 1980

23. Section 68 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If the Commissioner is satisfied that any prisoner has, before the expiration of the period of release [either on probation or] on parole, failed to observe any condition of his release [either on probation or] on parole, he may issue a warrant for the arrest of that 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), and which shall serve as authority for the prisoner to be detained in prison until lawfully discharged or released therefrom.”.

Amendment of section 69 of Act 8 of 1959

24. Section 69 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in any law contained, if at any time it appears to him to be expedient, the State President may authorize the release of any prisoner either unconditionally or [on probation or], subject to any such condition as he may determine, on parole as he may direct, and may grant remission of a portion of the sentence of any prisoner.”.

Amendment of section 71 of Act 8 of 1959, as amended by section 6 of Act 9 of 1971

25. Section 71 of the principal Act is hereby amended by the substitution for the words following on paragraph (b) of the following words:

“may, on the recommendation of the medical officer, be released by the Minister either unconditionally or [on probation or], subject to any such condition as he may determine, on parole as the Minister may direct.”.

Amendment of section 75 of Act 8 of 1959, as amended by section 17 of Act 104 of 1983

26. Section 75 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) The Commissioner may contract with any institution, person or body of persons for the employment of the labour or service of prisoners who are under sentence of imprisonment and probationers upon such terms and conditions as may be agreed between such parties.”;

Wysiging van artikel 67 van Wet 8 van 1959, soos vervang deur artikel 10 van Wet 22 van 1980**22. Artikel 67 van die Hoofwet word hierby gewysig—**

- (a) deur in subartikel (1) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:
 5 “en ongeag of die gevangenisstraf met of sonder die keuse van ’n boete opgelê is, sodanige gevangene voor die verstryking van die betrokke tydperk **[òf op proef òf]** op parool vrylaat vir die tydperk en op die voorwaardes wat in die lasbrief vir vrylating vermeld 10 word.”; en
 10 (b) deur subartikel (2) deur die volgende subartikel te vervang:
 15 “(2) Indien ’n gevangene wat aldus **[òf op proef òf]** op parool vrygelaat is die tydperk daarvan voltooi sonder om ’n voorwaarde van die vrylating te verbreek, word hy nie langer geag onderworpe te wees aan enige straf ten opsigte van die skuldigbevinding op grond waarvan hy gevonnis is nie.”.

Wysiging van artikel 68 van Wet 8 van 1959, soos vervang deur artikel 11 van Wet 22 van 1980**23. Artikel 68 van die Hoofwet word hierby gewysig deur subartikel (2) deur 20 die volgende subartikel te vervang:**

- “(2) Indien die Kommissaris oortuig is dat ’n gevangene voor die verstryking van die tydperk van vrylating **[òf op proef òf]** op parool versuim het om ’n voorwaarde van sy vrylating **[òf op proef òf]** op parool na te kom, kan hy ’n lasbrief vir die inhegtenisneming van daardie gevangene uitreik 25 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 gevangenis totdat hy wettig daaruit ontslaan of vrygelaat word.”.

Wysiging van artikel 69 van Wet 8 van 1959**30 24. Artikel 69 van die Hoofwet word hierby gewysig deur subartikel (1) deur 35 die volgende subartikel te vervang:**

- “(1) Die Staatspresident kan, ondanks andersluidende wetsbepalings, indien dit te eniger tyd hom wenslik voorkom, magtiging verleen vir die vrylating van enige gevangene, òf onvoorwaardelik òf [op proef of], onderhewig aan enige voorwaarde wat hy mag bepaal, op parool soos hy mag gelas, en kan afslag van ’n gedeelte van die vonnis van enige gevangene verleen.”.

Wysiging van artikel 71 van Wet 8 van 1959, soos gewysig deur artikel 6 van Wet 9 van 1971**40 25. Artikel 71 van die Hoofwet word hierby gewysig deur die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:**

- “kan, op aanbeveling van die geneeskundige beampte, deur die Minister vrygelaat word òf onvoorwaardelik òf [op proef of], onderhewig aan enige voorwaarde wat hy mag bepaal, op parool soos die Minister mag gelas.”.

45 Wysiging van artikel 75 van Wet 8 van 1959, soos gewysig deur artikel 17 van Wet 104 van 1983**26. Artikel 75 van die Hoofwet word hierby gewysig—**

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 50 “(1) Die Kommissaris kan kontrakte aangaan met enige instansie, persoon of liggaam van persone vir die gebruik van die arbeid of diens van gevangenes wat tot gevangenisstraf gevonnis is en toesiggevalle op die bedinge en voorwaardes waaraan die partye mag ooreenkomen.”;

- (b) by the substitution for subsection (3) of the following subsection:
- “(3) The products of the labour or service in a prison may be sold to any person on such conditions as may be determined by the Minister.”; and
- (c) by the deletion of subsection (5).

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Substitution of section 76 of Act 8 of 1959

27. The following section is hereby substituted for section 76 of the principal Act:

“Gratuities or remuneration”

76. Gratuities or remuneration may be paid to prisoners according to the conditions and tariffs determined by the Commissioner, with the concurrence of the Department of Finance.”.

Insertion of Chapter VIIIA and sections 84, 84A, 84B, 84C, 84D and 84E in Act 8 of 1959

28. The following Chapter and sections are hereby inserted in the principal Act after section 83:

CHAPTER VIIIA**CORRECTIONAL SUPERVISION****Treatment of probationers**

84. (1) Every probationer shall be subject to such monitoring, community service, house arrest, placement in employment, performance of service, payment of compensation to the victim and rehabilitation or other programmes as may be determined by the court or the Commissioner or prescribed by or under this Act, and to any such other form of treatment, control or supervision, including supervision by a probation officer, as the Commissioner may determine after consultation with the social welfare authority concerned in order to realize the objects of correctional supervision.

(2) Any probationer who is admitted to prison shall be treated as a sentenced prisoner and the same provisions which apply to such a prisoner shall *mutatis mutandis* apply to such a probationer: Provided that a probationer who is subject to correctional supervision under section 6(1)(c), 276(1)(h) or 297(1)(a)(i)(ccA), (1)(b) or (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and who is admitted to prison, shall be treated as an unsentenced prisoner.

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Administration

84A. Correctional supervision shall be applied and administered by the Commissioner in the manner prescribed by or under this Act.

Non-compliance with conditions

84B. (1) If the Commissioner is satisfied that a probationer has failed to comply with any condition to which he is subject in relation to correctional supervision either by agreement or as may be determined by the court or the Commissioner, he may issue a warrant for the arrest of such a probationer, which may be executed by any peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and which shall serve as authorization for the detention of such a probationer in a prison until he—

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**WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991**

Wet No. 122, 1991

- (b) deur subartikel (3) deur die volgende subartikel te vervang:
"(3) Die produkte van die arbeid of diens in 'n gevangenis kan aan enige persoon verkoop word op die voorwaardes wat die Minister mag bepaal."; en
- 5 (c) deur subartikel (5) te skrap.

Vervanging van artikel 76 van Wet 8 van 1959

27. Artikel 76 van die Hoofwet word hierby deur die volgende artikel vervang:

"Gratifikasies of vergoeding"

- 10 76. Gratifikasies of vergoeding kan aan gevangenes betaal word ooreenkomsdig die voorwaardes en tariewe deur die Kommissaris, met die instemming van die Departement van Finansies, bepaal.".

