

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages



STAATSKOERANT

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 622. 27 Maart 1981.

No. 622. 27 March 1981.

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

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

No. 43 van 1981: Wysigingswet op Gevangnisse, 1981.

No. 43 of 1981: Prisons Amendment Act, 1981.

Act No. 43, 1981

PRISONS AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:**[]**

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Prisons Act, 1959, so as to delete the definitions of certain expressions and to define or further define certain expressions; to regulate the functioning of the Prisons Service within the Department of Justice; to make further provision for the prohibition of pecuniary dealings with regard to prisoners; and to empower the State President to make regulations relating to the establishment and control of a medical scheme; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 3 March 1981.)

BE IT ENACTED by the State President and the House of Assembly 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 and section 1 of Act 22 of 1980.

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

(a) by the insertion after the definition of "Commissioner" 5 of the following definition:

"'Commission for Administration' means the Commission for Administration referred to in section 4 of the Public Service Act, 1957 (Act No. 54 of 1957);" 10

(b) by the deletion of the definition of "member of the Prisons Service";

(c) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of [Prisons] Justice;" 15

(d) by the deletion of the definition of "Public Service Commission"; and

(e) by the deletion of the definition of "the Prisons Service".

Amendment of section 2 of Act 8 of 1959.

2. Section 2 of the principal Act is hereby amended by the 20 substitution for subsection (1) of the following subsection:

"(1) There shall be [a department to be] in the Department of Justice a service, known as the Prisons [Department] Service, which shall consist of the officers, warrant-officers, non-commissioned officers and warders 25 appointed in terms of this Act."

Substitution of section 3 of Act 8 of 1959.

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

"Control of Prisons Service.

3. (1) The Prisons Service shall, notwithstanding the provisions of any other law but subject to the provisions of subsection (2), be under the control of the Commissioner. 30

Act No. 43, 1981

PRISONS AMENDMENT ACT, 1981

(2) In the execution of his powers and the performance of his duties, including the powers delegated to him in terms of section 93 (1), the Commissioner shall be subject to the directions of the Director-General: Justice or of the Minister. 5

(3) The Director-General: Justice may himself exercise or perform any power or duty of the Commissioner referred to in subsection (2) and the Minister may delegate to the Director-General: Justice any of the powers referred to in section 93 (1). 10

(4) In the execution of any power or the performance of any duty which in terms of the provisions of this Act may be exercised or performed by him, the Director-General: Justice shall be subject to the directions of the Minister. 15

Amendment of section 35 of Act 8 of 1959, as amended by section 9 of Act 75 of 1965.

4. Section 35 of the principal Act is hereby amended by the substitution in the Afrikaans text of subsection (3) for the words "onder-balju" and "registrateur" of the words "adjunk-balju" and "griffier", respectively. 20

Amendment of section 46 of Act 8 of 1959, as amended by section 14 of Act 75 of 1965.

5. Section 46 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) except for the purposes of the execution of his official duties, have any pecuniary dealing with [prisoners] a prisoner or, with [their friends with] regard to [them] a prisoner, with any other person; or" 25

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 and section 17 of Act 62 of 1973.

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

(a) by the substitution for paragraph (b)bis of subsection (1) of the following paragraph: 30

"(b)bis the establishment, management and control of [funds] any scheme to provide for medical, dental and hospital treatment of, the provision of medicines, other medical requirements and medical aids to, and the transportation during their indisposition of— 35

(i) members of the Prisons Service and members of their families;

(ii) members of the Prisons Service who retired or retire on pension, and members of their families; and 40

(iii) members of the families of members of the Prisons Service who died or die, the class of members of the Prisons Service or other persons who shall be or may become members of [any particular fund] such a scheme, the [scale or aggregate amount of contributions (if any) to be made to a fund by any particular] portion of the costs of the provision of such treatment, medicines, medical requirements, medical aids or transportation which shall be payable under such a scheme by any member or class of members [thereof] of that scheme, the termination of membership of [a fund] such a scheme, the rights, privileges and obligations of 55

Act No. 43, 1981

PRISONS AMENDMENT ACT, 1981

members of **[a fund]** such a scheme, the vesting in such a scheme of assets, rights, liabilities or obligations, or the disposal in any other manner of the assets, of any fund established by regulations made under this paragraph before the amendment thereof by the provisions of the Prisons Amendment Act, 1981, and generally all matters reasonably necessary for the regulation and operation of a **[fund] scheme**;" and

(b) by the deletion of subsection (1)*bis*. 10

Substitution of the expressions "Prisons Department", "Department" and "Public Service Commission" in Act 8 of 1959.

7. The principal Act is hereby amended by the substitution for the expressions "Prisons Department", "Department" and "Public Service Commission", wherever they occur, of the expressions "Prisons Service", "Service" and "Commission for Administration", respectively. 15

Short title.

8. This Act shall be called the Prisons Amendment Act, 1981.