



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 1661.

17 July 1991

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

No. 135 of 1991: Criminal Law Amendment Act, 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1661.

17 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. 135 van 1991: Strafregwysigingswet, 1991

**GENERAL EXPLANATORY NOTE:**

- [ ]** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with a solid line indicate insertions in existing enactments.
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**ACT**

**To amend the Criminal Procedure Act, 1977, so as to provide that certain witnesses may give their evidence through intermediaries and that certain persons may be detained in or placed under protective custody; to amend the Correctional Services Act, 1959, so as to effect certain consequential amendments; and to provide for incidental matters.**

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

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

**Amendment of section 161 of Act 51 of 1977**

**1.** Section 161 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (2) of the following subsection:

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“(2) In this section the expression ‘viva voce’ shall, in the case of a deaf and dumb witness, be deemed to include gesture-language and, in the case of a witness under the age of eighteen years, be deemed to include demonstrations, gestures or any other form of non-verbal expression.”.

**Substitution of section 165 of Act 51 of 1977**

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**2.** The following section is hereby substituted for section 165 of the Criminal Procedure Act, 1977:

**“Oath, affirmation or admonition may be administered by or through interpreter or intermediary”**

**165.** Where the person concerned is to give his evidence through an interpreter or an intermediary appointed under section 170A(1), the oath, affirmation or admonition under section 162, 163 or 164 shall be administered by the presiding judge or judicial officer or the registrar of the court, as the case may be, through the interpreter or intermediary or by the interpreter or intermediary in the presence or under the eyes of the presiding judge or judicial officer, as the case may be.”.

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**Insertion of section 170A in Act 51 of 1977**

**3.** The following section is hereby inserted after section 170 of the Criminal Procedure Act, 1977:

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**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- \_\_\_\_\_** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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**WET**

Tot wysiging van die Strafproseswet, 1977, ten einde daarvoor voorsiening te maak dat sekere getuies hul getuenis deur bemiddeling van tussengangers kan aflê en dat sekere persone in beskermende bewaring aangehou of geplaas kan word; tot wysiging van die Wet op Korrektiewe Dienste, 1959, ten einde sekere gevoglike wysigings aan te bring; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 27 Junie 1991.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 161 van Wet 51 van 1977**

1. Artikel 161 van die Strafproseswet, 1977, word hierby gewysig deur 5 subartikel (2) deur die volgende subartikel te vervang:  
“(2) In hierdie artikel word die uitdrukking ‘viva voce’, in die geval van 'n doofstom getuie, geag gebaretaal en, in die geval van 'n getuie onder die ouderdom van agtien jaar, geag demonstrasies, gebare of enige ander vorm van nie-verbale uitdrukking in te sluit.”.

**10 Vervanging van artikel 165 van Wet 51 van 1977**

2. Artikel 165 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

“Eed, bevestiging of waarskuwing kan deur of deur middel of bemiddeling van tolk of tussenganger toegedien word

- 15           **165.** Waar die betrokke persoon sy getuenis deur middel van 'n tolk of deur bemiddeling van 'n tussenganger aangestel kragtens artikel 170A(1) sal aflê, word die eed, bevestiging of waarskuwing ingevolge artikel 162, 163 of 164 deur die voorsittende regter of regterlike amptenaar of die griffier van die hof, na gelang van die geval, toegedien deur middel van die tolk of deur bemiddeling van die tussenganger of deur die tolk of tussenganger in die teenwoordigheid of ten aanskoue van die voorsittende regter of regterlike amptenaar, na gelang van die geval.”.

**Invoeging van artikel 170A in Wet 51 van 1977**

- 25           3. Die volgende artikel word hierby na artikel 170 van die Strafproseswet, 1977, ingevoeg:

**“Evidence through intermediaries”**

**170A.** (1) Whenever criminal proceedings are pending before any court and it appears to such court that it would expose any witness under the age of eighteen years to undue mental stress or suffering if he testifies at such proceedings, the court may, subject to subsection (4), appoint a competent person as an intermediary in order to enable such witness to give his evidence through that intermediary.

(2) (a) No examination, cross-examination or re-examination of any witness in respect of whom a court has appointed an intermediary under subsection (1), except examination by the court, shall take place in any manner other than through that intermediary.

(b) The said intermediary may, unless the court directs otherwise, convey the general purport of any question to the relevant witness.