Invoeging van Hoofstuk VIIIA en artikels 84, 84A, 84B, 84C, 84D en 84E in Wet 8 van 1959

28. Die volgende Hoofstuk en artikels word hierby in die Hoofwet na artikel 15 83 ingevoeg:

"HOOFSTUK VIIIA"

KORREKTIEWE TOESIG

Behandeling van toesiggevalle

- 20 84. (1) Elke toesiggeval is onderworpe aan die monitering, gemeenskapsdiens, huisarres, indiensplasing, diensverrigting, slagoffervergoeding en rehabilisatie- of ander programme soos deur die hof of die Kommissaris bepaal of by of kragtens hierdie Wet voorgeskryf, en aan enige ander vorm van behandeling, beheer of toesig, met inbegrip van toesig deur 'n proefbeampte, wat die Kommissaris na oorleg met die betrokke maatskaplike welsynsowerheid mag bepaal ten einde die oogmerke van korrektiewe toesig te verwesenlik.

- 25 (2) 'n Toesiggeval wat in 'n gevangenis opgeneem word, word behandel soos 'n veroordeelde gevangene en dieselfde bepalings wat ten opsigte van so 'n gevangene van toepassing is, is *mutatis mutandis* ten opsigte van so 'n toesiggeval van toepassing: Met dien verstande dat 'n toesiggeval wat kragtens artikel 6(1)(c), 276(1)(h) of 297(1)(a)(i)(ccA), (1)(b) of (4) van die Strafproseswet, 1977 (Wet No. 51 van 1977), aan korrektiewe toesig onderworpe is en wat in 'n gevangenis opgeneem word, soos 'n onveroordeelde gevangene behandel word.

Administrasie

- 30 84A. Korrektiewe toesig word deur die Kommissaris toegepas en geadministreer op die wyse by of kragtens hierdie Wet voorgeskryf.

40 **Nie-nakoming van voorwaardes**

- 45 84B. (1) Indien die Kommissaris oortuig is dat 'n toesiggeval versium het om enige voorwaarde waaraan hy met betrekking tot korrektiewe toesig onderhewig is of by ooreenkoms of soos deur die hof of die Kommissaris bepaal, na te kom, kan hy 'n lasbrief vir die inhegtenisneming van so 'n toesiggeval 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 so 'n toesiggeval in 'n gevangenis totdat hy—

- (a) is lawfully discharged or released therefrom;
- (b) is again placed under correctional supervision by the Commissioner in his discretion; or
- (c) is referred back to the court within 72 hours for trial or for the passing or putting into operation of his postponed or suspended sentence, as the case may be, or to obtain a warrant from the court for his further detention until the court has decided on his case.
- (2) Any probationer who is subject to correctional supervision under section 6(1)(c), 276(1)(h) or 297(1)(a)(i)(ccA), (1)(b) or (4) of the Criminal Procedure Act, 1977, and who has been arrested and is being detained under the provisions of subsection (1) shall in such a case not be so detained for longer than 72 hours before he is brought before the court.
- (3) Any probationer—
- (a) who has been placed under correctional supervision by the Commissioner by virtue of a sentence under section 276(1)(i) or under section 287(4)(a) of the Criminal Procedure Act, 1977; or
- (b) in respect of whom imprisonment has been converted into correctional supervision by the court under section 276A(3)(e)(ii) or 287(4)(b) of the Criminal Procedure Act, 1977,
- and who has been arrested and is being detained under the provisions of subsection (1), may in such a case be detained in accordance with his original sentence or imprisonment by the Commissioner in his discretion in any prison without referral to the court which imposed such sentence or converted such imprisonment.

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Personnel

84C. (1) The Commissioner may appoint as many suitable persons who are not members of the Department as he may deem necessary, on the conditions prescribed by regulation—

- (a) to act as temporary correctional officials in respect of probationers; or
- (b) to act as voluntary workers in respect of probationers.

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(2) Every person shall, while acting as a temporary correctional official or voluntary worker referred to in subsection (1), be vested with the same powers, functions and responsibilities, perform the same duties and be subject to the same discipline and authority as any member of the Department.

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Applicability of certain laws

84D. The provisions of sections 31, 32 and 49 shall *mutatis mutandis* apply to all probationers unless they are inconsistent with the provisions of this Chapter.

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Application of correctional supervision

84E. (1) In the application of correctional supervision the Commissioner may, subject to the provisions of subsection (2) and any condition determined by the court, integrate any probationer with any appropriate rehabilitation or other programme established by himself, a social welfare authority or any other body to provide for—

- (a) the observance of and supervision over probationers;
- (b) the performance of community or other service by probationers;
- (c) the payment of compensation to victims, with due regard to any order which the court may have issued in that regard;
- (d) the reintegration of probationers with the community;
- (e) the rehabilitation of probationers;

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- (a) wettig daaruit ontslaan of vrygelaat word;
- (b) weer deur die Kommissaris na goeddunke onder korrektiewe toesig geplaas word; of
- (c) binne 72 uur na die hof terugverwys word vir verhoor of vir die oplegging of inwerkingstelling van sy uitgestelde of opgeskorte vonnis, na gelang van die geval, of om 'n lasbrief by die hof te verkry vir sy verdere aanhouding totdat die hof oor sy saak beslis het.
- 5 (2) 'n Toesiggeval wat kragtens artikel 6(1)(c), 276(1)(h) of 297(1)(a)(i)(ccA), (1)(b) of (4) van die Strafproseswet, 1977, aan korrektiewe toesig onderworpe is en wat kragtens die bepalings van subartikel (1) in hechtenis geneem is en aangehou word, word in so 'n geval nie langer as 72 uur aldus aangehou voordat hy voor die hof gebring word nie.
- 10 (3) 'n Toesiggeval —
- (a) wat deur die Kommissaris uit hoofde van 'n vonnis kragtens artikel 276(1)(i) of kragtens artikel 287(4)(a) van die Strafproseswet, 1977, onder korrektiewe toesig geplaas is; of
- (b) ten opsigte van wie gevengenisstraf deur 'n hof kragtens artikel 276A(3)(e)(ii) of 287(4)(b) van die Strafproseswet, 1977, in korrektiewe toesig omskep is,
- 15 en wat kragtens die bepalings van subartikel (1) in hechtenis geneem is en aangehou word, kan in so 'n geval ooreenkomsdig sy oorspronklike vonnis of gevengenisstraf deur die Kommissaris na goeddunke in 'n gevengenis aangehou word sonder verwysing na die hof wat so 'n vonnis opgelê of sodanige gevengenisstraf omskep het.
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Personaal

- 84C.** (1) Die Kommissaris kan soveel gesikte persone wat nie lede van die Departement is nie, aanstel as wat hy nodig ag, op die voorwaardes by regulasie voorgeskryf —
- (a) om as tydelike korrektiewe beampies ten opsigte van toesiggevalle op te tree; of
- (b) om as vrywillige werkers ten opsigte van toesiggevalle op te tree.
- 30 (2) Elke persoon is, terwyl hy as korrektiewe beampie of vrywillige werker bedoel in subartikel (1) optree, met dieselfde bevoegdhede, werkzaamhede en verantwoordelikhede beklee en belas, moet dieselfde pligte verrig en is aan dieselfde gesag onderworpe as 'n lid van die Departement.
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Toepaslikheid van sekere wetsbepalings

84D. Die bepalings van artikels 31, 32 en 49 is *mutatis mutandis* op alle toesiggevalle van toepassing tensy dit strydig met die bepalings van hierdie Hoofstuk is.

