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GOVERNMENT GAZETTE

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PRESIDENT'S OFFICE

o. 1879.

20 November 1996

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

o. 79 of 1996: Correctional Services Second Amendment Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1879.

20 November 1996

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

No. 79 van 1996: Tweede Wysigingswet op Korrektiewe Dienste, 1996.

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.

ACT

To amend the Correctional Services Act, 1959, so as to regulate the transformation of the Department of Correctional Services into a non-military institution and, for that purpose, to delete certain definitions and to replace or insert certain others; to abolish the Correctional Services Reserve Force; to make further provision for the early retirement of correctional officials; to make further provision regarding canteens at prisons; and to delete the provisions in respect of infliction of corporal punishment and detention of judgment debtors; and to provide for matters in connection therewith.

*(English text signed by the President.)
(Assented to 6 November 1996.)*

BE IT ENACTED by 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, section 1 of Act 92 of 1990, section 1 of Act 122 of 1991, section 1 of Act 68 of 1993, section 1 of Act 116 of 1993 and section 1 of Act 135 of 1993

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1. Section 1 of the Correctional Services Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—

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(a) by the deletion of the definitions of “commissioned officer” and “reserve force”;

(b) by the substitution for the definition of “correctional official” of the following definition:

“‘correctional official’ means a [member of the Department] correctional official referred to in section 2(1), 7 or 9 or any person appointed under section [84C(a)] 84C(1);”;

(c) by the substitution for the definition of “Public Service” of the following definition:

“‘Public Service’ means the public service referred to in section 7 of the Public Service Act, [1984 (Act No. 111 of 1984)] 1994 (Proclamation No. 103 of 1994);”; and

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(d) by the insertion before the definition of “State patient” of the following definition:

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ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op Korrektiewe Dienste, 1959, ten einde die transformasie van die Departement van Korrektiewe Dienste tot 'n nie-militêre instelling te reël en, te dien einde, sekere omskrywings te skrap en sekere ander te vervang of in te voeg; die Korrektiewe Dienste Reserwemag af te skaf; verder voorsiening te maak vir die vroeër uitdienstreding van korrektiewe beampes; verder voor-siening te maak betreffende winkels by gevangenis; en die bepalings ten opsigte van toediening van lyfstraf en aanhouding van vonnisskuldenaars te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 6 November 1996.)*

DAAR WORD BEPAAL deur 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

5 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, artikel 1 van Wet 92 van 1990, artikel 1 van Wet 122 van 1991, artikel 1 van Wet 68 van 1993, artikel 1 van Wet 116 van 1993 en artikel 1 van Wet 135 van 1993

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

(a) deur die omskrywing van "korrektiewe beampte" deur die volgende omskrywing te vervang:

"korrektiewe beampte" 'n [lid van die Departement] korrektiewe beampte bedoel in artikel 2(1), 7 of 9 of 'n persoon kragtens artikel [84C(a)] 84C(1) aangestel;";

(b) deur die omskrywings van "offisier" en "reserwemag" te skrap;

(c) deur die volgende omskrywing voor die omskrywing van "staking" in te voeg:

"senior beampte" 'n korrektiewe beampte op of bo die posvlak van senior korrektiewe beampte;"; en

(d) deur die omskrywing van "Staatsdiens" deur die volgende omskrywing te vervang:

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“‘senior official’ means a correctional official on or above the post level of senior correctional officer;”.

Amendment of section 2 of Act 8 of 1959, as substituted by section 2 of Act 122 of 1991

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 5

“(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; 10

(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]
have been appointed in accordance with section 8 on the post levels as set out in the regulations.”. 15

Repeal of section 4 of Act 8 of 1959

3. Section 4 of the principal Act is hereby repealed.

Repeal of section 4A of Act 8 of 1959

4. Section 4A of the principal Act is hereby repealed.

Repeal of section 4B of Act 8 of 1959 20

5. Section 4B of the principal Act is hereby repealed.

Amendment of section 5 of Act 8 of 1959, as substituted by section 5 of Act 122 of 1991

6. Section 5 of the Principal Act is hereby amended by the substitution for subsection (3) of the following subsection: 25

“(3) (a) A correctional board shall consist of such number of members, who may be [members and non-members] correctional officials and persons who are not in the service 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] correctional official who serves on a correctional board, as chairman of that board.”.

Amendment of section 5B of Act 8 of 1959, as inserted by section 3 of Act 65 of 1982 and substituted by section 7 of Act 122 of 1991 and amended by section 3 of Act 135 of 1993 35

7. Section 5B of the Principal Act is hereby amended by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs:

“(d) a member of the South African Police Service of or above the rank of [brigadier] director;

(e) a [member of the Department of] correctional official on or above the [rank of brigadier] post level of director;”.

Amendment of section 5C of Act 8 of 1959, as inserted by section 4 of Act 68 of 1993 and amended by section 15 of Act 135 of 1993

8. Section 5C of the Principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 45

“A parole board shall consist of so many members, who may be [members or non-members] correctional officials and persons who are not in the service of the Department, as the Commissioner may determine and of whom—”.

“ ‘Staatsdiens’ die Staatsdiens bedoel in artikel 7 van die Staatsdienswet, [1984 (Wet No. 111 van 1984)] 1994 (Proklamasie No. 103 van 1994);”.

Wysiging van artikel 2 van Wet 8 van 1959, soos vervang deur artikel 2 van Wet 122 van 1991

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Daar is ’n departement bekend as die Departement van Korrektiewe Dienste, bestaande uit [lede wat as] korrektiewe beampes [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] ooreenkomsdig artikel 8 op die posvlakte soos in die regulasies uiteengesit, aangestel is.”.

Herroeping van artikel 4 van Wet 8 van 1959

3. Artikel 4 van die Hoofwet word hierby herroep.

Herroeping van artikel 4A van Wet 8 van 1959

4. Artikel 4A van die Hoofwet word hierby herroep.

20 Herroeping van artikel 4B van Wet 8 van 1959

5. Artikel 4B van die Hoofwet word hierby herroep.

Wysiging van artikel 5 van Wet 8 van 1959, soos vervang deur artikel 5 van Wet 122 van 1991

6. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- “(3) (a) ’n Korrektiewe raad bestaan uit die aantal lede, wat [lede en nie-lede] korrektiewe beampes en persone wat nie in die diens van die Departement is nie kan wees, en wat, in laasgenoemde geval, ’n bydrae tot dié raad se werksaamhede sal kan lewer, wat die Minister goedvind.
- 30 (b) Die Minister wys van tyd tot tyd ’n [lid van die Departement] korrektiewe beampete wat in ’n korrektiewe raad dien as voorstitter van daardie raad aan.”.

Wysiging van artikel 5B van Wet 8 van 1959, soos ingevoeg deur artikel 3 van Wet 65 van 1982 en vervang deur artikel 7 van Wet 122 van 1991 en gewysig deur artikel 3 van Wet 135 van 1993

35 7. Artikel 5B van die Hoofwet word hierby gewysig deur paragrawe (d) en (e) van subartikel (1) deur die volgende paragrawe te vervang:

- “(d) ’n lid van die Suid-Afrikaanse [Polisie] Polisiediens met of bo die rang van [brigadier] direkteur;
- 40 (e) ’n [lid van die Departement met] korrektiewe beampete op of bo die [rang van brigadier] posvlak van direkteur;”.