(3) If a court appoints an intermediary under subsection (1), the court may direct that the relevant witness shall give his evidence at any place—

- (a) which is informally arranged to set that witness at ease;
- (b) which is so situated that any person whose presence may upset that witness, is outside the sight and hearing of that witness; and
- (c) which enables the court and any person whose presence is necessary at the relevant proceedings to see and hear, either directly or through the medium of any electronic or other devices, that intermediary as well as that witness during his testimony.

(4) (a) The Minister may by notice in the *Gazette* determine the persons or the category or class of persons who are competent to be appointed as intermediaries.

(b) An intermediary who is not in the full-time employment of the State shall be paid such travelling and subsistence and other allowances in respect of the services rendered by him as the Minister, with the concurrence of the Minister of Finance, may determine.”.

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**Insertion of section 185A in Act 51 of 1977**

4. The following section is hereby inserted after section 185 of the Criminal Procedure Act, 1977:

**“Detention in or placing under protective custody at request of witness or prospective witness”**

**185A.** (1) Whenever any person who has given evidence in criminal proceedings with reference to any offence referred to in Schedule 1 or the offence of bribery, extortion, defeating the ends of justice or perjury, or who is likely to give material evidence with reference to any such offence at criminal proceedings in any court, has reason to believe that his safety or the safety of any member of his family or household is being threatened by any person or by any group or class of persons, whether known to him or not, who have—

- (a) caused or wish to cause him harm as a result of the evidence which he has given;
- (b) attempted to prevent or wish to prevent him from giving evidence; or
- (c) attempted to persuade or wish to persuade him to give evidence to a particular effect,

as the case may be, he may report to any police station or prison as defined in section 1 of the Correctional Services Act, 1959 (Act No. 8 of 1959), and put a request, on the form prescribed by regulation under this section, to the person in charge of that police station or

**"Getuienis deur bemiddeling van tussengangers**

**170A.** (1) Wanneer strafregtelike verrigtinge voor 'n hof hangende is en dit aan daardie hof blyk dat dit 'n getuie onder die ouderdom van agtien jaar aan onredelike geestespanning of -lyding sal blootstel indien hy by daardie verrigtinge getuig, kan die hof, behoudens subartikel (4), 'n bevoegde persoon as tussenganger aanstel ten einde so 'n getuie in staat te stel om sy getuienis deur bemiddeling van daardie tussenganger af te lê.

(2)(a) Geen ondervraging, kruisondervraging of herondervraging van 'n getuie ten opsigte van wie 'n hof 'n tussenganger kragtens subartikel (1) aangestel het, behalwe ondervraging deur die hof, mag op 'n ander wyse as deur bemiddeling van daardie tussenganger plaasvind nie.

(b) Bedoelde tussenganger kan, tensy die hof anders gelas, die algemene strekking van 'n vraag aan die betrokke getuie oordra.

(3) Indien 'n hof 'n tussenganger kragtens subartikel (1) aanstel, kan die hof gelas dat die betrokke getuie sy getuienis aflê op 'n plek—

(a) wat informeel ingerig is om daardie getuie op sy gemak te stel;

(b) wat so geleë is dat iemand wie se teenwoordigheid daardie getuie mag ontstel, buite die sig en gehoor van daardie getuie is; en

(c) wat die hof en iemand wie se teenwoordigheid by die betrokke verrigtinge noodsaaklik is in staat stel om, hetsy direk of deur middel van enige elektroniese of ander toestelle, daardie tussenganger sowel as daardie getuie gedurende sy getuienis te sien en te hoor.

(4) (a) Die Minister kan die persone of die kategorie of klas persone wat bevoeg is om as tussengangers aangestel te word by kennisgewing in die *Staatskoerant* bepaal.

(b) Aan 'n tussenganger wat nie in die heeltydse diens van die Staat is nie, word die reis-, verblyf- en ander toelaes ten opsigte van die dienste deur hom gelewer, betaal wat die Minister, met die instemming van die Minister van Finansies, bepaal."