- 84E.** (1) Die Kommissaris kan, behoudens die bepalings van subartikel (2) en enige voorwaarde deur die hof bepaal, ter toepassing van korrektiewe toesig 'n toesiggeval inskakel by enige gesikte rehabilitasie- of ander program wat deur homself, 'n maatskaplike welsynsowerheid of enige ander instansie ingestel is om voorsiening te maak vir —
- (a) die waarneming van en toesig oor toesiggevalle;
- (b) die verrigting van gemeenskaps- of ander diens deur toesiggevalle;
- (c) slagoffervergoeding, met inagneming van enige bevel wat die hof in dié verband uitgereik het;
- (d) die herinskakeling van toesiggevalle by die gemeenskap;
- (e) die rehabilitasie van toesiggevalle;
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- (f) the collection of funds, including the collection of costs from probationers in the execution of the punishment;
- (g) any other matter which he may consider necessary or expedient.
- (2) When the Commissioner integrates a probationer with a programme established by any social welfare authority or other body, it shall take place with the concurrence of that authority or body, as the case may be.”.

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Insertion of section 89B in Act 8 of 1959

29. The following section is hereby inserted in the principal Act after section 10
89A:

**“Liability for patrimonial loss arising from performance of service by
probationers**

89B. (1) If patrimonial loss may be recovered from a probationer on the ground of a delict committed by him in the performance of service arising from the application of correctional supervision, that loss may, subject to subsection (3), be recovered from the State.

(2) Subsection (1) shall not be construed as precluding the State from obtaining indemnification against its liability in terms of subsection (1) by means of insurance or otherwise.

(3) The patrimonial loss which may be recovered from the State under subsection (1) shall be reduced by the amount from any other source to which the injured person is entitled by reason of the patrimonial loss suffered by him.

(4) In so far as the State has made a payment by virtue of a right of recovery under subsection (1), all the relevant rights and legal remedies of the injured person against the probationer shall pass to the State.

(5) If any person as a result of the performance of service arising from the application of correctional service has suffered patrimonial loss which cannot be recovered from the State under subsection (1), the Commissioner may, with the concurrence of the Department of Finance, as an act of grace pay such amount as he may deem reasonable to that person.”.

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**Amendment of section 93 of Act 8 of 1959, as amended by section 23 of Act 75 of 35
1965, section 51 of Act 70 of 1968 and section 4 of Act 6 of 1985**

30. Section 93 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may delegate any of the powers vested in him by this Act (except sections 6(2), [16(1)], 19(2) and 20(1)) to the Commissioner.”.

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Amendment of section 94 of Act 8 of 1959, as amended by section 37 of Act 80 of 1964, section 24 of Act 75 of 1965, section 17 of Act 101 of 1969, section 8 of Act 92 of 1970, section 17 of Act 62 of 1973, section 6 of Act 43 of 1981, section 20 of Act 104 of 1983, section 46 of Act 97 of 1986 and section 28 of Act 92 of 1990

31. (1) Section 94 of the principal Act is hereby amended—

(a) by the deletion in subsection (1) of item (aa) of subparagraph (ii) of paragraph (b);

(b) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) the powers, functions and duties of [prison boards] institutional committees, correctional boards and the National Advisory Council, quorum and procedure at meetings and the form of reports of such committees, boards and Council;”.

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- (f) die invordering van fondse, met inbegrip van die invordering van koste van toesiggevalle ter uitvoering van die straf;
- (g) enige ander aangeleentheid wat hy nodig of dienstig ag.
- 5 (2) Wanneer die Kommissaris 'n toesiggeval kragtens subartikel (1) by 'n program inskakel wat deur 'n maatskaplike welsynsowerheid of ander instansie ingestel is, moet dit met die instemming van daardie owerheid of instansie, na gelang van die geval, geskied.”.

Invoeging van artikel 89B in Wet 8 van 1959

29. Die volgende artikel word hierby na artikel 89A in die Hoofwet ingevoeg:

- 10 **“Aanspreeklikheid vir vermoënskade voortspruitend uit verrigting van diens deur toesiggevalle**
- (1) Indien vermoënskade verhaal kan word op 'n toesiggeval op grond van 'n onregmatige daad deur hom gepleeg by die verrigting van diens voortspruitend uit die toepassing van korrektiewe toesig, kan daardie skade, behoudens subartikel (3), op die Staat verhaal word.
- 15 (2) Subartikel (1) word nie so uitgelê as sou dit die Staat belet om skadeloosstelling teen sy aanspreeklikheid ingevolge subartikel (1) by wyse van versekering of andersins te verkry nie.
- 20 (3) Vermoënskade wat kragtens subartikel (1) op die Staat verhaal word, word verminder met die bedrag uit 'n ander bron waarop die benadeelde geregtig is op grond van die vermoënskade deur hom gely.
- 25 (4) Vir sover die Staat 'n betaling gedoen het uit hoofde van 'n verhaalsreg kragtens subartikel (1), gaan al die betrokke regte en regsmiddels van die benadeelde teenoor die toesiggeval op die Staat oor.
- 30 (5) Indien iemand as gevolg van die verrigting van diens voortspruitend uit die toepassing van korrektiewe toesig vermoënskade gely het wat nie kragtens subartikel (1) op die Staat verhaal kan word nie, kan die Kommissaris die bedrag wat hy redelik ag, met die instemming van die Departement van Finansies, by wyse van grasie aan daardie persoon betaal.”.

Wysiging van artikel 93 van Wet 8 van 1959, soos gewysig deur artikel 23 van Wet 35 75 van 1965, artikel 51 van Wet 70 van 1968 en artikel 4 van Wet 6 van 1985

30. Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Die Minister kan enige van die bevoegdhede by hierdie Wet (behalwe artikels 6(2), [16(1),] 19(2) en 20(1)) aan hom verleen, aan die 40 Kommissaris delegee.”.

Wysiging van artikel 94 van Wet 8 van 1959, soos gewysig deur artikel 37 van Wet 80 van 1964, artikel 24 van Wet 75 van 1965, artikel 17 van Wet 101 van 1969, artikel 8 van Wet 92 van 1970, artikel 17 van Wet 62 van 1973, artikel 6 van Wet 43 van 1981, artikel 20 van Wet 104 van 1983, artikel 46 van Wet 97 van 1986 en artikel 28 van Wet 92 van 1990

31. (1) Artikel 94 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (1) item (aa) van subparagraph (ii) van paragraaf (b) te skrap;
- 50 (b) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang:
 “(d) die bevoegdhede, werksaamhede en pligte van [gevangenisrade] inrigtingskomitees, korrektiewe rade en die Nasionale Adviesraad, kworum en prosedure by vergaderings en die vorm van verslae van sodanige komitees en rade;”;

(c) by the insertion in subsection (1) after paragraph (d) of the following paragraphs:

“(dA) the appointment, conditions of service, powers, functions and duties of temporary correctional officials and voluntary workers referred to in section 84C; 5

(dB) the general management of and control over correctional supervision;”; and

(d) by the substitution in subsection (1) for the words following on paragraph (cc) of the following words:

“and such regulations may prescribe the powers of the Commissioner to issue [Prisons Service Orders] Orders for the Department which shall not be inconsistent with this Act and which shall be obeyed by all members of the [Prisons Service] Department and other persons in the service of the [Prisons Service] Department to whom such [Prisons Service Orders] Orders are applicable.”. 10
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(2) Prisons Service Orders issued by virtue of a regulation under section 94(1) of the Prisons Act, 1959 (Act No. 8 of 1959), by the Commissioner and in force immediately before the commencement of paragraph (d) of subsection (1), shall remain in force upon such commencement until repealed or amended by the Commissioner or until they lapse, and shall be deemed to be Orders for the 20 Department issued by virtue of a regulation under section 94(1) of the Correctional Services Act, 1959 (Act No. 8 of 1959).