Wysiging van artikel 5C van Wet 8 van 1959, soos ingevoeg deur artikel 4 van Wet 68 van 1993 en gewysig deur artikel 15 van Wet 135 van 1993

8. Artikel 5C van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

- 45 “ ’n Paroolraad bestaan uit die getal lede, wat [lede en nie-lede] korrektiewe beampes en persone wat nie in die diens van die Departement is nie, kan wees, wat die Kommissaris bepaal en van wie—”.

Amendment of section 7 of Act 8 of 1959, as substituted by section 5 of Act 68 of 1993

9. Section 7 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

(1) Apart from [commissioned officers appointed under section 4(1) and members of the Department appointed under section 8] correctional officials who hold posts as chaplains, psychologists, social workers or educationists on the fixed establishment of the Department, the Commissioner may from time to time appoint, as temporary [correctional officials] or voluntary [workers] correctional officials, one or more ministers of religion, psychologists, social workers, educationists or other suitable persons, to render such services and to perform such functions, in respect of any prisoner or group of prisoners or on behalf of a probationer, as the Commissioner may determine.”.

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Substitution of section 8 of Act 8 of 1959, as amended by section 2 of Act 58 of 1978

10. The following section is hereby substituted for section 8 of the principal Act: 15

“Appointment and dismissal of correctional officials

8. (1) Every [member of the Department other than a commissioned officer,] correctional official shall be appointed by the Commissioner under an agreement in writing incorporating the period and the conditions of his service.

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(2) The Commissioner may, subject to the provisions of this Act, suspend, reprimand, discharge or retire any [such member] correctional official or reduce him in [rank] post level or in seniority in [rank] post level.

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(3) Any [member of the Department] correctional official who in or in connection with his application for employment in the Department wilfully made any false statement, shall be liable to dismissal without notice.”.

Substitution of section 9 of Act 8 of 1959, as amended by section 2 of Act 4 of 1972 and sections 8 and 32 of Act 122 of 1991

11. The following section is hereby substituted for section 9 of the principal Act: 30

“Temporary correctional officials

9. (1) Whenever it is necessary for the safe custody or transport of any prisoner or for any other purpose, the Commissioner or, subject to the approval of the Commissioner, any [member of the Department] correctional official in charge of any prison, may appoint so many fit and proper persons as may be deemed expedient to act as temporary [warders] correctional officials upon such conditions as may be prescribed by regulation.

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(2) Any [commissioned officer] senior official who has been retired on pension and who thereafter is appointed as a temporary [warder] correctional official in terms of subsection (1), may be vested with the powers, functions and responsibilities of a [commissioned officer] senior official, and if he is so vested, he shall, subject to the conditions referred to in subsection (1), be deemed to be a [commissioned officer] senior official.

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

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Wysiging van artikel 7 van Wet 8 van 1959, soos vervang deur artikel 5 van Wet 68 van 1993

9. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 5 “(1) Afgesien van [offisiere aangestel kragtens artikel 4(1) en lede van die Departement aangestel kragtens artikel 8] korrektiewe beampes wat die poste van kapelane, sielkundiges, maatskaplike werkers of opvoedkundiges op die vaste diensstaat van die Departement beklee, kan die Kommissaris van tyd tot tyd een of meer predikante, sielkundiges, maatskaplike werkers, opvoedkundiges of ander geskikte persone aanstel as tydelike [korrektiewe beampes] of as vrywillige [werkers] korrektiewe beampes om ten opsigte van enige gevangene of groep gevangenes of ten behoeve van 'n toesiggeval die dienste te lewer en die werkzaamhede te verrig wat die Kommissaris bepaal.”.

Vervanging van artikel 8 van Wet 8 van 1959, soos gewysig deur artikel 2 van Wet 15 58 van 1978

10. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

“Aanstelling en ontslag van korrektiewe beampes

20 8. (1) Elke [lid van die Departement behalwe 'n offisier,] korrektiewe beampte word deur die Kommissaris aangestel [onder] kragtens 'n skriftelike ooreenkoms waarin die tydperk en voorwaardes van sy diens vermeld word.

25 (2) Die Kommissaris kan, met inagneming van die bepalings van hierdie Wet, [so 'n lid] 'n korrektiewe beampte skors, berispe, ontslaan of afdank of hom in [rang] posvlak of in [rangsansiënniteit] senioriteit in posvlak verlaag.

30 (3) 'n [Lid van die Departement] Korrektiewe beampte wat in of in verband met sy aansoek om aanstelling in die Departement opsetlik 'n valse verklaring gemaak het, kan sonder kennisgewing ontslaan word.”.

Vervanging van artikel 9 van Wet 8 van 1959, soos gewysig deur artikel 2 van Wet 30 4 van 1972 en artikels 8 en 32 van Wet 122 van 1991

11. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

“Tydelike korrektiewe beampes

35 9. (1) Wanneer dit nodig is vir die veilige bewaring of vervoer van 'n gevangene of vir enige ander doel, kan die Kommissaris of, onderworpe aan die goedkeuring van die Kommissaris, 'n [lid van die Departement] korrektiewe beampte aan die hoof van 'n gevangenis, soveel geskikte persone aanstel as wat raadsaam geag word, op [sodanige] dié voorwaardes [as] wat by regulasie voorgeskryf word, om as tydelike [bewaarders] korrektiewe beampes op te tree.

40 (2) 'n [Offisier] Senior beampte wat met pensioen afgedank is en wat daarna ingevolge subartikel (1) as 'n tydelike [bewaarder] korrektiewe beampte aangestel word, kan met die bevoegdhede, werkzaamhede en verantwoordelikhede van 'n [offisier] senior beampte beklee word en indien hy aldus beklee word, word hy, behoudens die in subartikel (1) bedoelde voorwaardes, geag 'n [offisier] senior beampte te wees.

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

Substitution of section 9A of Act 8 of 1959, as inserted by section 3 of Act 75 of 1965 and substituted by section 3 of Act 4 of 1972 and amended by sections 9 and 32 of Act 122 of 1991

12. The following section is hereby substituted for section 9A of the principal Act:

“Remuneration or reimbursement for expenses of correctional officials 5

9A. (1) All [members of the Department, temporary] correctional officials, temporary and voluntary [workers] correctional officials referred to in section 84C and temporary [warders] correctional officials, other than [temporary warders] those 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, [1984 (Act No. 111 of 1984)] 1994 (Proclamation No. 103 of 10
1994).

(2) Temporary [warders] correctional officials who receive no remuneration for their services, shall not by reason of the fact that they receive 15 no such remuneration be regarded as not being in the service of the State.”.