**35 Invoeging van artikel 185A in Wet 51 van 1977**

4. Die volgende artikel word hierby na artikel 185 van die Strafproseswet, 1977, ingevoeg:

**"Aanhouding of plasing in beskermende bewaring op versoek van getuie of voornemende getuie**

**185A.** (1) Wanneer iemand wat getuienis by strafregtelike verrigtinge met betrekking tot 'n misdryf in Bylae 1 bedoel of die misdryf omkopyery, afpersing,regsverydeling of meineed afgelê het, of wat waarskynlik wesenlike getuienis met betrekking tot so 'n misdryf by strafregtelike verrigtinge in 'n hof sal kan aflê, rede het om te vermoed dat sy veiligheid of die veiligheid van 'n lid van sy familie of gesin bedreig word deur 'n persoon of deur 'n groep of 'n klas persone, hetsy aan hom bekend al dan nie, wat—

(a) hom leed aangedoen het of wil aandoen weens die getuienis wat hy afgelê het;

(b) gepoog het om hom te verhoed of hom wil verhoed om getuienis af te lê; of

(c) gepoog het om hom te oorreed of hom wil oorreed om getuienis van 'n bepaalde strekking af te lê,

na gelang van die geval, kan hy hom by 'n polisiekantoor of gevangenis soos omskryf in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), aanmeld en 'n versoek, op die vorm by regulasie kragtens hierdie artikel voorgeskryf, tot die

prison to detain him, such member or any dependant of his or of such member in, or to place him, such member or such dependant under, protective custody.

(2) (a) If a witness or prospective witness referred to in subsection (1), a member of his family or household or a dependant of his or of such member or, where such witness, member or dependant is a minor, his parent or guardian has completed and signed an authorization, on the form prescribed by regulation under this section—

(i) to be detained in protective custody, such witness, member or dependant shall forthwith be taken to a place of safety similarly prescribed for that purpose and detained there in accordance with regulations under this section; or

(ii) to be placed under protective custody, such witness, member or dependant shall forthwith be placed under protective custody in such manner as may be prescribed by the said regulations:

Provided that any person in respect of whom an authorization has been completed and signed—

(aa) to be detained in protective custody and who is so being detained under subparagraph (i), may at any time be placed under protective custody in terms of subparagraph (ii); and

(bb) to be placed under protective custody and who has been so placed in terms of subparagraph (ii), may at any time be detained in protective custody under subparagraph (i).

(b) The person in charge of a police station or prison referred to in subsection (1), shall forthwith submit a copy of any request put to him in terms of that subsection to the attorney-general.

(3) The attorney-general may at any time in writing advise the person—

(a) in charge of the place where a witness or prospective witness is being detained in protective custody under this section; or

(b) who is responsible for the protective custody of a witness or prospective witness in terms of any regulation under this section, that he is of the opinion—

(i) that the witness or prospective witness is not entitled to protective custody under this section;

(ii) that the safety of the witness or prospective witness or a member of his family or household would no longer be threatened; or

(iii) that satisfactory arrangements have been made for the safety of the witness or prospective witness or a member of his family or household,

whereupon such person shall without delay release the witness or prospective witness and any member of his family or household or any dependant of his or of such member who is being detained in or has been placed under protective custody under this section from detention, or relieve such witness, member or dependant from protection, as the case may be.

(4) Subject to the provisions of subsection (3), any person who is being detained in or has been placed under protective custody under this section shall so remain in or under custody until he or, where he is a minor, his parent or guardian submits a discharge from detention or a waiver of protection, on the form prescribed by regulation under this section, to the person in charge of the place where he is being detained or to the person who is responsible for his custody in terms of any regulation under this section, as the case may be: Provided that in the case of a prospective witness referred to in subsection (1)—

(a) such witness shall, subject to paragraph (b), so remain in or under custody for a period of 30 days as from the date on which the attorney-general in writing advises the person so in charge or responsible that the custody of such witness is in his opinion necessary;

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persoon in beheer van daardie polisiekantoor of gevangenis rig om hom, so 'n lid of 'n afhanklike van hom of van so 'n lid in beskermende bewaring aan te hou of te plaas.