Substitution of certain expressions in Act 8 of 1959

32. The principal Act is hereby amended by the substitution for the expressions “Prisons Service” and “Service”, wherever they occur in the principal Act, of the expression “Department”. 25

Amendment of section 97 of Act 8 of 1959

33. (1) Section 97 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) This Act shall be called the [Prisons] Correctional Services Act, 1959, 30 and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette[: Provided that the State President may from time to time by proclamation in the Gazette bring into operation only such portions of this Act as he may specify in such proclamation].”.

(2) Unless it is clearly inappropriate in any specific case, any reference in any law or document to “prisons service” and “Prisons Act, 1959” shall be construed as a reference to “Department of Correctional Services” and “Correctional Services Act, 1959”, respectively. 35

Substitution of long title of Act 8 of 1959

34. The following long title is hereby substituted for the long title of the principal 40 Act:

“ACT

To consolidate and amend the laws relating to [prisons] correctional services.”.

Amendment of section 1 of Act 51 of 1977, as amended by section 1 of Act 107 of 45 1990

35. Section 1 of the Criminal Procedure Act, 1977 (hereinafter referred to as the Criminal Procedure Act), is hereby amended by the insertion in subsection (1) after the definition of “charge” of the following definitions:

“‘Commissioner’ means the Commissioner of Correctional Services as defined in section 1 of the Correctional Services Act, 1959 (Act 8 of 50 1959), or a person authorized by him;”.

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

- (c) deur in subartikel (1) die volgende paragrawe na paragraaf (d) in te voeg:
- “(dA) die aanstelling, diensvoorraad, bevoegdhede, werkzaamhede en pligte van tydelike korrektiewe beampes en vrywillige werkers bedoel in artikel 84C;
- (dB) die algemene bestuur van en beheer oor korrektiewe toesig;”;
- en
- (d) deur in subartikel (1) die woorde wat op paragraaf (cc) volg deur die volgende woorde te vervang:
- “en sodanige regulasies kan die bevoegdhede van die Kommissaris voorskryf om **[Gevangenisdiensoers]** Orders vir die Departement uit te reik wat nie met hierdie Wet teenstrydig mag wees nie en wat gehoorsaam moet word deur alle lede van die **[Gevangenisdien]** Departement en ander persone in diens van die **[Gevangenisdien]** Departement op wie sodanige **[Gevangenisdiensoers]** Orders van toepassing is.”.
- (2) Gevangenisdiensoers wat uit hoofde van 'n regulasie kragtens artikel 94(1) van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), deur die Kommissaris uitgereik en onmiddellik voor die inwerkingtreding van paragraaf (d) van subartikel (1) van krag was, bly by sodanige inwerkingtreding van krag totdat dit deur die Kommissaris herroep of gewysig word of verval, en word geag Orders vir die Departement te wees wat uit hoofde van 'n regulasie kragtens artikel 94(1) van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), uitgereik is.

25 Vervanging van sekere uitdrukkings in Wet 8 van 1959

32. Die Hoofwet word hierby gewysig deur die uitdrukkings “Gevangenisdien” en “Diens”, oral waar dit in die Hoofwet voorkom, deur die uitdrukking “Departement” te vervang.

Wysiging van artikel 97 van Wet 8 van 1959

- 30 33. (1) Artikel 97 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Hierdie Wet heet die Wet op **[Gevangenisse]** Korrektiewe Dienste, 1959, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die Staatskoerant bepaal word: **[Met dien verstande dat die Staatspresident van tyd tot tyd by proklamasie in die Staatskoerant net sodanige gedeeltes van hierdie Wet in werking kan laat tree as wat hy in bedoelde proklamasie mag vermeld].”.**

40 (2) Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word 'n verwysing in enige wet of stuk na “gevangenisdien” en “Wet op Gevangenis, 1959” uitgelê as 'n verwysing na onderskeidelik “Departement van Korrektiewe Dienste” en “Wet op Korrektiewe Dienste, 1959”.

Vervanging van lang titel van Wet 8 van 1959

34. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

45 “WET

Tot samevatting en wysiging van die wette op [gevangenis] korrektiewe dienste.”.

Wysiging van artikel 1 van Wet 51 van 1977, soos gewysig deur artikel 1 van Wet 107 van 1990

- 50 35. Artikel 1 van die Strafproseswet, 1977 (hieronder die Strafproseswet genoem), word hierby gewysig deur in subartikel (1) die volgende omskrywings na die omskrywing van “hooggeregshof” in te voeg:
- “Kommissaris” die Kommissaris van Korrektiewe Dienste soos omskryf in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet 8 van 1959), of sy gemagtigde;

'correctional official' means a correctional official as defined in section 1 of the Correctional Services Act, 1959;

'correctional supervision' means a community-based punishment to which a person is subject in accordance with Chapter VIIIA of the Correctional Services Act, 1959, and the regulations made under that Act if—

- (a) he has been placed under that under section 6(1)(c);
- (b) it has been imposed on him under section 276(1)(h) or (i) and he, in the latter case, has been placed under that;
- (c) his sentence has been converted into that under section 276A(3)(e)(ii) or 287(4)(b) or he has been placed under that under section 287(4)(a);
- (d) it is a condition on which the passing of his sentence has been postponed and he has been released under section 297(1)(a)(i)(ccA); or
- (e) it is a condition on which the operation of—
 - (i) the whole or any part; or
 - (ii) any part,
 of his sentence has been suspended under section 297(1)(b) or (4), respectively;".

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Amendment of section 6 of Act 51 of 1977

36. Section 6 of the Criminal Procedure Act is hereby amended by the addition of the following paragraph and subsection, the existing section becoming subsection (1):

"(c) at any time before judgment, whether or not an accused has already pleaded to a charge, reconsider the case and upon receipt of a written admission made by the accused in respect of the charge brought against him or a lesser charge, suspend the court proceedings and place such person, with his concurrence, under correctional supervision on such conditions and for such period as may be agreed upon: Provided that—

- (i) where a probation officer or a correctional official is readily available in the court's area of jurisdiction, the powers under this paragraph may only be exercised after a report of such a probation officer or correctional official has been submitted for consideration to the prosecutor concerned;
- (ii) the powers under this paragraph may only be exercised after consultation with the Commissioner and the police official charged with the investigation of the case and with due regard to the circumstances of the offence, the accused and the interests of the community;
- (iii) where a prosecution has been instituted under section 8, the suspension of the court proceedings shall be authorized beforehand by the attorney-general;
- (iv) the provisions of section 106(4) shall not be applicable where such an accused has already pleaded to the charge.

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(2) If the court proceedings which have been suspended under subsection (1)(c) are proceeded with later—

- (a) and the trial has already commenced, the plea which has already been recorded shall stand and the proceedings shall—
 - (i) if the court is similarly constituted, be resumed from where they were suspended; or
 - (ii) if the court is differently constituted, be proceeded with *de novo*;
- (b) the written admission referred to in subsection (1)(c) may not be used against such an accused during the prosecution.".