Repeal of section 9B of Act 8 of 1959

13. Section 9B of the principal Act is hereby repealed.

Repeal of section 9C of Act 8 of 1959

14. Section 9C of the principal Act is hereby repealed. 20

Repeal of section 9D of Act 8 of 1959

15. Section 9D of the principal Act is hereby repealed.

Repeal of section 9E of Act 8 of 1959

16. Section 9E of the principal Act is hereby repealed.

Repeal of section 9F of Act 8 of 1959

17. Section 9F of the principal Act is hereby repealed. 25

Amendment of section 9G of Act 8 of 1959, as inserted by section 6 of Act 68 of 1993 and amended by section 6 of Act 135 of 1993

18. Section 9G of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the proviso and that paragraph of the following words and paragraph: 30

“Subject to the provisions of this Act, the Commissioner shall decide on the appointment of persons and the promotion and transfer of [members of the Department] correctional officials having regard to the personnel requirements of the Department prescribed under this Act: Provided that—

(a) the promotion of a [commissioned officer of] senior official on or above the [rank] post level of [brigadier] director shall be subject to the approval of the Minister;”. 35

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, section 4 of Act 92 of 1990, section 1 of Act 80 of 1992 and section 7 of Act 135 of 1993 40

19. Section 12 of the principal Act is hereby amended by the substitution for subsection (3)*qua*t of the following subsection:

Vervanging van artikel 9A van Wet 8 van 1959, soos ingevoeg deur artikel 3 van Wet 75 van 1965 en vervang deur artikel 3 van Wet 4 van 1972 en gewysig deur artikels 9 en 32 van Wet 122 van 1991

12. Artikel 9A van die Hoofwet word hierby deur die volgende artikel vervang:

5 **“Besoldiging of vergoeding vir uitgawes van korrektiewe beampes**

10 **9A.** (1) Aan alle [lede van die Departement, tydelike] korrektiewe beampes, tydelike en vrywillige [werkers] korrektiewe beampes bedoel in artikel 84C en tydelike [bewaarders] korrektiewe beampes, behalwe [tydelike bewaarders] dié wat by ooreenkoms geen besoldiging vir hul dienste ontvang nie, word salarisje of lone en toelaes of vergoeding vir uitgawes betaal ooreenkombig die bepalings van die Staatsdienswet, [1984 (Wet No. 111 van 1984)] 1994 (Proklamasie No. 103 van 1994).

15 (2) Tydelike [bewaarders] korrektiewe beampes wat geen besoldiging vir hul dienste ontvang nie, word nie omrede van die feit dat hulle geen sodanige besoldiging ontvang, geag nie in die diens van die Staat te wees nie.”.

Herroeping van artikel 9B van Wet 8 van 1959

13. Artikel 9B van die Hoofwet word hierby herroep.

Herroeping van artikel 9C van Wet 8 van 1959

20 **14.** Artikel 9C van die Hoofwet word hierby herroep.

Herroeping van artikel 9D van Wet 8 van 1959

15. Artikel 9D van die Hoofwet word hierby herroep.

Herroeping van Artikel 9E van Wet 8 van 1959

16. Artikel 9E van die Hoofwet word hierby herroep.

25 **17.** Artikel 9F van die Hoofwet word hierby herroep.

Wysiging van artikel 9G van Wet 8 van 1959, soos ingevoeg deur artikel 6 van Wet 68 van 1993 en gewysig deur artikel 6 van Wet 135 van 1993

30 **18.** Artikel 9G van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) van die voorbehoudsbepaling voorafgaan en daardie paragraaf deur die volgende woorde en paragraaf te vervang:

35 “Behoudens die bepalings van hierdie Wet, besluit die Kommissaris oor die aanstelling van persone en die bevordering en oorplasing van [lede van die Departement] korrektiewe beampes met inagneming van die kragtens hierdie Wet voorgeskrewe personeelvereistes van die Departement: Met dien verstande dat—

(a) die bevordering van 'n [offisier met] senior beampte op of bo die [rang] posvlak van [brigadier] direkteur met die goedkeuring van die Minister geskied;”.

40 **40 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, artikel 4 van Wet 92 van 1990, artikel 1 van Wet 80 van 1992 en artikel 7 van Wet 135 van 1993**

45 **19.** Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (3) *quat* deur die volgende subartikel te vervang:

“(3) Notwithstanding anything to the contrary in this section contained, a [member of the Department who has attained the age of fifty years] correctional official may, with his written consent, be retired on pension[: Provided that any member of the Department who has been retired in terms of this subsection, and feels aggrieved at this retirement, shall have the right of appeal to the Minister] if in the opinion of the Commissioner sufficient reason exists for the retirement and it will be to the advantage of the State.”.

Substitution of section 13 of Act 8 of 1959, as amended by section 6 of Act 104 of 1983 and section 11 of Act 122 of 1991

20. The following section is hereby substituted for section 13 of the principal Act: 10

“Discharge or reduction in post level of certain correctional officials

13. (1) (a) A [member of the Department] correctional official who is not a [commissioned officer] senior official, may be discharged from the service of the Department or be reduced in [rank] post level or in seniority in [rank] post level if, after enquiry in the manner prescribed by regulation, the Commissioner is of opinion that he is unfit to remain in the service of the Department or to retain his [rank] post level or seniority in [rank] post level, as the case may be.

(b) Notwithstanding the provisions of paragraph (a) the Commissioner may discharge such a [member] correctional official from the service of the Department without such an enquiry if—

- (i) that [member] official is serving a sentence of imprisonment;
- (ii) that [member] official is convicted of any offence referred to in section 12, 14, 43, 44, 45, 46 or 47;
- (iii) within a period of 24 months after the appointment of that [member] official it appears to the Commissioner that he is unfit to remain in the service of the Department.

(2) Any such [member of the Department] correctional official may, in the manner and within the period prescribed by regulation, appeal to the Minister against any order discharging him or reducing him in [rank] post level or in seniority in [rank] post level, and in such event the Minister may confirm, set aside or alter such order or make such other order as to him seems just.”.

Substitution of section 13A of Act 8 of 1959, as inserted by section 5 of Act 92 of 1990 and amended by section 15 of Act 135 of 1990 35

21. The following section is hereby substituted for section 13A of the principal Act:

“Discharge of certain senior officials

13A. Notwithstanding the provisions of this Act the Commissioner may, and shall if ordered thereto by the [State] President, discharge a [commissioned officer] senior official from the service of the Department summarily if—

- (a) that [commissioned officer] official is serving a sentence of imprisonment; or
- (b) that [commissioned officer] official is convicted of any offence referred to in section 12, 14, 43, 44, 45, 46 or 47.”.

Substitution of heading to Chapter III of Act 8 of 1959

22. The following heading is hereby substituted for the heading to Chapter III of the principal Act:

“DUTIES OF [MEMBERS OF THE DEPARTMENT] CORRECTIONAL OFFICIALS IN RELATION TO THE RECEPTION OF PRISONERS AND THE CARRYING OUT OF SENTENCES IN PRISONS”.

5 “(3) *quat* ’n [Lid van die Departement wat die leeftyd van vyftig jaar bereik het] Korrektiewe beamppte kan, ondanks andersluidende bepalings van hierdie artikel, met sy skriftelike toestemming met pensioen afgedank word [: Met dien verstande dat enige lid van die Departement wat ingevolge hierdie subartikel afgedank word, en gegrief is oor sy afdanking, ’n reg van appèl na die Minister het] indien daar na die oordeel van die Kommissaris voldoende rede bestaan vir die uitdienstreding en dit tot voordeel van die Staat sal wees.”.