(2) (a) Indien 'n getuie of voornemende getuie in subartikel (1) bedoel, 'n lid van sy familie of gesin of 'n afhanklike van hom of van so 'n lid of, waar so 'n getuie, lid of afhanklike minderjarig is, sy ouer of voog 'n magtiging, op die vorm by regulasie kragtens hierdie artikel voorgeskryf, voltooi en onderteken het—

(i) om in beskermende bewaring aangehou te word, moet so 'n getuie, lid of afhanklike onverwyld geneem word na 'n plek van veiligheid wat vir dié doel insgelyks voorgeskryf is en aldaar ooreenkomsdig regulasies kragtens hierdie artikel aangehou word; of

(ii) om in beskermende bewaring geplaas te word, moet so 'n getuie, lid of afhanklike onverwyld in beskermende bewaring geplaas word op die wyse by bedoelde regulasies voorgeskryf: Met dien verstande dat iemand ten opsigte van wie 'n magtiging voltooi en onderteken is—

(aa) om in beskermende bewaring aangehou te word en wat aldus kragtens subparagraph (i) aangehou word, te eniger tyd in beskermende bewaring ingevolge subparagraph (ii) geplaas kan word; en

(bb) om in beskermende bewaring geplaas te word en wat aldus ingevolge subparagraph (ii) geplaas is, te eniger tyd in beskermende bewaring kragtens subparagraph (i) aangehou kan word.

(b) Die persoon in beheer van 'n polisiekantoor of gevangenis in subartikel (1) bedoel, moet onverwyld 'n afskrif van 'n versoek ingevolge daardie subartikel aan hom gerig aan die prokureur-generaal voorlê.

(3) Die prokureur-generaal kan te eniger tyd die persoon—

(a) in beheer van die plek waar 'n getuie of voornemende getuie kragtens hierdie artikel in beskermende bewaring aangehou word; of

(b) wat ingevolge 'n regulasie kragtens hierdie artikel vir die beskermende bewaring van 'n getuie of voornemende getuie verantwoordelik is,

skriftelik meedeel dat hy van oordeel is—

(i) dat die getuie of voornemende getuie nie op beskermende bewaring kragtens hierdie artikel geregtig is nie;

(ii) dat die veiligheid van die getuie of voornemende getuie of 'n lid van sy familie of gesin nie meer bedreig sal word nie; of

(iii) dat bevredigende reëlings vir die veiligheid van die getuie of voornemende getuie of 'n lid van sy familie of gesin getref is,

waarop so 'n persoon die getuie of voornemende getuie en 'n lid van sy familie of gesin of 'n afhanklike van hom of van so 'n lid wat kragtens hierdie artikel in beskermende bewaring aangehou word of geplaas is sonder versuim uit aanhouding vrylaat, of so 'n getuie, lid of afhanklike van beskerming onthef, na gelang van die geval.

(4) Behoudens die bepalings van subartikel (3) bly iemand wat kragtens hierdie artikel in beskermende bewaring aangehou word of geplaas is aldus in bewaring totdat hy of, waar hy minderjarig is, sy ouer of voog 'n ontslag uit aanhouding of 'n afstanddoening van beskerming, op die vorm by regulasie kragtens hierdie artikel voorgeskryf, aan die persoon in beheer van die plek waar hy aangehou word of aan die persoon wat ingevolge 'n regulasie kragtens hierdie artikel vir sy bewaring verantwoordelik is, na gelang van die geval, voorlê: Met dien verstande dat in die geval van 'n voornemende getuie in subartikel (1) bedoel—

(a) so 'n getuie, behoudens paragraaf (b), aldus in bewaring bly vir 'n tydperk van 30 dae vanaf die datum waarop die prokureur-generaal die persoon wat aldus in beheer of verantwoordelik is skriftelik meedeel dat die bewaring van so 'n getuie na sy oordeel noodsaaklik is;

- (b) such witness and any member of his family or household or any defendant of his or of such member who is being detained in or has been placed under protective custody under this section shall be released from detention or relieved from protection, as the case may be, on the day on which the criminal proceedings concerned are concluded. 5
- (5) (a) The Minister may make regulations as to—  
 (i) the detention in or the placing under protective custody of persons;  
 (ii) the protection of the identity of such persons;  
 (iii) any matter required or permitted to be prescribed under this section by regulation; and  
 (iv) in general, any matter which the Minister may consider necessary or expedient to prescribe or regulate in order that the objects of this section may be achieved. 10
- (b) Different regulations may be made under paragraph (a) in respect of different categories of persons, witnesses or prospective witnesses. 15
- (c) Regulations made under paragraph (a) may prescribe for any contravention thereof or failure to comply therewith penalties not exceeding a fine of R20 000 or imprisonment for a period of five years. 20
- (d) A magistrate's court shall have jurisdiction to impose any penalty provided for by regulations made under paragraph (a). 25
- (6) The State, the Minister or any person in the service of the State shall not be liable in respect of anything done in good faith under the provisions of this section or any regulation made thereunder.
- (7) Any person who in or in connection with a request to be detained in or placed under protective custody wilfully furnishes information or makes a statement which is false or misleading shall be guilty of an offence and liable on conviction to the punishment prescribed for the offence of perjury. 30
- (8) For the purposes of subsections (1) and (2)(b) 'the person in charge of a police station or prison' means the senior person in charge of the police station or prison at the relevant time.".