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Amendment of section 50 of Act 51 of 1977, as amended by section 1 of Act 56 of 1979

37. Section 50 of the Criminal Procedure Act is hereby amended by the addition of the following subsections:

"(4) The parent or guardian of a person under the age of eighteen years shall, if it is known that such parent or guardian can readily be reached or can

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WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

- 'korrektiewe beampete' 'n korrektiewe beampete soos omskryf in artikel 1 van die Wet op Korrektiewe Dienste, 1959; 'korrektiewe toesig' 'n gemeenskapgebaseerde straf waaraan 'n persoon onderworpe is ooreenkomsdig Hoofstuk VIIIA van die Wet op Korrektiewe Dienste, 1959, en die regulasies kragtens daardie Wet uitgevaardig indien—
- (a) hy daaronder geplaas is kragtens artikel 6(1)(c);
 - (b) dit aan hom opgelê is kragtens artikel 276(1)(h) of (i) en hy, in laasgenoemde geval, daaronder geplaas is;
 - (c) sy vonnis kragtens artikel 276A(3)(e)(ii) of 287(4)(b) daarin omskep is of hy kragtens artikel 287(4)(a) daaronder geplaas is;
 - (d) dit 'n voorwaarde is waarop die oplegging van sy vonnis uitgestel en hy vrygelaat is kragtens artikel 297(1)(a)(i)(ccA); of
 - (e) dit 'n voorwaarde is waarop die tenuitvoerlegging van—
 - (i) die geheel of 'n gedeelte; of
 - (ii) 'n gedeelte,
van sy vonnis kragtens onderskeidelik artikel 297(1)(b) of (4) opgeskort is,”.

Wysiging van artikel 6 van Wet 51 van 1977

- 20 36. Artikel 6 van die Strafproseswet word hierby gewysig deur die volgende paragraaf en subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:
- “(c) te eniger tyd voor uitspraak, hetsy 'n beskuldigde reeds op 'n aanklag gepleit het al dan nie, die saak heroorweeg en na ontvangs van 'n skriftelike erkenning deur die beskuldigde afgelê ten opsigte van die ten laste gelegde aanklag of 'n mindere aanklag, die hofverrigtinge opskort en so 'n persoon, met sy instemming, onder korrektiewe toesig plaas op die voorwaardes en vir die tydperk waaroer ooreengekom: Met dien verstande dat—
- (i) waar 'n proefbeampete of 'n korrektiewe beampete in die hof se regsgebied geredelik beskikbaar is, die bevoegdhede kragtens hierdie paragraaf slegs uitgeoefen kan word nadat 'n verslag van so 'n proefbeampete of korrektiewe beampete aan die betrokke aanklaer vir oorweging voorgelê is;
 - (ii) die bevoegdhede kragtens hierdie paragraaf slegs uitgeoefen kan word na oorlegpleging met die Kommissaris en die polisiebeampete belas met die ondersoek van die saak en met inagneming van die omstandighede van die misdryf, die beskuldigde en die belang van die gemeenskap;
 - (iii) waar 'n vervolging kragtens artikel 8 ingestel is, die opskorting van die hofverrigtinge vooraf deur die prokureur-generaal gemagtig moet word;
 - (iv) die bepalings van artikel 106(4) nie van toepassing is waar so 'n beskuldigde reeds op die aanklag gepleit het nie.
- (2) Indien die hofverrigtinge wat kragtens subartikel (1)(c) opgeskort is, later voortgesit word—
- (a) en die verhoor reeds 'n aanvang geneem het, bly die pleit wat reeds aangeteken is, staan en word die verrigtinge—
 - (i) indien die hof dieselfde saamgestel is, hervat vanwaar dit opgeskort is; of
 - (ii) indien die hof anders saamgestel is, *de novo* voortgesit;
 - (b) kan die skriftelike erkenning in subartikel (1)(c) bedoel nie teen so 'n beskuldigde in die vervolging gebruik word nie.”.

Wysiging van artikel 50 van Wet 51 van 1977, soos gewysig deur artikel 1 van Wet 56 van 1979

37. Artikel 50 van die Strafproseswet word hierby gewysig deur die volgende subartikels by te voeg:

“(4) Die ouer of voog van 'n persoon onder die ouderdom van agtien jaar word onverwyld, indien dit bekend is dat so 'n ouer of voog gereeldlik

Act No. 122, 1991**CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991**

be traced without undue delay, be notified forthwith of the arrest of such person by the police official charged with the investigation of the case.

(5) The probation officer in whose area of jurisdiction the arrest of a person under the age of eighteen years has taken place, shall as soon as possible thereafter be notified thereof by the police official charged with the investigation of the case or, if there is no such probation officer or if he is not available and there is a correctional official who is doing duty in the area concerned and who is available, the latter shall as soon as possible thereafter be notified thereof.”.

Amendment of section 62 of Act 51 of 1977

38. Section 62 of the Criminal Procedure Act is hereby amended by the addition of the following paragraph:

“(f) which provides that the accused shall be placed under the supervision of a probation officer or a correctional official.”.

Substitution of section 71 of Act 51 of 1977, as substituted by section 4 of Act 26 of 1987

39. The following section is hereby substituted for section 71 of the Criminal Procedure Act:

“Juvenile may be placed in place of safety or under supervision in lieu of release on bail or detention in custody”

71. If an accused under the age of eighteen years is in custody in respect of any offence, and a police official or a court may in respect of such offence release the accused on bail under section 59 or 60, as the case may be, such police official or court may, instead of releasing the accused on bail or detaining him in custody, place the accused in a place of safety as defined in section 1 of the Child Care Act, 1983 (Act 74 of 1983), or place him under the supervision of a probation officer or a correctional official, pending his appearance or further appearance before a court in respect of the offence in question or until he is otherwise dealt with in accordance with law.”.

Amendment of section 212 of Act 51 of 1977, as amended by section 12 of Act 56 of 1979 and sections 46 and 47 of Act 97 of 1986

40. Section 212 of the Criminal Procedure Act is hereby amended by the substitution in paragraph (a) of subsection (4) for the words preceding the proviso of the following words:

“Whenever any fact established by any examination or process requiring any skill in biology, chemistry, physics, astronomy, geography, anatomy, human behavioural sciences, any branch of pathology or in toxicology or in the identification of finger-prints, or palm-prints, is or may become relevant to the issue at criminal proceedings, a document purporting to be an affidavit made by a person who in that affidavit alleges that he is in the service of the State or of a provincial administration or is in the service of or is attached to the South African Institute for Medical Research or any university in the Republic or any other body designated by the Minister for the purposes of this subsection by notice in the *Gazette*, and that he has established such fact by means of such an examination or process, shall, upon its mere production at such proceedings, be *prima facie* proof of such fact.”.

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

bereikbaar is of sonder onbehoorlike vertraging opgespoor kan word, deur die polisiebeampte belas met die ondersoek van die saak van die inhegtenisneming van so 'n persoon in kennis gestel.

(5) Die proefbeampte binne wie se regsgebied die inhegtenisneming van 'n persoon onder die ouerdom van agtien jaar plaasvind, word so gou moontlik daarna deur die polisiebeampte belas met die ondersoek van die saak daarvan in kennis gestel of, indien daar nie so 'n proefbeampte is nie of indien hy nie beskikbaar is nie en daar 'n korrektiewe beampte in die betrokke gebied diens verrig en beskikbaar is, word laasgenoemde so gou moontlik daarna daarvan in kennis gestel.”.

Wysiging van artikel 62 van Wet 51 van 1977

38. Artikel 62 van die Strafproseswet word hierby gewysig deur die volgende paragraaf by te voeg:

15 “(f) wat bepaal dat die beskuldigte onder toesig van 'n proefbeampte of 'n korrektiewe beampte geplaas word.”.