Vervanging van artikel 13 van Wet 8 van 1959, soos gewysig deur artikel 6 van Wet 104 van 1983 en artikel 11 van Wet 122 van 1991

10 20. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ontslag of verlagting in posvlak van sekere korrektiewe beamptes

15 13. (1) (a) ’n [Lid van die Departement] Korrektiewe beampte wat nie ’n [offisier] senior beamppte is nie, kan uit die diens van die Departement ontslaan word of in [rang] posvlak of in [rangsansiënniteit] senioriteit in posvlak verlaag word indien na ondersoek volgens voorskrif van die regulasies die Kommissaris van oordeel is dat hy ongeskik is om in die diens van die Departement te bly of, na gelang van die geval, om sy [rang of rangsansiënniteit] posvlak of senioriteit in posvlak te behou.

20 (b) Ondanks die bepalings van paragraaf (a) kan die Kommissaris so ’n [lid] korrektiewe beampte uit die diens van die Departement sonder so ’n ondersoek ontslaan indien—

- (i) daardie [lid] beampte ’n vonnis van gevangenisstraf uitdien;
- (ii) daardie [lid] beampte skuldig bevind word aan enige misdryf vermeld in artikel 12, 14, 43, 44, 45, 46 of 47;

25 (iii) dit binne ’n tydperk van 24 maande na daardie [lid] beampte se aanstelling aan die Kommissaris blyk dat hy ongeskik is om in die diens van die Departement te bly.

30 (2) So ’n [lid van die Departement] korrektiewe beampte kan op en binne die by regulasie voorgeskrewe wyse en tydperk teen ’n bevel waarby hy ontslaan of in [rang of in rangsansiënniteit] posvlak of senioriteit in posvlak verlaag word, na die Minister appelleer, en in so ’n geval kan die Minister die bevel bekragtig, tersyde stel of verander of [so ’n] dié ander bevel uitvaardig [as] wat hy billik ag.”.

Vervanging van artikel 13A van Wet 8 van 1959, soos ingevoeg deur artikel 5 van Wet 92 van 1990 en gewysig deur artikel 15 van Wet 135 van 1990

35 21. Artikel 13A van die Hoofwet word hierby deur die volgende artikel vervang:

“Ontslag van sekere senior beamptes

40 13A. Ondanks die bepalings van hierdie Wet kan die Kommissaris, en moet hy indien deur die [Staatspresident] President daartoe gelas, ’n [offisier] senior beamppte summier uit die diens van die Departement ontslaan indien—

- (a) dié [offisier] beampte ’n vonnis van gevangenisstraf uitdien; of
- (b) dié [offisier] beampte skuldig bevind word aan enige misdryf vermeld in artikel 12, 14, 43, 44, 45, 46 of 47.”.

45 Vervanging van opskrif by Hoofstuk III van Wet 8 van 1959

22. Die opskrif by Hoofstuk III van die Hoofwet word hierby deur die volgende opskrif vervang:

50 “PLIGTE VAN [LEDE VAN DIE DEPARTEMENT] KORREKTIEWE BEAMPTES MET BETREKKING TOT DIE OPNEMING VAN GEVANGENES EN DIE UITVOERING VAN VONNISSE IN GEVANGENISSE”.

Amendment of section 27 of Act 8 of 1959, as amended by section 4 of Act 88 of 1977, section 6 of Act 58 of 1978, section 8 of Act 104 of 1983, section 7 of Act 135 of 1991 and section 10 of Act 68 of 1993

23. Section 27 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) and paragraph (a) of the following words and paragraph:

“No [member of the Department] correctional official in charge of a prison referred to in subsection (1) shall receive any unconvicted person into his custody except—

(a) in the case of a person accused of an offence, upon production to him of the warrant of commitment of that person to prison or an order in writing signed by a member of the South African Police [Force] Service;”.

Repeal of section 36 of Act 8 of 1959

24. Section 36 of the principal Act is hereby repealed.

Repeal of section 37 of Act 8 of 1959

25. Section 37 of the principal Act is hereby repealed.

Substitution of section 42A of Act 8 of 1959, as inserted by section 13 of Act 122 of 1991

26. The following section is hereby substituted for section 42A of the principal Act:

“Penalty for interference with 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.”.

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, section 16 of Act 92 of 1990 and section 2 of Act 80 of 1992

27. Section 44 of the principal Act is hereby amended by the substitution in subsection (1) for subparagraph (ii) of paragraph (a) of the following subparagraph:

“(ii) is found loitering within one hundred metres of any prison or any other place where prisoners may be for the purpose of imprisonment or labour or within one hundred metres of any burial referred to in section 35(4)(b) and who fails to depart therefrom upon being ordered so to do by any [member of the Department] correctional official or a member of the South African Police [Force] Service;”.

Amendment of section 48 of Act 8 of 1959, as amended by section 1 of Act 54 of 1979 and section 2 of Act 173 of 1993

28. Section 48 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (d) and the words following paragraph (d) of the following paragraph and words:

“(d) in any manner collaborates with a [member of the Department] correctional official or any other person, whether under the supervision of such [member] correctional official or person or not, to leave the prison without lawful authority or under false pretences,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years [and, in addition, where the escape or attempt to

Wysiging van artikel 27 van Wet 8 van 1959, soos gewysig deur artikel 4 van Wet 88 van 1977, artikel 6 van Wet 58 van 1978, artikel 8 van Wet 104 van 1983, artikel 7 van Wet 135 van 1991 en artikel 10 van Wet 68 van 1993

23. Artikel 27 van die Hoofwet word hierby gewysig deur in subartikel (2) die 5 woorde wat paragraaf (a) voorafgaan en paragraaf (a) deur die volgende woorde en paragraaf te vervang:

“Geen [lid van die Departement] korrektiewe beamppte aan die hoof van ’n in subartikel (1) bedoelde gevangenis mag ’n onveroordeelde persoon in sy bewaring opneem nie, behalwe—

- 10 (a) in die geval van ’n persoon wat van ’n misdryf beskuldig word, by vertoning aan hom van die lasbrief vir gevangesetting van daardie persoon of ’n skriftelike bevel geteken deur ’n lid van die Suid-Afrikaanse [Polisiemag] Polisiediens;”.

Herroeping van artikel 36 van Wet 8 van 1959

- 15 24. Artikel 36 van die Hoofwet word hierby herroep.

Herroeping van artikel 37 van Wet 8 van 1959

25. Artikel 37 van die Hoofwet word hierby herroep.

Vervanging van artikel 42A van Wet 8 van 1959, soos ingevoeg deur artikel 13 van Wet 122 van 1991

- 20 26. Artikel 42A van die Hoofwet word hierby deur die volgende artikel vervang:

“Straf vir bemoeiing met korrektiewe beamptes

42A. Iemand wat ’n [lid van die Departement of] korrektiewe beamppte 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 gevangenisstraf vir ’n tydperk van hoogstens 12 maande, of met sodanige gevangenisstraf sonder die keuse van ’n boete of met sodanige boete sowel as sodanige gevangenisstraf.”.

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, artikel 16 van Wet 92 van 1990 en artikel 2 van Wet 80 van 1992

27. Artikel 44 van die Hoofwet word hierby gewysig deur in subartikel (1) subparagraaf (ii) van paragraaf (a) deur die volgende subparagraaf te vervang:

- 35 “(ii) binne honderd meter van ’n gevangenis of enige ander plek waar gevangenes is vir die doeleindes van gevangesetting of arbeid of binne honderd meter van ’n in artikel 35(4)(b) bedoelde begrafnis slenter en wat versuim om daarvandaan te vertrek wanneer hy deur ’n [lid van die Departement] korrektiewe beamppte of ’n lid van die Suid-Afrikaanse [Polisiemag] Polisiediens daartoe beveel word;”.

