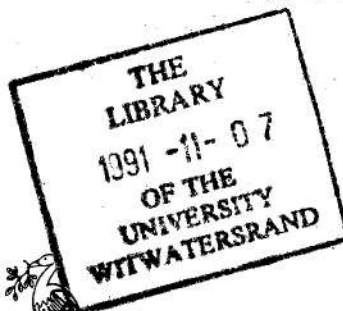


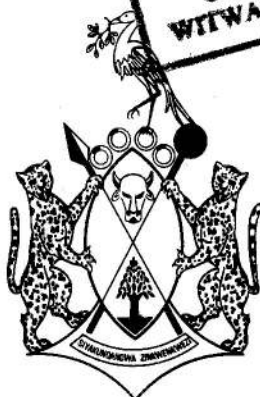
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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 71 OF 1991

**IT IS HEREBY NOTIFIED THAT THE DEPUTY CHAIRMAN OF THE COUNCIL OF STATE
HAS ASSENTED TO THE FOLLOWING DECREE WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:-**

DEPENDENCE-PRODUCING SUBSTANCES AMENDMENT DECREE, 1991

DECREE No. 26 OF 1991

COUNCIL OF STATE — REPUBLIC OF CISKEI

DEPENDENCE-PRODUCING SUBSTANCES AMENDMENT DECREE, 1991

DECREE

To amend the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971.

(English text signed by the Deputy Chairman of the Council of State. Assented to on 14 October 1991.)

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Amendment of section 1 of Act 41 of 1971, as amended by section 1 of Act 14 of 1977, section 1 of Act 80 of 1973 and section 1 of Act 6 of 1985. - Section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (hereinafter referred to as the principal Act) is hereby amended —

- (a) by the substitution for the definition of "children's home" of the following definition:
" 'children's home' means a children's home as defined in section 1 of the Children's Act, 1985 (Act 18 of 1985);";
- (b) by the substitution for the definition of "reform school" of the following definition:
" 'reform school' means a reform school as defined in section 1 of the Children's Act, 1985;";
- (c) by the substitution for the definition of "school of industries" of the following definition:
" 'school of industries' means a school of industries as defined in section 1 of the Children's Act, 1985;";
- (d) by the substitution for the definition of "social worker" of the following definition:
" 'social worker' means a person registered as a social worker under section 29 of the National Welfare Act, 1987 (Act 18 of 1987) and who is in the employ of the State or, for the purposes of sections 29(1), 29(2)(a), 30(4)(a), 31(1)(a), 31(3) and 41(2) of this Act of a welfare organization registered under section 15 of the said National Welfare Act, 1987;".

2. Amendment of section 2 of Act 41 of 1971, as amended by section 2 of Act 80 of 1973 and section 1 of Act 6 of 1985. - Section 2 of the principal Act is hereby amended —

- (a) by the substitution for subparagraph (i) of the following subparagraph:
"(i) in the case of a conviction for a contravention of any provision of paragraph (a) or (c), to imprisonment for a period not exceeding 25 years or to both such imprisonment and any fine which the court may at its discretion deem fit to impose;";
- (b) by the deletion of subparagraph (ii);
- (c) by the substitution for subparagraph (iii) of the following subparagraph:
"(iii) in the case of a conviction for a contravention of any provision of paragraph (b) or (d), to any fine which the court may at its discretion deem fit to impose or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment;";
- (d) by the deletion of subparagraph (iv); and
- (e) by the deletion of the proviso after subparagraph (iv).

3. Repeal of section 2A of Act 41 of 1971, as inserted by section 3 of Act 80 of 1973 and amended by section 2 of Act 76 of 1978. - Section 2A of the principal Act is hereby repealed.

4. Amendment of section 3 of Act 41 of 1971. - Section 3 of the principal Act is hereby amended by the substitution for subparagraphs (i) and (ii) of the following subparagraphs, respectively:

- "(i) in the case of a conviction for a contravention of any provision of paragraph (a), to imprisonment for a period not exceeding 10 years or to both such imprisonment and any fine which the court may at its discretion deem fit to impose;

DEPENDENCE-PRODUCING SUBSTANCES AMENDMENT DECREE, 1991

- (ii) in the case of a conviction for a contravention of any provision of paragraph (b), to any fine which the court may at its discretion deem fit to impose or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment."

5. Amendment of section 6 of Act 41 of 1971, as amended by section 4 of Act 6 of 1985. - Section 6 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

- "(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction —
 - (a) in the case of a first conviction, to a fine not exceeding R30 000 or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment;
 - (b) in the case of second or subsequent conviction, to a fine not exceeding R50 000 or to imprisonment for a period not exceeding 25 years or to both such fine and such imprisonment."

6. Repeal of section 7 of Act 41 of 1971. - Section 7 of the principal Act is hereby repealed.

7. Amendment of section 14 of Act 41 of 1971. - Section 14 of the principal Act is hereby amended by the addition thereto of the following subsection, the existing section becoming subsection (1):

- "(2) In the application of subsection (1), in relation to any fine referred to in section 2 or 3, there shall be no limit to the amount of the fine which may be imposed."

8. Amendment of section 18 of Act 41 of 1971. - Section 18 of the principal Act is hereby amended —

- (a) by the substitution in subsection (1) for the words "Minister of Finance" of the word "Treasury"; and
- (b) by the deletion in subsection (1) of the words "by the National Assembly".

9. Amendment of section 28 of Act 41 of 1971. - Section 28 of the principal Act is hereby amended —

- (a) by the substitution in subsection (1) for the words "Minister of Finance" of the word "Treasury"; and
- (b) by the deletion in subsection (1) of words "by the National Assembly".

10. Amendment of section 38 of Act 41 of 1971. - Section 38 of the principal Act is hereby amended —

- (a) by the substitution in subsection (1) for the expression "Children's Act, 1960 (Act No. 33 of 1960)" of the expression "Children's Act, 1985"; and
- (b) by the substitution in subsection (3) for the expression "Children's Act, 1960" of the expression "Children's Act, 1985".

11. Substitution of section 65 of Act 41 of 1971. - The following section is hereby substituted for section 65 of the principal Act:

"65. Short Title. - This Act shall be called the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971."

12. Substitution of certain expressions. - There is hereby substituted for the expressions "State President" and "President", wherever they occur in sections 15 and 53 and in any other provision of the principal Act, the expression "Head of State".

13. Short Title. - This decree shall be called the Dependence-producing Substances Amendment Decree, 1991 and shall come into operation on a date to be fixed by the Head of State by proclamation in the *Gazette*.

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