Vervanging van artikel 71 van Wet 51 van 1977, soos vervang deur artikel 4 van Wet 26 van 1987

39. Artikel 71 van die Strafproseswet word hierby deur die volgende artikel vervang:

20 **“Jeugdige kan in veiligheidsplek of onder toesig geplaas word in plaas van op borgtog vrygelaat of in bewaring aangehou te word**

25 **71.** Indien 'n beskuldigte onder die ouerdom van agtien jaar ten opsigte van 'n misdryf in bewaring is, en 'n polisiebeampte of 'n hof die beskuldigde ingevolge artikel 59 of 60, na gelang van die geval, ten opsigte van so 'n misdryf op borgtog kan vrylaat, kan so 'n polisiebeampte of hof, in plaas van die beskuldigde op borgtog vry te laat of hom in bewaring aan te hou, die beskuldigde in 'n veiligheidsplek plaas soos omskryf in artikel 1 van die Wet op Kindersorg, 1983 (Wet 74 van 1983), of hom onder toesig van 'n proefbeampte of 'n korrektiewe beampte plaas, in awagting van sy verskyning of verdere verskyning voor 'n hof ten opsigte van die betrokke misdryf of totdat andersins regtens met hom gehandel word.”.

Wysiging van artikel 212 van Wet 51 van 1977, soos gewysig deur artikel 12 van Wet 56 van 1979 en artikels 46 en 47 van Wet 97 van 1986

35 **40.** Artikel 212 van die Strafproseswet word hierby gewysig deur in paragraaf (a) van subartikel (4) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

40 “Wanneer 'n feit wat bepaal is deur 'n ondersoek of proses wat bedrewenheid in biologie, skeikunde, natuurkunde, sterrekunde, aardrykskunde, anatomie, menslike gedragswetenskappe, 'n vertakking van patologie of in toksikologie of in die identifisering van vinger- of palmafdrukke vereis, by strafregtelike verrigtinge by die geskilpunt relevant is of mag word, is 'n dokument wat voorgee 'n beëdigde verklaring te wees deur 'n persoon wat in daardie beëdigde verklaring beweer dat hy in diens is van die Staat of van 'n provinsiale administrasie of in diens is van of verbonde is aan die Suid-Afrikaanse Instituut vir Mediese Navorsing of 'n universiteit in die Republiek of 'n ander liggaaam wat vir die doeleindes van hierdie subartikel deur die Minister by kennisgewing in die *Staatskoerant* aangewys is, en dat hy bedoelde feit deur middel van so 'n ondersoek of proses bepaal het, by blote voorlegging daarvan by sulke verrigtinge, *prima facie*-bewys van daardie feit.”.

Amendment of section 276 of Act 51 of 1977, as amended by section 3 of Act 107 of 1990

41. Section 276 of the Criminal Procedure Act is hereby amended—

(a) by the addition to subsection (1) of the following paragraphs:

“(h) correctional supervision;

(i) imprisonment from which such a person may be placed under correctional supervision in his discretion by the Commissioner.”;

and

(b) by the addition of the following subsection:

“(3) The provisions of subsection (1) shall not be construed as prohibiting the court from imposing imprisonment together with correctional supervision.”.

Insertion of section 276A in Act 51 of 1977

42. The following section is hereby inserted in the Criminal Procedure Act after section 276:

“Imposition of correctional supervision, and conversion of imprisonment into correctional supervision and vice versa

276A. (1) Punishment shall only be imposed under section 276(1)(h)—

(a) after a report of a probation officer or a correctional official has been placed before the court; and

(b) for a fixed period not exceeding three years.

(2) Punishment shall only be imposed under section 276(1)(i)—

(a) if the court is of the opinion that the offence justifies the imposing of imprisonment, with or without the option of a fine, for a period not exceeding five years; and

(b) for a fixed period not exceeding five years.

(3) (a) Where a person has been sentenced by a court to imprisonment for a period—

(i) not exceeding five years; or

(ii) exceeding five years, but his date of release in terms of the provisions of the Correctional Services Act, 1959 (Act 8 of 1959), and the regulations made thereunder is not more than five years in the future,

the Commissioner may, if he is of the opinion that such a person is fit to be subjected to correctional supervision, apply to the clerk of the court to have that person appear before the court *a quo* in order to reconsider the said sentence.

(b) On receipt of any application referred to in paragraph (a) the clerk of the court shall, after consultation with the prosecutor, set the matter down for a specific date on the roll of the court concerned.

(c) The clerk of the court shall for purposes of the reconsideration of the sentence in accordance with this subsection—

(i) within a reasonable time before the date referred to in paragraph (b) submit the case record to the judicial officer who imposed the sentence or, if he is not available, another judicial officer of the same court: Provided that if the evidence in the case has been recorded by mechanical means, only such parts of the record as may be indicated as necessary by such a judicial officer, shall be transcribed for the purposes of this subsection;

(ii) inform the Commissioner in writing of the date for which the matter has been set down on the roll and request him to furnish him with a written motivated recommendation before that date for submission to the judicial officer; and

(iii) submit any recommendation referred to in subparagraph (ii) to that judicial officer.

(d) Whenever a court reconsiders a sentence in terms of this subsection, it shall have the same powers as if it were considering sentence after conviction of a person and the procedure adopted at

**Wysiging van artikel 276 van Wet 51 van 1977, soos gewysig deur artikel 3 van
Wet 107 van 1990****41. Artikel 276 van die Strafproseswet word hierby gewysig—**

(a) deur die volgende paragrawe by subartikel (1) te voeg:

- 5 “(h) korrektiewe toesig;
 (i) gevangerisstraf waaruit so iemand na goeddunke deur die Kommissaris onder korrektiewe toesig geplaas kan word.”;
- en

(b) deur die volgende subartikel by te voeg:

- 10 “(3) Die bepalings van subartikel (1) word nie so uitgelê as sou dit die hof verbied om gevangerisstraf saam met korrektiewe toesig op te lê nie.”.

Invoeging van artikel 276A in Wet 51 van 1977**42. Die volgende artikel word hierby in die Strafproseswet na artikel 276 ingevoeg:****“Oplegging van korrektiewe toesig, en omskepping van gevangerisstraf in korrektiewe toesig en vice versa****276A. (1) Straf word slegs kragtens artikel 276(1)(h) opgelê—**

(a) nadat 'n verslag van 'n proefbeampte of 'n korrektiewe beampte voor die hof geplaas is; en

(b) vir 'n bepaalde tydperk wat nie drie jaar te bove gaan nie.

(2) Straf word slegs kragtens artikel 276(1)(i) opgelê—

(a) indien die hof van oordeel is dat die misdryf die oplegging regverdig van gevangerisstraf, met of sonder die keuse van 'n boete, vir 'n tydperk van hoogstens vyf jaar; en

(b) vir 'n bepaalde tydperk wat nie vyf jaar te bove gaan nie.

(3) (a) Waar iemand deur 'n hof gevonnis is tot gevangerisstraf vir 'n tydperk van—

(i) hoogstens vyf jaar; of

(ii) meer as vyf jaar, maar sy vrylatingsdatum ingevolge die bepalings van die Wet op Korrektiewe Dienste, 1959 (Wet 8 van 1959), en die regulasies daarkragtens uitgevaardig hoogstens vyf jaar in die toekoms is,

kan die Kommissaris, indien hy van oordeel is dat so iemand geskik is om aan korrektiewe toesig onderwerp te word, by die klerk van die hof aansoek doen dat daardie persoon voor die hof *a quo* verskyn ten einde genoemde vonnis te heroorweeg.

(b) By ontvangs van 'n aansoek bedoel in paragraaf (a) plaas die klerk van die hof, na oorlegpleging met die aanklaer, die saak vir 'n bepaalde datum op die betrokke hof se rol.