40 Wysiging van artikel 48 van Wet 8 van 1959, soos gewysig deur artikel 1 van Wet 54 van 1979 en artikel 2 van Wet 173 van 1993

28. Artikel 48 van die Hoofwet word hierby gewysig deur paragraaf (d) en die woorde wat op paragraaf (d) volg deur die volgende paragraaf en woorde te vervang:

- 45 “(d) op enige wyse meewerk met ’n [lid van die Departement] korrektiewe beamppte of enige ander persoon om die gevangenis, hetsy onder toesig van sodanige [lid] korrektiewe beamppte of persoon al dan nie, sonder wettige magtiging of onder valse voorwendsel te verlaat,
is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir ’n tydperk van hoogstens vyf jaar [**en daarbenewens, waar die ontvlugting of poging tot ontvlugting gepaard gegaan het met geweldpleging, kan sodanige**

escape was accompanied by any act of violence, such prisoner may be sentenced to undergo corporal punishment not exceeding seven strokes].”.

Amendment of section 49 of Act 8 of 1959, as amended by section 4 of Act 9 of 1971, section 10 of Act 58 of 1978 and section 15 of Act 135 of 1993

29. Section 49 of the principal Act is hereby amended—

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

“(2) Any person who gives such information or who apprehends, secures and hands over or causes to be handed over to any [member of the Department] correctional official or a member of the South African Police [Force] Service any such prisoner, and has incurred any expense in connection with the giving of such information or such apprehension, securing or handing over, may be paid his just and reasonable expenses and in addition such sum as a reward as the Commissioner may determine.”;

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

“(3) No payment of any sum as a reward shall be made under the authority of this section to any [member of the Department] correctional official or a member of the South African Police [Force] Service, unless, in the opinion of the Commissioner, such exceptional circumstances exist as to justify such payment being made.”.

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Substitution of heading to section 53 of Act 8 of 1959

30. The following heading is hereby substituted for the heading to section 53 of the principal Act:

“(ii) *Trial by [commissioned officers] senior officials*”.

Substitution of section 53 of Act 8 of 1959, as amended by section 17 of Act 75 of 1965, section 4 of Act 4 of 1972, section 11 of Act 58 of 1978, section 4 of Act 22 of 1980 and section 21 of Act 92 of 1990

31. The following section is hereby substituted for section 53 of the principal Act:

“Trial by senior officials of contraventions of Act by certain correctional officials

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53. (1) Subject to the provisions of subsections (3) and (8), a [commissioned officer] senior official shall have jurisdiction to try at a prison or at a place designated by the Commissioner for the purpose, any [member of the Department (except a commissioned officer)] correctional official or any temporary [warder] correctional official (except another senior official) for any alleged contravention of or failure to comply with any provision of this Act (except any alleged contravention or non-compliance which is expressly declared or be an offence under this Act), whether such contravention or non-compliance is alleged to have taken place within or outside a prison.

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(2) Subject to the provisions of subsection (8) a [commissioned officer] senior official shall, upon conviction of such [member] correctional official or temporary [warder] correctional official in respect of any such contravention or non-compliance, have jurisdiction—

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- (a) to reprimand him;
- (b) to deprive him in respect of any month of not more than two of his off-days; or
- (c) to impose a fine not exceeding R200, which fine may be recovered by deduction from his accrued or future [pay] salary in such instalments as may be determined by the Commissioner: Provided that that [commissioned officer] senior official may suspend the payment of any fine so imposed, or any part of that fine, for a period not exceeding

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gevangene gevonnis word om lyfstraf van hoogstens sewe houe te ondergaan].”.

Wysiging van artikel 49 van Wet 8 van 1959, soos gewysig deur artikel 4 van Wet 9 van 1971, artikel 10 van Wet 58 van 1978 en artikel 15 van Wet 135 van 1993

5 **29.** Artikel 49 van die Hoofwet word hierby gewysig—

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

“(2) Aan iemand wat sodanige inligting verstrek of wat so 'n gevangene gevange neem, aanhou en oorhandig of laat oorhandig aan 'n [lid van die Departement] korrektiewe beampete of 'n lid van die Suid-Afrikaanse [Polisiemag] Polisiediens en wat enige uitgawes aangegaan het in verband met die verstrekking van sodanige inligting of bedoelde gevangeneming, aanhouding of oorhandiging, kan sy billike en redelike uitgawes vergoed word en daarbenewens so 'n bedrag as 'n beloning betaal word as wat die Kommissaris bepaal.”; en

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

“(3) Geen betaling van enige bedrag as 'n beloning mag uit hoofde van hierdie artikel aan 'n [lid van die Departement] korrektiewe beampete of 'n lid van die Suid-Afrikaanse [Polisiemag] Polisiediens gedoen word nie tensy daar, volgens die oordeel van die Kommissaris, [sodanige] buitengewone omstandighede bestaan [as] wat die doen van so 'n betaling regverdig.”.

Vervanging van opskrif by artikel 53 van Wet 8 van 1959

30. Die opskrif by artikel 53 van die Hoofwet word hierby deur die volgende opskrif vervang:

25 “(ii) Verhoor deur [offisiere] senior beamptes”.

Vervanging van artikel 53 van Wet 8 van 1959, soos gewysig deur artikel 17 van Wet 75 van 1965, artikel 4 van Wet 4 van 1972, artikel 11 van Wet 58 van 1978, artikel 4 van Wet 22 van 1980 en artikel 21 van Wet 92 van 1990

31. Artikel 53 van die Hoofwet word hierby deur die volgende artikel vervang:

30 **“Verhoor deur senior beamptes van oortredings van Wet deur sekere korrektiewe beampetes**

35 **53.** (1) Behoudens die bepalings van subartikels (3) en (8), het 'n [offisier] senior beampete dieregsbevoegdheid om by 'n gevangenis of by 'n plek wat deur die Kommissaris vir dié doel aangewys word, 'n [lid van die Departement (behalwe 'n offisier)] korrektiewe beampete of 'n tydelike [bewaarder] korrektiewe beampete (behalwe 'n ander senior beampete) te verhoor weens 'n beweerde oortreding van of versuim om te voldoen aan die een of ander bepaling van hierdie Wet (behalwe 'n beweerde oortreding of versuim wat ingevolge hierdie Wet uitdruklik tot 'n misdryf verklaar is), hetsy bedoelde oortreding of versuim na bewering binne of buite 'n gevangenis plaasgevind het.

40 (2) Behoudens die bepalings van [subartikels (3) en] subartikel (8) het 'n [offisier] senior beampete by skuldigbevinding van so 'n [lid] korrektiewe beampete of tydelike [bewaarder] korrektiewe beampete ten opsigte van so 'n oortreding of versuim, dieregsbevoegdheid om hom—

45 (a) te berispe;

(b) ten opsigte van enige maand hoogstens twee van sy vrye dae te ontneem; of

50 (c) 'n boete van hoogstens R200 op te lê, welke boete verhaal kan word deur aftrekking van sy opgeloopste of toekomstige [soldy] salaris in [sodanige] die paaiente [as] wat deur die Kommissaris bepaal word: Met dien verstande dat daardie [offisier] senior beampete die betaling van enige boete wat aldus opgelê is, of enige gedeelte van daardie boete, vir 'n tydperk van hoogstens drie jaar op enige

three years on any condition relating to good conduct or any other matter.