**Amendment of section 1 of Act 8 of 1959, as amended by section 1 of Act 75 of 1965, 35 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**

**5. Section 1 of the Correctional Services Act, 1959, is hereby amended by the 40 substitution for the definition of "prison" of the following definition:**

" 'prison' means any place established or deemed to have been established under this Act as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody or to detention in or placing under protective custody, and includes the seashore, the sea within a distance of one nautical mile from low-water mark and all land, outbuildings and premises adjacent to any such place and used in connection therewith and all land, branches, outstations, camps, buildings, premises or places to which any such persons have been sent for the purpose of imprisonment, detention, protection, labour, treatment or otherwise, and all quarters of members of the Department used in connection with any such prison; and for the purposes of any offence under this Act or any contravention of or failure to comply with any provision of this Act, further includes every place used as a police cell or lock-up;". 45 50

- (b) so 'n getuie en 'n lid van sy familie of gesin of 'n afhanglike van hom of van so 'n lid wat kragtens hierdie artikel in beskermende bewaring aangehou word of geplaas is uit aanhouding vrygelaat of van beskerming onthef moet word, na gelang van die geval, op die dag waarop die betrokke strafregtelike verrigtinge afgehandel word.
- (5) (a) Die Minister kan regulasies uitvaardig betreffende—  
 (i) die aanhouding of plasing van persone in beskermende bewaring;  
 (ii) die beskerming van die identiteit van sodanige persone;  
 (iii) 'n aangeleentheid wat kragtens hierdie artikel by regulasie voorgeskryf moet of kan word; en  
 (iv) in die algemeen, 'n aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf of te reël ten einde die oogmerke van hierdie artikel te verwesenlik.
- (b) Verskillende regulasies kan kragtens paragraaf (a) ten opsigte van verskillende kategorieë persone, getuies of voornemende getuies uitgevaardig word.
- (c) Regulasies kragtens paragraaf (a) uitgevaardig, kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf wat 'n boete van R20 000 of gevangenisstraf vir 'n tydperk van vyf jaar nie te bowe gaan nie.
- (d) 'n Landdroshof is bevoeg om enige straf op te lê waarvoor regulasies kragtens paragraaf (a) uitgevaardig, voorsiening maak.
- (6) Die Staat, die Minister of iemand in diens van die Staat is nie aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen is kragtens die bepalings van hierdie artikel of 'n regulasie wat daarkragtens uitgevaardig is.
- (7) Iemand wat in of in verband met 'n versoek om in beskermende bewaring aangehou of geplaas te word opsetlik inligting verstrek of 'n verklaring doen wat vals of misleidend is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat vir die misdryf meeneed voorgeskryf is.
- (8) By die toepassing van subartikels (1) en (2)(b) beteken 'die persoon in beheer van 'n polisiekantoor of gevangenis' die senior persoon in beheer van die polisiekantoor of gevangenis op die betrokke tydstip.'.

**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**

5. Artikel 1 van die Wet op Korrektiewe Dienste, 1959, word hierby gewysig deur die omskrywing van "gevangenis" deur die volgende omskrywing te vervang:

"gevangenis" enige plek wat kragtens hierdie Wet ingestel is of geag word aldus ingestel te gewees het as 'n plek vir die opneming, aanhouding, opluiting, opleiding of behandeling van persone wat in bewaring aangehou of in beskermende bewaring aangehou of geplaas moet word, en ook die strand, die see binne 'n afstand van een seemyl vanaf die laagwatermerk en al die grond, buitegeboue en persele wat aan so 'n plek grens en in verband daarmee gebruik word en al die grond, takke, buitestasies, kampe, geboue, persele of plekke waarheen enige sodanige persone gestuur is vir die doel van gevangesetting, aanhouding, beskerming, arbeid, behandeling of andersins, asook alle amptelike wonings van lede van die Departemente wat in verband met so 'n gevangenis gebruik word; en vir die doeleindeste van enige misdryf ingevolge hierdie Wet of enige oortreding van of versuim om te voldoen aan die een of ander bepaling van hierdie Wet beteken dit ook elke plek wat as 'n polisiesel of -opsluitplek gebruik word;".