(c) Die klerk van die hof moet vir doeleindes van die heroorweging van die vonnis ooreenkomsdig hierdie subartikel—

(i) die oorkonde van die saak binne 'n redelike tyd voor die datum in paragraaf (b) bedoel aan die regterlike amptenaar wat die vonnis opgelê het of, indien hy nie beskikbaar is nie, 'n ander regterlike amptenaar van dieselfde hof, voorlê: Met dien verstande dat indien die getuienis in die saak op meganiese wyse opgeneem is, slegs die gedeeltes van die oorkonde wat deur so 'n regterlike amptenaar as nodig aangedui word, vir die doeleindes van hierdie subartikel getranskribeer word;

(ii) die Kommissaris skriftelik kennis gee van die datum waarvoor die saak op die rol geplaas is en hom versoek om hom voor daardie datum van 'n skriftelike gemotiveerde aanbeveling vir voorlegging aan die regterlike amptenaar te voorsien; en

(iii) enige aanbeveling in subparagraph (ii) bedoel aan daardie regterlike amptenaar voorlê.

(d) Wanneer 'n hof 'n vonnis ingevolge hierdie subartikel heroorweeg, beskik hy oor dieselfde bevoegdhede asof hy vonnis na skuldig bevinding van 'n persoon oorweeg en die prosedure wat by

Act No. 122, 1991**CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991**

such proceedings shall apply *mutatis mutandis* during such reconsideration: Provided that if the person concerned concurs thereto in writing, the proceedings contemplated in this subsection may be concluded in his absence: Provided further that he may nevertheless be represented at such proceedings or cause to submit written representations to the court.

(e) After a court has reconsidered a sentence in terms of this subsection, it may—

- (i) confirm the sentence or order of the court *a quo*;
- (ii) convert the sentence into correctional supervision on the conditions it may deem fit; or
- (iii) impose any other proper sentence:

Provided that the last-mentioned sentence, if imprisonment, shall not exceed the period of the unexpired portion of imprisonment still to be served at that point.

(4) (a) A court, whether constituted differently or not, which has imposed a punishment referred to in subsection (1) or (2) on a person or has converted his sentence under subsection (3)(e)(ii), may at any time, if it is found from a motivated recommendation by a probation officer or the Commissioner that that person is not fit to be subject to correctional supervision or to serve the imposed punishment, reconsider that punishment and impose any other proper punishment.

(b) The procedure referred to in subsection (3) shall apply *mutatis mutandis* to the reconsideration of any punishment under this subsection.”.

Amendment of section 287 of Act 51 of 1977

43. Section 287 of the Criminal Procedure Act is hereby amended by the addition of the following subsection:

“(4) Unless the court which has imposed a period of imprisonment as an alternative to a fine has directed otherwise, the Commissioner may in his discretion at the commencement of the alternative punishment or at any point thereafter, if it does not exceed five years—

- (a) act as if the person were sentenced to imprisonment as referred to in section 276(1)(i); or
- (b) apply in accordance with the provisions of section 276A(3) for the sentence to be reconsidered by the court *a quo*, and thereupon the provisions of section 276A(3) shall apply *mutatis mutandis* to such a case.”.

Amendment of section 290 of Act 51 of 1977, as amended by section 9 of Act 26 of 1987 and section 7 of Act 107 of 1990

44. Section 290 of the Criminal Procedure Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) order that he be placed under the supervision of a probation officer or a correctional official; or”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) Any court in which a person of or over the age of eighteen years but under the age of twenty-one years is convicted of any offence may, instead of imposing punishment upon him for that offence, order that he be placed under the supervision of a probation officer or a correctional official or that he be sent to a reform school as defined in section 1 of the Child Care Act, 1983.”.

Amendment of section 291 of Act 51 of 1977, as substituted by section 10 of Act 26 of 1987

45. Section 291 of the Criminal Procedure Act is hereby amended by the addition of the following subsection:

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

- sodanige verrigtinge gevolg word, is *mutatis mutandis* by so 'n heroerweging van toepassing: Met dien verstande dat indien die betrokke persoon skriftelik daartoe instem, die verrigtinge in hierdie subartikel beoog in sy afwesigheid afgehandel kan word: Met dien verstande voorts dat hy nogtans by sodanige verrigtinge verteenwoordig kan word of skriftelike vertoë aan die hof kan laat voorlê.
- 5 (e) Nadat 'n hof 'n vonnis ingevolge hierdie subartikel heroerweeg het, kan hy—
- (i) die vonnis of bevel van die hof *a quo* bekragtig;
- 10 (ii) die vonnis in korrektiewe toesig omskep op die voorwaardes wat hy goedvind; of
- (iii) enige ander gepaste vonnis oplê:
- Met dien verstande dat laasgenoemde vonnis, indien gevangesstraf, nie die tydperk van die onverstrekke gedeelte van gevangesstraf wat op daardie tydstip nog uitgedien moet word, te bowe mag gaan nie.
- 15 (4) (a) 'n Hof wat aan 'n persoon 'n straf bedoel in subartikel (1) of (2) opgelê het of sy vonnis omskep het kragtens subartikel (3)(e)(ii), hetsy anders saamgestel al dan nie, kan te eniger tyd, indien dit op grond van 'n gemotiveerde aanbeveling deur 'n proefbeampte of die Kommissaris bevind word dat daardie persoon nie geskik is om aan korrektiewe toesig onderworpe te wees of die opgelegde straf uit te dien nie, daardie straf heroerweeg en 'n ander gepaste straf oplê.
- 20 (b) Die prosedure in subartikel (3) bedoel, is *mutatis mutandis* van toepassing by die heroerweging van 'n straf kragtens hierdie subartikel.”.

Wysiging van artikel 287 van Wet 51 van 1977

43. Artikel 287 van die Strafproseswet word hierby gewysig deur die volgende subartikel by te voeg:

“(4) Tensy die hof wat 'n tydperk van gevengenisstraf as alternatief vir 'n boete opgelê het anders gelas het, kan die Kommissaris by inwerkingtreding van die alternatiewe straf of op enige tydstip daarna, indien dit nie vyf jaar te bowe gaan nie, na goeddunke—

35 (a) optree asof die persoon gevonnis is tot gevengenisstraf soos bedoel in artikel 276(1)(i); of

(b) ooreenkomsdig die bepalings van artikel 276A(3) aansoek doen dat die vonnis deur die hof *a quo* heroerweeg word, en daarop is die bepalings van artikel 276A(3) *mutatis mutandis* op so 'n gevval van toepassing.”.

Wysiging van artikel 290 van Wet 51 van 1977, soos gewysig deur artikel 9 van Wet 26 van 1987 en artikel 7 van Wet 107 van 1990

44. Artikel 290 van die Strafproseswet word hierby gewysig—

(a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) beveel dat hy onder toesig van 'n proefbeampte of 'n korrektiewe beampte geplaas word; of”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Hof waarin iemand van of bo die ouderdom van agtien jaar maar onder die ouderdom van een-en-twintig jaar skuldig bevind word aan 'n misdryf kan, in plaas van hom straf vir daardie misdryf op te lê, beveel dat hy onder toesig van 'n proefbeampte of 'n korrektiewe beampte geplaas word of dat hy verwys word na 'n verbeteringskool soos in artikel 1 van die Wet op Kindersorg, 1983, omskryf.”.

Wysiging van artikel 291 van Wet 51 van 1977, soos vervang deur artikel 10 van Wet 26 van 1987

45. Artikel 291 van die Strafproseswet word hierby gewysig deur die volgende subartikel by te voeg:

(5) (a) Where a court has dealt with a person under section 290(1) or (3) and such a person is later found not fit to be subject to such an order, such person may be dealt with *mutatis mutandis* in accordance with the provisions of section 276A(4).

