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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1769.

26 Junie 1992

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

No. 80 van 1992: Wysigingswet op Korrektiewe Dienste, 1992.

STATE PRESIDENT'S OFFICE

No. 1769.

26 June 1992

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

No. 80 of 1992: Correctional Services Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op Korrektiewe Dienste, 1959, ten einde die bepaling dat 'n vroulike lid van die Departement van Korrektiewe Dienste wat in die huwelik tree, geag word vrywillig uit diens te tree, te skrap; 'n misdryf met betrekking tot die publiserings van vals inligting aangaande die gedrag of ervaring van 'n gevangene of oud-gevangene in 'n gevangenis of aangaande die bestuur van 'n gevangenis te skrap; en voorsiening te maak vir vergunning aan aangehouenes in 'n gevangenis om die gevangenis tydelik te verlaat indien dit gerig is op hul suksesvolle herinskakeling by die gemeenskap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1992.)*

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

Wysiging van artikel 12 van Wet 8 van 1959, soos gewysig deur artikel 4 van Wet 75 van 1965, artikel 10 van Wet 62 van 1966, artikel 2 van Wet 9 van 1971, artikel 3 van Wet 58 van 1978, artikel 5 van Wet 104 van 1983 en artikel 4 van Wet 92 van 1990 5

1. Artikel 12 van die Wet op Korrektiewe Dienste, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (5) te skrap.

Wysiging van artikel 44 van Wet 8 van 1959, soos vervang deur artikel 6 van Wet 88 van 1977 en gewysig deur artikel 10 van Wet 104 van 1983 en artikel 16 van Wet 92 van 1990 10

2. Artikel 44 van die Hoofwet word hierby gewysig deur paragraaf (f) van subartikel (1) te skrap.

Vervanging van artikel 92 van Wet 8 van 1959

3. Artikel 92 van die Hoofwet word hierby deur die volgende artikel vervang: 15

“Vergunning aan aangehouenes om gevangenis tydelik te verlaat

92. (1) Die Kommissaris kan, by 'n lasbrief deur hom onderteken en op die voorwaardes en vir die tydperke wat hy mag bepaal en daarin vermeld, iemand wat in 'n gevangenis opgesluit is of aangehou word, vergun om so 'n gevangenis onder geleide of andersins tydelik te verlaat vir die doeleinde van— 20
(a) menslikheidsverlof;

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Correctional Services Act, 1959, so as to delete the provision that a woman member of the Department of Correctional Services who marries, is deemed to retire voluntarily from service; to delete an offence in relation to the publishing of false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner or concerning the administration of any prison; and to provide for leave of temporary absence from prison to persons detained in a prison if it is aimed at their successful reintegration with the community; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 June 1992.)*

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

Amendment of section 12 of Act 8 of 1959, as amended by section 4 of Act 75 of 1965, section 10 of Act 62 of 1966, section 2 of Act 9 of 1971, section 3 of Act 58 of 1978, section 5 of Act 104 of 1983 and section 4 of Act 92 of 1990

1. Section 12 of the Correctional Services Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the deletion of subsection (5).

Amendment of section 44 of Act 8 of 1959, as substituted by section 6 of Act 88 of 1977 and amended by section 10 of Act 104 of 1983 and section 16 of Act 92 of 1990

2. Section 44 of the principal Act is hereby amended by the deletion of paragraph (f) of subsection (1).

Substitution of section 92 of Act 8 of 1959

3. The following section is hereby substituted for section 92 of the principal Act:

“Leave of temporary absence from prison to persons detained

92. (1) The Commissioner may, by warrant under his hand and on such conditions and for such periods as he may determine and specify therein, permit a person confined or detained in any prison to leave such prison temporarily under escort or otherwise for the purpose of—

(a) compassionate leave;

- (b) inskakeling by ontwikkelings- of terapeutiese programme;
- (c) die uitbouing van familiebande;
- (d) voorbereiding vir ontslag; of
- (e) enige ander rede wat te doen het met die korrektiewe bemoeienis met so 'n persoon en wat gerig is op sy suksesvolle herinskakeling by die gemeenskap. 5
- (2) 'n Vergunning kragtens subartikel (1) kan te eniger tyd deur die Kommissaris ingetrek word.
- (3) By 'n intrekking van 'n vergunning in subartikel (2) beoog, moet die Kommissaris die betrokke persoon dienooreenkomstig in kennis stel en, indien hy hom buite 'n gevangenis bevind, op die voorgeskrewe wyse gelas om na 'n gevangenis terug te keer. 10
- (4) Iemand aan wie 'n vergunning kragtens subartikel (1) toegestaan is en wat—
- (a) versuim om hom ooreenkomstig die bepalings van die betrokke lasbrief by 'n gevangenis aan te meld; of 15
- (b) nadat hy ingevolge subartikel (3) gelas is om terug te keer, versuim om onverwyld na 'n gevangenis terug te keer, word by die toepassing van artikel 48 geag uit 'n gevangenis te ontvlug het.” 20

Kort titel

4. Hierdie Wet heet die Wysigingswet op Korrektiewe Dienste, 1992.

- 5 (b) integrating with developmental or therapeutic programmes;
(c) consolidation of family ties;
(d) preparation for release; or
10 (e) any other reason which has to do with the correctional intervention with such person and which is aimed at his successful reintegration with the community.
- (2) Any permission under subsection (1) may at any time be cancelled by the Commissioner.
- 10 (3) On any cancellation of any permission contemplated in subsection (2) the Commissioner shall notify the person accordingly and, if he is outside a prison, direct him in the prescribed manner to return to a prison.
- (4) Any person to whom any permission has been granted under subsection (1) and who—
- 15 (a) fails to report at a prison in accordance with the provisions of the warrant concerned; or
(b) after he has been directed to return in terms of subsection (3), fails to return to a prison forthwith,
20 shall for the purposes of section 48 be deemed to have escaped from prison.”.

Short title

4. This Act shall be called the Correctional Services Amendment Act, 1992.