(3) Any such [member of the Department] correctional official or temporary [warder] correctional official who is alleged to have contravened or failed to comply with any provision of this Act, may be tried by the [commissioned officer] senior official under whose [command] control that [member] official or temporary [warder] official is, or by any [commissioned officer] senior official deputed generally or specially thereto by the Commissioner. 5

(4) The trial referred to in subsection (1) shall be conducted in accordance with the provisions of section 58 and the [commissioned officer] senior official presiding over any such trial may summon witnesses to give evidence thereat and may administer an oath to or accept an affirmation from any such witness. 10

(5) Any such [member] correctional official or temporary [warder] correctional official who has been convicted by a [commissioned officer] senior official may in the manner and within the period prescribed by regulation, appeal to the Commissioner against the conviction and sentence, and thereupon the Commissioner may confirm or quash the conviction and sentence or confirm or alter the conviction and set aside, 20 increase, reduce or otherwise alter the sentence as he deems necessary in the interests of justice. 15

(6) In the event of an appeal under subsection (5), the execution of the sentence imposed in respect of the conviction which is the subject of the appeal, shall be suspended pending the Commissioner's decision on the 25 appeal. 25

(7) Whenever any such [member] correctional official or temporary [warder] correctional official has been convicted and sentenced under this section, the Commissioner may, if he thinks fit, direct that the record of the proceedings in the case be submitted to him for review, and may thereupon 30 confirm or quash the conviction and sentence or confirm or alter the conviction and set aside, increase, reduce or otherwise alter the sentence as he deems necessary in the interests of justice. 30

(8) The Commissioner may, if he deems it necessary, restrict in respect of any [commissioned officer] senior official the jurisdiction conferred on a [commissioned officer] senior official by any provision of this Act. 35

(9) In this section, unless the context otherwise indicates—
 ‘any [member of the Department] correctional official’; and
 ‘any temporary [warder] correctional official’,
 includes any person who, at the date of any alleged contravention of or 40 failure to comply with any provision of this Act (except any alleged contravention or non-compliance which is expressly declared to be an offence under this Act), whether such contravention or non-compliance is alleged to have taken place within or outside a prison, was such [a member or such a warder] an official or temporary official, as the case may be, on 45 a post level below senior correctional officer.”. 45

Amendment of section 55 of Act 8 of 1959, as amended by section 49 of Act 70 of 1968, section 13 of Act 58 of 1978, section 4 of Act 65 of 1982, section 32 of Act 97 of 1986, section 22 of Act 92 of 1990 and section 10 of Act 135 of 1993

32. Section 55 of the principal Act is hereby amended—

(a) by the substitution in subsection (6) for subparagraph (iv) of paragraph (d) of the following subparagraph:

“(iv) direct that the senior official be discharged, retired or reduced in post level as from a date fixed by the Minister.”; and

(b) by the deletion in subsection (6) of subparagraph (v) of paragraph (d). 55

Repeal of section 81A of Act 8 of 1959

33. Section 81A of the principal Act is hereby repealed.

voorwaarde betreffende goeie gedrag of enige ander aangeleentheid kan opskort.

5 (3) So 'n **[lid van die Departement]** korrektiewe beampot of tydelike **[bewaarder]** korrektiewe beampot wat na bewering die een of ander bepaling van hierdie Wet oortree het of versuum het om aan so 'n bepaling te voldoen, kan verhoor word deur die **[offisier]** senior beampot onder wie se **[bevel]** beheer daardie **[lid]** beampot of tydelike **[bewaarder]** beampot is, of deur 'n **[offisier]** senior beampot wat in die algemeen of spesiaal daartoe gemagtig is deur die Kommissaris.

10 (4) Die in subartikel (1) bedoelde verhoor word volgens voorskrif van artikel 58 gevoer, en die **[offisier]** senior beampot wat by so 'n verhoor voorsit, kan getuies dagvaar om aldaar getuenis af te lê en kan van so 'n getuie 'n eed afneem of 'n bevestiging aanneem.

15 (5) So 'n **[lid]** korrektiewe beampot of tydelike **[bewaarder]** korrektiewe beampot wat deur 'n **[offisier]** senior beampot skuldig bevind is, kan, op die wyse en binne die tydperk by regulasie voorgeskryf, teen die skuldigbevinding en vonnis na die Kommissaris appelleer, en daarop kan die Kommissaris die skuldigbevinding en vonnis bekragtig of tersyde stel of die skuldigbevinding bekragtig of wysig en die vonnis tersyde stel, verhoog, versag of andersins wysig of soos hy in die belang van die geregtigheid nodig mag ag.

20 (6) In geval van 'n appèl ingevolge subartikel (5), word die uitvoering van die vonnis opgelê ten opsigte van die skuldigbevinding wat die onderwerp van die appèl uitmaak, opgeskort in awagting van die Kommissaris se beslissing oor die appèl.

25 (7) Wanneer so 'n **[lid]** korrektiewe beampot of tydelike **[bewaarder]** korrektiewe beampot kragtens hierdie artikel skuldig bevind en gevonniss is, kan die Kommissaris, as hy dit goedvind, gelas dat die notule van die verrigtinge in die saak aan hom vir hersiening voorgelê word, en daarop kan hy die skuldigbevinding en vonnis bekragtig of tersyde stel of die skuldigbevinding bekragtig of wysig en die vonnis tersyde stel, verhoog, versag of dit andersins wysig soos hy in belang van die geregtigheid nodig mag ag.

30 (8) Die Kommissaris kan, as hy dit nodig ag, ten opsigte van enige **[offisier]** senior beampot die by enige bepaling van hierdie Wet aan 'n **[offisier]** senior beampot verleende regsheid beperk.

35 (9) In hierdie artikel, tensy uit die samehang anders blyk, beteken—
 ' 'n **[lid van die Department]** korrektiewe beampot'; en
 ' 'n tydelike **[bewaarder]** korrektiewe beampot',
 40 ook 'n persoon wat op die datum van 'n beweerde oortreding van of versuum om te voldoen aan die een of ander bepaling van hierdie Wet (behalwe 'n beweerde oortreding of versuum wat ingevolge hierdie Wet uitdruklik tot 'n misdryf verklaar is), hetso bedoelde oortreding of versuum na bewering binne of buite 'n gevangenis plaasgevind het, so 'n **[lid of so bewaarder]** beampot of tydelike beampot, na gelang van die geval, op 'n posvlak onder senior korrektiewe beampot was.'".

45 **Wysiging van artikel 55 van Wet 8 van 1959, soos gewysig deur artikel 49 van Wet 70 van 1968, artikel 13 van Wet 58 van 1978, artikel 4 van Wet 65 van 1982, artikel 32 van Wet 97 van 1986, artikel 22 van Wet 92 van 1990 en artikel 10 van Wet 135 van 1993**

32. Artikel 55 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (6) subparagraph (iv) van paragraaf (d) deur die volgende subparagraph te vervang:

55 "(iv) gelas dat die senior beampot ontslaan, afgedank of in posvlak verlaag word vanaf 'n datum deur die Minister bepaal.;" en

(b) deur in subartikel (6) subparagraph (v) van paragraaf (d) te skrap.

