



**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.

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*(English text signed by the President)*  
*(Assented to 26 May 2021)*  
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**ACT**

**To amend the Correctional Services Act, 1998, so as to amend a certain definition; to insert, delete and amend certain provisions related to parole of offenders; and to provide for matters connected therewith.**

**P**ARLIAMENT of the Republic of South Africa enacts, as follows:—

**Amendment of section 1 of Act 111 of 1998, as amended by section 1 of Act 32 of 2001, section 1 of Act 25 of 2008 and section 1 of Act 5 of 2011**

1. Section 1 of the Correctional Services Act, 1998 (Act No. 111 of 1998) (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “Minister” of the following definition: 5

“ ‘**Minister**’ means the [**Minister of Correctional Services**] Cabinet member responsible for correctional services;”.

**Amendment of section 73 of Act 111 of 1998, as amended by section 27 of Act 32 of 2001 and substituted by section 12 of Act 5 of 2011** 10

2. Section 73 of the principal Act is hereby amended—

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

“(a) Subject to the provisions of paragraph (b), a sentenced offender serving a determinate sentence or cumulative sentences of more than 24 months for an offence committed after the commencement of Chapters IV, VI and this Chapter may not be placed on day parole or parole until such sentenced offender has served either the stipulated non-parole period, or if no non-parole period was stipulated, half of the sentence, but day parole or parole must be considered whenever a sentenced offender has served 25 years of a sentence or cumulative sentences.”; and 15 20

(b) by the substitution in subsection (6)(b) for subparagraph (iv) of the following subparagraph:

“(iv) life incarceration for an offence committed after the commencement of Chapters IV, VI and this Chapter may not be placed on day parole or parole until he or she has served at least 25 years of the sentence; or”.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan.
- \_\_\_\_\_ Woorde met volstreep daaronder, dui invoegings in bestaande verordeninge aan.

(Engelse teks deur die President  
geteken) (Goedgekeur op 26 Mei 2021)

**WET**

**Tot wysiging van die Wet op Korrektiewe Dienste, 1998, ten einde 'n sekere omskrywing te wysig; sekere bepalings rakende parool van oortreders in te voeg, te skrap en te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**IE PARLEMENT van die Republiek van Suid-Afrika verorden, soos volg:—

**Wysiging van artikel 1 van Wet 111 van 1998, soos gewysig deur artikel 1 van Wet 32 van 2001, artikel 1 van Wet 25 van 2008 en artikel 1 van Wet 5 van 2011**

1. Artikel 1 van die Wet op Korrektiewe Dienste, 1998 (Wet No. 111 van 1998) 5  
(hierna die Hoofwet genoem), word hierby gewysig deur die omskrywing van  
“Minister” deur die volgende omskrywing te vervang:  
“‘**Minister**’ beteken die [**Minister van Korrektiewe Dienste**] Kabinetslid  
verantwoordelik vir korrektiewe dienste.”

**Wysiging van artikel 73 van Wet 111 van 1998, soos gewysig deur artikel 27 van 10  
Wet 32 van 2001 en vervang deur artikel 12 van Wet 5 van 2011**

2. Artikel 73 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (6) paragraaf (a) deur die volgende paragraaf te vervang:  
“(a) Behoudens die bepalings van paragraaf (b) mag 'n gevonniste  
oortreder wat 'n bepaalde vonnis of kumulatiewe vonnisse van meer as 15  
24 maande uitdien vir 'n misdryf wat gepleeg is nadat Hoofstukke IV, VI  
en hierdie Hoofstuk in werking getree het, nie op dagparool of parool  
geplaas word nie totdat sodanige gevonniste oortreder óf die vasgestelde  
nie-parooltydperk, óf indien geen nie-parooltydperk vasgestel was nie,  
die helfte van die vonnis, uitgedien het, maar dagparool of parool moet 20  
oorweeg word wanneer 'n gevonniste oortreder 25 jaar van 'n vonnis of  
kumulatiewe vonnisse uitgedien het.”; en
- (b) deur in subartikel (6)(b) subparagraaf (iv) deur die volgende paragraaf te  
vervang:  
“(iv) lewenslange opsluiting vir 'n misdryf wat gepleeg is nadat 25  
Hoofstukke IV, VI en hierdie Hoofstuk in werking getree het, mag  
nie op dagparool of parool geplaas word totdat hy of sy ten minste  
25 jaar van die vonnis uitgedien het nie; of”.

**Amendment of section 136 of Act 111 of 1998, as amended by section 42 of Act 32 of 2001**

3. Section 136 of the principal Act is hereby amended—

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

“(1) Any person serving a sentence of incarceration [**immediately**] for an offence committed before the commencement of Chapters IV, VI and VII is subject to the provisions of the Correctional Services Act, 1959 (Act No. 8 of 1959), relating to his or her placement under community corrections, and is to be considered for such release and placement by the Correctional Supervision and Parole Board in terms of the policy and guidelines applied by the former Parole Boards prior to the commencement of those Chapters.”; and

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

“(a) Any sentenced offender serving a sentence of life incarceration [**immediately**] for an offence committed before the commencement of Chapters IV, VI and VII is entitled to be considered for day parole and parole after he or she has served 20 years of the sentence.”.

**Short title and commencement**

4. This Act is called the Correctional Services Amendment Act, 2021, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

**Wysiging van artikel 136 van Wet 111 van 1998, soos gewysig deur artikel 42 van Wet 32 van 2001****3. Artikel 136 van die Hoofwet word hierby gewysig—****(a) deur subartikel (1) deur die volgende subartikel te vervang:**

“(1) Enige persoon wat ’n vonnis van opsluiting uitdien 5  
**[onmiddellik]** vir ’n misdryf wat voor die inwerkingtreding van  
 Hoofstukke IV, VI en VII gepleeg is, is onderworpe aan die bepalings  
 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), met  
 betrekking tot sy of haar plasing onder gemeenskapskorreksies, en moet  
 oorweeg word vir sodanige vrylating en plasing deur die Korrektiewe 10  
 Toesig- en Paroolraad ingevolge die beleid en riglyne toegepas deur die  
 voormalige Paroolrade voor die inwerkingtreding van daardie Hoof-  
 stukke.”; en

**(b) deur in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang:**

“(a) Enige gevonniste oortreder wat ’n vonnis van lewenslange 15  
 opsluiting **[onmiddellik]** vir ’n misdryf wat voor die inwerkingtreding  
 van Hoofstukke IV, VI en VII gepleeg is, uitdien, is geregtig om vir  
 dagparool en parool oorweeg te word nadat hy of sy 20 jaar van die  
 vonnis uitgedien het.”.

**Kort titel en inwerkingtreding**

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**4.** Hierdie Wet heet die Wysigingswet op Korrektiewe Dienste, 2021, en tree in werking op ’n datum deur die President by Proklamasie in die *Staatskoerant* bepaal.





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