(b) For the purposes of the provisions of paragraph (a) the expression 'a probation officer or the Commissioner' in section 276A(4) shall be construed as the probation officer or correctional official or person concerned, or the person at the head of the reform school concerned or a person authorized by him, as the case may be.

Amendment of section 296 of Act 51 of 1977, as amended by section 15 of Act 56 of 1979, section 7 of Act 64 of 1982 and section 11 of Act 26 of 1987

46. Section 296 of the Criminal Procedure Act is hereby amended by the addition of the following subsection:

(3) (a) Where a court has referred a person to a rehabilitation centre under subsection (1) and such person is later found not to be fit for treatment in such rehabilitation centre, such person may be dealt with *mutatis mutandis* in accordance with the provisions of section 276A(4).

(b) For the purposes of the provisions of paragraph (a) the expression 'a probation officer or the Commissioner' in section 276A(4) shall be construed as the person at the head of the rehabilitation centre or a person authorized by him.

Amendment of section 297 of Act 51 of 1977, as amended by section 21 of Act 59 of 1983 and section 20 of Act 33 of 1986

47. Section 297 of the Criminal Procedure Act is hereby amended by the insertion in subsection (1) after item (cc) of subparagraph (i) of paragraph (a) of the following item:

"(ccA) submission to correctional supervision;"

Power of Minister of Justice to make regulations

48. (1) The Minister of Justice may make regulations regulating the following matters in respect of the commencement of this Act:

(a) The establishment of one or more pilot projects in certain areas so as to launch correctional supervision as an alternative dispensation in lieu of prosecution or upon passing sentence;

(b) the establishment, constitution, powers, functions and duties of and the remuneration of the members of an implementation committee and one or more boards to advise the Minister of Justice regarding the establishment of such pilot projects; and

(c) in general any matter which he may deem necessary or expedient to prescribe in order to establish correctional supervision as an alternative dispensation in lieu of prosecution or upon passing sentence.

(2) Any regulation contemplated in subsection (1) affecting State expenditure shall be made only with the concurrence of the Minister of State Expenditure.

Savings

49. An institutional committee, release board or advisory release board established by or under any provision replaced by this Act, shall, notwithstanding such replacement, continue with its functions in the same manner and under the same circumstances after the commencement of such replacing provision as if the latter provision had not been passed, until the Minister may by notice in the *Gazette* determine that the functions of that institutional committee, release board or advisory release board, as the case may be, shall terminate for any area defined by him in such notice from a date fixed by him and specified in such notice.

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE
KORREKTIEWE DIENSTE EN TOESIG, 1991

Wet No. 122, 1991

"(5) (a) Waar 'n hof kragtens artikel 290(1) of (3) met iemand gehandel het en so 'n persoon later bevind word nie geskik te wees om aan so 'n bevel onderworpe te wees nie, kan daar met so iemand *mutatis mutandis* ooreenkombig die bepalings van artikel 276A(4) gehandel word.

5 **(b)** By die toepassing van die bepalings van paragraaf *(a)* word die uitdrukking 'n proefbeampte of die Kommissaris' in artikel 276A(4) uitgelê as die betrokke proefbeampte of korrektiewe beampte of persoon, of die persoon aan die hoof van die betrokke verbeteringskool of sy gemagtigde, na gelang van die geval.'."

10 **Wysiging van artikel 296 van Wet 51 van 1977, soos gewysig deur artikel 15 van Wet 56 van 1979, artikel 7 van Wet 64 van 1982 en artikel 11 van Wet 26 van 1987**

46. Artikel 296 van die Strafproseswet word hierby gewysig deur die volgende subartikel by te voeg:

15 **"(3) (a)** Waar 'n hof iemand kragtens subartikel *(1)* na 'n rehabilitasiesentrum verwys het en so iemand later bevind word nie geskik te wees vir behandeling in sodanige rehabilitasiesentrum nie, kan daar met so iemand *mutatis mutandis* ooreenkombig die bepalings van artikel 276A(4) gehandel word.

20 **(b)** By die toepassing van die bepalings van paragraaf *(a)* word die uitdrukking 'n proefbeampte of die Kommissaris' in artikel 276A(4) uitgelê as die persoon aan die hoof van die rehabilitasiesentrum of sy gemagtigde.'."

Wysiging van artikel 297 van Wet 51 van 1977, soos gewysig deur artikel 21 van Wet 59 van 1983 en artikel 20 van Wet 33 van 1986

25 **47.** Artikel 297 van die Strafproseswet word hierby gewysig deur in subartikel *(1)* na item *(cc)* van subparagraph *(i)* van paragraaf *(a)* die volgende item in te voeg:

"(cca) onderwerping aan korrektiewe toesig;"

Bevoegdheid van Minister van Justisie om regulasies uit te vaardig

30 **48. (1)** Die Minister van Justisie kan regulasies uitvaardig tot reëling van die volgende aangeleenthede ten opsigte van die inwerkingtreding van hierdie Wet:

(a) Die instelling van een of meer loadsprojekte ten einde korrektiewe toesig as alternatiewe beskikkingsmoontlikheid in plaas van vervolging of by vonnisoplegging in sekere gebiede van stapel te stuur;

35 **(b)** die instelling, samestelling, bevoegdhede, werksaamhede en pligte van en die vergoeding van die lede van 'n implementeringskomitee en een of meer rade om die Minister van Justisie betreffende die instelling van sodanige loadsprojekte te adviseer; en

40 **(c)** in die algemeen enige aangeleenthed wat hy nodig of dienstig ag om voor te skryf ten einde korrektiewe toesig as alternatiewe beskikkingsmoontlikheid in plaas van vervolging of by vonnisoplegging te vestig.

(2) 'n Regulasie beoog in subartikel *(1)* wat Staatsuitgawes raak, word slegs met die instemming van die Minister van Staatsbesteding uitgevaardig.

Voorbehoud

45 **49.** 'n Inrigtingskomitee, vrylatingsraad of vrylatingsadviesraad wat by of kragtens 'n by hierdie Wet vervangde wetsbepaling ingestel is, sit sy werksaamhede ondanks sodanige vervanging op dieselfde wyse en onder dieselfde omstandighede voort na die inwerkingtreding van so 'n vervangende bepaling asof laasgenoemde bepaling nie aangeneem is nie, totdat die Minister by

50 kennisgewing in die *Staatskoerant* bepaal dat daardie inrigtingskomitee, vrylatingsraad of vrylatingsadviesraad, na gelang van die geval, se werksaamhede vir 'n gebied deur hom in sodanige kennisgewing omskryf vanaf 'n datum deur hom bepaal en in sodanige kennisgewing vermeld, beëindig word.

Short title and commencement

50. (1) This Act shall be called the Correctional Services and Supervision Matters Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act and areas of the Republic.

Kort titel en inwerkingtreding

- 50.** (1) Hierdie Wet heet die Wysigingswet op Aangeleenthede rakende Korrektiewe Dienste en Toesig, 1991, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.
- 5 (2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskil-lende bepalinge van hierdie Wet en gebiede in die Republiek bepaal word.

WAARGEMET VAN GELEID IN HIERDE KRAALDE
KORRKLAWE DIERSTE EN TOTSO 1931
NR. 175 1931

Van hier en waarigheidsvorm

- 20 (1) Hierdie Wet moet die Aanvaarding van Vryheid en Vryheid
Kollegiale Diens en Jouke 1931 soos in wetgeving van die
Parlement geskep by volgstaande in die gewoonlike (1) van die drie vad veral
2 - (2) Volgtende stuur kan hierdie wettelik (1) van die drie vad veral
laads besinsels van metteie Wet en regte in die Republiek besoek word.