Herroeping van artikel 81A van Wet 8 van 1959

33. Artikel 81A van die Hoofwet word hierby herroep.

Substitution of section 84C of Act 8 of 1959, as inserted by section 28 of Act 122 of 1991

34. The following section is hereby substituted for section 84C of the principal Act:

“Personnel

84C. (1) The Commissioner may appoint as many suitable persons who are not [members] in the service of the Department as he may deem necessary, on the conditions prescribed by regulation— 5

(a) to act as temporary correctional officials [in respect of probationers]; or

(b) to act as voluntary [workers] correctional officials, 10 in respect of probationers.

(2) Every person shall, while acting as a temporary correctional official or voluntary [worker] correctional official referred to in subsection (1), be vested and charged with the same powers, functions and responsibilities, perform the same duties and be subject to the same discipline and authority 15 as any [member of the Department] correctional official appointed in accordance with section 8(1).”.

Substitution of section 88 of Act 8 of 1959, as amended by section 5 of Act 4 of 1972

35. The following section is hereby substituted for section 88 of the principal Act:

“Establishment, conduct and exemption from certain moneys, of 20 canteens at prisons

88. (1) Canteens for the exclusive use or benefit of correctional officials, their families and other persons or categories of persons prescribed by regulation, may be established and conducted on such conditions and in such manner as may be prescribed by regulation. 25

(2) No licence moneys, tax, duty or fee (other than customs or excise duties or value-added tax leviable by law) shall be payable by any person in terms of any law in respect of any canteen established under subsection (1).

(3) The production of an official document bearing the signature of the Minister or of a person authorized by him to sign any such document and indicating that he has certified the canteen shall be conclusive proof that it is a canteen as contemplated in subsection (1). 30

(4) For the purpose of this section—

(a) ‘canteen’ includes any mess for correctional officials or any institution of the Department or any premises temporarily or permanently used for providing recreation, refreshment or necessaries for the exclusive use or benefit of correctional officials, their families and other persons or categories of persons prescribed by regulation; 35

(b) any canteen which before the date of commencement of this section was certified by the Minister or any person authorized by him as contemplated in subsection (3), shall be deemed to be a canteen established on the conditions and in the manner referred to in subsection (1).”. 40

Amendment of section 93 of Act 8 of 1959, as amended by section 23 of Act 75 of 1965, section 51 of Act 70 of 1968, section 4 of Act 6 of 1985, section 30 of Act 122 of 1991 and section 25 of Act 68 of 1993 45

36. Section 93 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Commissioner may delegate any of the powers delegated to [him] the Commissioner under subsection (1) to any other [commissioned officer of] senior 50 official on or above the [rank] post level of [colonel] deputy director designated by [him] the Commissioner.”.

Vervanging van artikel 84C van Wet 8 van 1959, soos ingevoeg deur artikel 28 van Wet 122 van 1991

34. Artikel 84C van die Hoofwet word hierby deur die volgende artikel vervang:

“Personeel

- 5 **84C.** (1) Die Kommissaris kan soveel gesikte persone wat nie [lede] in die diens van die Departement is nie, aanstel as wat hy nodig ag, op die voorwaardes by regulasie voorgeskryf—
 (a) om as tydelike korrektiewe beampes [**ten opsigte van toesiggevalle op te tree**]; of
 10 (b) om as vrywillige [**werkers**] korrektiewe beampes,
 ten opsigte van toesiggevalle op te tree.
 (2) Elke persoon is, terwyl hy as tydelike korrektiewe beampete of vrywillige [werker] korrektiewe beampete bedoel in subartikel (1) optree, met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede bekleed en belas, moet dieselfde pligte verrig en is aan dieselfde gesag onderworpe as 'n [**lid van die Departement**] korrektiewe beampete wat ooreenkomsdig artikel 8(1) aangestel is.".

Vervanging van artikel 88 van Wet 8 van 1959, soos gewysig deur artikel 5 van Wet 4 van 1972

20 35. Artikel 88 van die Hoofwet word hierby deur die volgende artikel vervang:

“Stigting, bestuur en vrystelling van sekere gelde, van winkels by gevangerisse

- 25 **88.** (1) Winkels vir die uitsluitlike gebruik of voordeel van korrektiewe beampes, hulle gesinne en ander by regulasie voorgeskrewe persone of kategorieë persone, kan op die by regulasie voorgeskrewe voorwaardes en wyse gestig en bestuur word.
 (2) Geen licensiegelde, belasting, reg of geld (behalwe doeane- of aksynsregte of belasting op toegevoegde waarde wat volgens wet hefbaar is) is ingevolge enige wet deur enigiemand betaalbaar nie ten opsigte van 'n winkel wat kragtens subartikel (1) gestig is.
 (3) Die voorlegging van 'n ampelike dokument onder die handtekening van die Minister of iemand wat deur hom gemagtig is om so 'n dokument te onderteken, waarin aangedui word dat hy die winkel gesertifiseer het, is afdoende bewys dat dit 'n winkel is soos beoog in subartikel (1).
 (4) By die toepassing van hierdie artikel—
 (a) beteken 'winkel' ook 'n menasie vir korrektiewe beampes of 'n instelling van die Departement of 'n perseel wat tydelik of permanent gebruik word om ontspanning, verversings of benodigdhede te verskaf vir die uitsluitlike gebruik of voordeel van korrektiewe beampes, hulle gesinne en ander by regulasie voorgeskrewe persone of kategorieë persone;
 (b) word 'n winkel wat voor die datum van inwerkingtreding van hierdie artikel deur die Minister of iemand wat deur hom gemagtig is, gesertifiseer is soos beoog in subartikel (3), geag 'n winkel te wees wat op die voorwaardes en wyse bedoel in subartikel (1) gestig is."

Wysiging van artikel 93 van Wet 8 van 1959, soos gewysig deur artikel 23 van Wet 75 van 1965, artikel 51 van Wet 70 van 1968, artikel 4 van Wet 6 van 1985, artikel 30 van Wet 122 van 1991 en artikel 25 van Wet 68 van 1993

36. Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- “(3) Die Kommissaris kan enige van die bevoegdhede kragtens subartikel (1) aan [**hom**] die Kommissaris gedelegeer, aan 'n ander [**offisier met**] senior beampete op of bo die [**rang**] posvlak van [**kolonel**] adjunkdirekteur, wat [**hy**] die Kommissaris aanwys, deleger.”.