**Amendment of section 20 of Act 8 of 1959, as substituted by section 9 of Act 92 of 1990**

6. Section 20 of the Correctional Services Act, 1959, is hereby amended by the insertion after subsection (2) of the following subsection:

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“(2A) (a) Notwithstanding the provisions of subsection (1), the Minister may without notice referred to in that subsection establish a prison in respect of any place which in his opinion is suitable to detain a particular person or particular persons in, or to place such person or persons under, protective custody under section 185A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

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(b) The Minister may at any time disestablish a prison referred to in paragraph (a).”.

**Amendment of section 27 of Act 8 of 1959, as amended by section 6 of Act 58 of 1978, section 4 of Act 88 of 1977 and section 8 of Act 104 of 1983**

7. Section 27 of the Correctional Services Act, 1959, is hereby amended— 15

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

“(1) Unconvicted persons shall be received only at a prison established or deemed to have been established under paragraph (a) of subsection (1) or subsection (2A) of section [twenty] 20.”;

(b) by the insertion after paragraph (d) of subsection (2) of the following 20 paragraph:

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“(dA) in the case of a person required to be detained in or placed under protective custody under section 185A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), upon production to him of an authorization to detain that person in or to place him under protective custody;”; and

(c) by the substitution for the words following upon paragraph (e) of the said subsection (2) of the following words:

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“and every such member of the Department shall keep every such warrant [or order] or certified copy thereof, order or authorization throughout the period during which any person referred to therein is in or under his custody.”.

**Short title and commencement**

8. (1) This Act shall be called the Criminal Law 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 so fixed in respect of different provisions of this Act. 35

**Wysiging van artikel 20 van Wet 8 van 1959, soos vervang deur artikel 9 van Wet 92 van 1990**

6. Artikel 20 van die Wet op Korrektiewe Dienste, 1959, word hierby gewysig deur na subartikel (2) die volgende subartikel in te voeg:

- 5       “(2A) (a) Ondanks die bepalings van subartikel (1) kan die Minister sonder kennisgewing in daardie subartikel bedoel 'n gevangenis instel ten opsigte van 'n plek wat na sy oordeel geskik is om 'n bepaalde persoon of bepaalde persone kragtens artikel 185A van die Strafproseswet, 1977 (Wet No. 51 van 1977), in beskermende bewaring aan te hou of te plaas.
- 10      (b) Die Minister kan te eniger tyd 'n gevangenis in paragraaf (a) bedoel, afskaf.”.

**Wysiging van artikel 27 van Wet 8 van 1959, soos gewysig deur artikel 6 van Wet 58 van 1978, artikel 4 van Wet 88 van 1977 en artikel 8 van Wet 104 van 1983**

7. Artikel 27 van die Wet op Korrektiewe Dienste, 1959, word hierby gewysig—

- 15      (a) deur subartikel (1) deur die volgende subartikel te vervang:  
“(1) Onveroordeelde persone word alleenlik opgeneem in 'n gevangenis wat ingestel is of geag word ingestel te gewees het kragtens paragraaf (a) van subartikel (1) of subartikel (2A) van artikel **[twintig] 20.”;**
- 20      (b) deur na paragraaf (d) van subartikel (2) die volgende paragraaf in te voeg:  
“**(dA)** in die geval van 'n persoon wat kragtens artikel 185A van die Strafproseswet, 1977 (Wet No. 51 van 1977), in beskermende bewaring aangehou of geplaas moet word, by vertoning aan hom van 'n magtiging om daardie persoon in beskermende bewaring aan te hou of te plaas;”;
- 25      (c) deur die woorde wat op paragraaf (e) van genoemde subartikel (2) volg deur die volgende woorde te vervang:  
“en elke sodanige lid van die Departement moet elke sodanige lasbrief **[of bevel]** of gesertifiseerde afskrif daarvan, **bevel of magtiging** hou vir die hele tydperk waartydens 'n daarin genoemde persoon in sy bewaring is.”.

**Kort titel en inwerkingtreding**

8. (1) Hierdie Wet heet die Strafregwysigingswet, 1991, en tree in werking op 35 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.  
(2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende bepalings van hierdie Wet.