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, section 28 of Act 92 of 1990, section 31 of Act 122 of 1991, section 26 of Act 68 of 1993 and section 15 of Act 135 of 1993

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37. Section 94 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for subparagraph (i) of paragraph (b) of the following subparagraph:
 - “(i) the mode of appointment, the conditions of service, the promotion, [the retention of rank on retirement,] the supply of uniforms, the prohibition of the disposal of any article of kit or equipment, the conduct, the medical examination and the medical, dental and hospital treatment of [members of the Department] correctional officials, including temporary [warders] correctional officials and the rates of remuneration or allowances, if any, payable to ministers of religion appointed under section 7;”;
- (b) by the deletion in subsection (1) of subparagraph (iii) of paragraph (b);
- (c) by the substitution in subsection (1) for paragraph (dA) of the following paragraph:
 - “(dA) the appointment, conditions of service powers, functions and duties of temporary correctional officials and voluntary [workers] correctional officials referred to in section 84C;”;
- (d) by the substitution in subsection (1) for paragraph (i) of the following paragraph:
 - “(i) the searching of prisoners and of [non-commissioned members of the Department and of temporary warders] correctional officials who are not senior officials and of temporary correctional officials and of all quarters and other places within any prison occupied or frequented by such [members and temporary warders] officials and temporary officials and the seizure and examination of any letter or communication addressed to or received by any such [member or temporary warden] official or temporary official;” and
- (e) by the substitution in subsection (1) for paragraph (p) of the following paragraph:
 - “(p) the manner in which sentences of imprisonment [corporal punishment] or any other sentences and any disciplinary measures imposed under section 54 are to be carried out;”

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Substitution of certain expressions in Act 8 of 1959

38. The principal Act is hereby amended—

- (a) by the substitution wherever it appears for the expression “commissioned officer” of the expression “senior official”;
- (b) by the substitution wherever it appears for the expression “commissioned officers” of the expression “senior officials”;
- (c) by the substitution wherever it appears for the expression “member of the Department” of the expression “correctional official”;
- (d) by the substitution wherever it appears for the expression “members of the Department” or “members of Department” of the expression “correctional officials”;
- (e) by the substitution wherever it appears for the expression “temporary warden” of the expression “temporary correctional official”;
- (f) by the substitution wherever it appears for the expression “temporary warders” of the expression “temporary correctional officials”;
- (g) by the substitution wherever it appears for the expression “rank” of the expression “post level”;
- (h) by the substitution wherever it appears for the expression “seniority in rank” of the expression “seniority in post level”;
- (i) by the substitution wherever it appears in sections 9G(d), 12(8)(b), 13B, 16, 17(1) and (2), 19(1), 26(2), 31, 47(c)(v), 50(2), 82(aa), 87(3) and 89 for the expression “member” of the expression “correctional official”;

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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, artikel 28 van Wet 92 van 1990, artikel 31 van Wet 122 van 1991, artikel 26 van Wet 68 van 1993 en artikel 15 van Wet 135 van 1993

37. Artikel 94 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) subparagraaf (i) van paragraaf (b) deur die volgende subparagraaf te vervang:
 - 10 “(i) die wyse van aanstelling, die diensvoorraad, die bevordering, [die behoud van rang na aftrede] die verskaffing van uniforms, die verbod op die beskikkings oor enige uniform- of uitrustingstuk, die gedrag, die geneeskundige ondersoek en die geneeskundige, tandheelkundige en hospitaalbehandeling van [lede van die Departement] korrektiewe beampes, met inbegrip van tydelike [bewaarders] korrektiewe beampes, en die skale van besoldiging of toelaes, indien enige, betaalbaar aan predikante aangestel ingevolge artikel 7;”;
 - 15 (b) deur in subartikel (1) subparagraaf (iii) van paragraaf (b) te skrap;
 - 20 (c) deur in subartikel (1) paragraaf (dA) deur die volgende paragraaf te vervang:
 - “(dA) die aanstelling, diensvoorraad, bevoegdhede, werksaamhede en pligte van tydelike korrektiewe beampes en vrywillige [werkers] korrektiewe beampes bedoel in artikel 84C;”;
 - 25 (d) deur in subartikel (1) paragraaf (i) deur die volgende paragraaf te vervang:
 - “(i) die visentering van gevangenes en van [lede van die Departement wat nie offisiere is nie en van tydelike bewaarders] korrektiewe beampes wat nie senior beampes is nie en van tydelike korrektiewe beampes en van alle wonings en ander plekke binne 'n gevangenis wat deur sodanige [lede en tydelike bewaarders] beampes en tydelike beampes bewoon of dikwels besoek word en die in beslag neem en ondersoek van enige brief of skrywe geadresseer aan of ontvang deur so 'n [lid of tydelike bewaarder] beampie of tydelike beampie;”;
 - 30 (e) deur in subartikel (1) paragraaf (p) deur die volgende paragraaf te vervang:
 - “(p) die wyse waarop vonnis van gevangenistraf [lyfstraf] of enige ander vonnis en enige tugmaatreëls opgelê kragtens artikel 54, uitgevoer moet word;”.

Vervanging van sekere uitdrukking in Wet 8 van 1959

38. Die Hoofwet word hierby gewysig—

- (a) deur die uitdrukking “offisier” oral waar dit voorkom deur die uitdrukking “senior beampie” te vervang;
- (b) deur die uitdrukking “offisiere” oral waar dit voorkom, deur die uitdrukking “senior beampes” te vervang;
- 45 (c) deur die uitdrukking “lid van die Departement” oral waar dit voorkom deur die uitdrukking “korrektiewe beampie” te vervang;
- (d) deur die uitdrukking “lede van die Departement” of “lede van Departement” oral waar dit voorkom deur die uitdrukking “korrektiewe beampes” te vervang;
- 50 (e) deur die uitdrukking “tydelike bewaarder” oral waar dit voorkom deur die uitdrukking “tydelike korrektiewe beampie” te vervang;
- (f) deur die uitdrukking “tydelike bewaarders” oral waar dit voorkom deur die uitdrukking “tydelike korrektiewe beampes” te vervang;
- (g) deur die uitdrukking “rang” oral waar dit voorkom deur die uitdrukking “posvlak” te vervang;
- 55 (h) deur die uitdrukking “rangsansiënniteit” oral waar dit voorkom deur die uitdrukking “senioriteit in posvlak” te vervang; en
- (i) deur die uitdrukking “lid” oral waar dit in artikels 9G(d), 12(8)(b), 13B, 16, 17(1) en (2), 19(1), 26(2), 31, 47(c)(v), 50(2), 82(aa), 87(3) en 89 voorkom deur die uitdrukking “korrektiewe beampie” te vervang.

- (j) by the substitution wherever it appears in sections 23(2) and 55(2)(b), (5), (6)(a) and (d) for the expression "officer" or "an officer" of the expression "senior official";
(k) by the substitution where it appears in section 94(1)(x) for the expression "officers" of the expression "senior officials".

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Repeal of section 23 of Act 58 of 1978

39. Section 23 of the Prisons Amendment Act, 1978, is hereby repealed.

Repeal of section 27 of Act 68 of 1993

40. Section 27 of the Correctional Services Amendment Act, 1993, is hereby repealed.

Short title and commencement

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41. This Act shall be called the Correctional Services Second Amendment Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Herroeping van artikel 23 van Wet 58 van 1978

39. Artikel 23 van die Wysigingswet op Gevangenis, 1978, word hierby herroep.

Herroeping van artikel 27 van Wet 68 van 1993

40. Artikel 27 van die Wysigingswet op Korrektiewe Dienste, 1993, word hierby
5 herroep.

Kort titel en inwerkingtreding

41. Hierdie Wet heet die Tweede Wysigingswet op Korrektiewe Dienste, 1996, en
tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant*
bepaal.

