

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.



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GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 1 JUNIE 1979

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1169.

1 June 1979.

No. 1169.

1 Junie 1979.

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

No. 54 of 1979: Prisons Amendment Act, 1979.

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

No. 54 van 1979: Wysigingswet op Gevangenis, 1979.

Act No. 54, 1979

PRISONS AMENDMENT ACT, 1979.

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, in order to reduce the number of strokes which may be imposed for an escape or attempted escape accompanied by violence; to increase the power of the Commissioner of Prisons to release prisoners on parole; to provide for the issue of a warrant of arrest, and for the detention, of a prisoner who fails to observe a condition of his release on parole; and for the treatment, training and employment of all classes of prisoners detained in a hospital prison for psychopaths; to regulate the detention of judgment debtors; and to effect certain textual alterations; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 21 May 1979.)

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

Amendment of section 48 of Act 8 of 1959.

1. Section 48 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the Afrikaans text of paragraph (b) of subsection (1) for the word "ontsnap" of the word "ontvlug", and by the substitution in that subsection for the words "ten strokes" of the words "seven strokes". 5

Amendment of section 68 of Act 8 of 1959, as amended by section 20 of Act 75 of 1965 and section 50 of Act 70 of 1968.

2. Section 68 of the principal Act is hereby amended— 10

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

"(a) if the total period of imprisonment to be served by a prisoner under one or more sentences does not exceed **[four months]** two years; or"; 15

(b) by the deletion of paragraph (b) of subsection (1);

(c) by the deletion in the proviso to subsection (1) of the expression "(b) or"; and

(d) by the substitution for subsection (2) of the following subsection: 20

"(2) If the Commissioner is satisfied that any such prisoner has, before the expiration of the period of release on parole, failed to observe any condition of such release on parole he may **[by order recall him to a prison and thereupon he shall be liable]** issue a 25
warrant for the arrest of such prisoner, which may be executed by any peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and which shall serve as authority for the prisoner to be

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detained in prison until lawfully discharged or released therefrom [and if at large he shall be deemed to be unlawfully at large].”.

Amendment of section 81 of Act 8 of 1959, as substituted by section 20 of Act 58 of 1978.

3. Section 81 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: 5

“(3) A President’s patient and any other person detained in a hospital prison for psychopaths shall receive such treatment and training and may be compelled to perform such work as the Commissioner may [prescribe] determine from time to time, unless the medical officer has certified that [such 10 treatment or] the performance of such work is injurious to the health of such President’s patient or such other person.”.

Insertion of section 81A in Act 8 of 1959.

4. The following section is hereby inserted in the principal Act after section 81:

“Detention of judgment debtors.

81A. (1) An order for the detention and a sentence 15 for the periodical detention of a judgment debtor shall commence on the day on which the judgment debtor is received at the prison, and a judgment debtor shall be detained for the full continuous period mentioned in the order or, as the case may be, for the interrupted 20 periods agreed upon that the sentence of periodical detention shall be served, unless he is sooner lawfully discharged from further detention.

(2) Where several orders of detention or several 25 sentences of periodical detention, or where one or more such orders and one or more such sentences, subsist in respect of the same judgment debtor, each such order and each such sentence shall be served the one after the expiration of the other, unless the court 30 which made any such order or which imposed any such sentence has expressly directed otherwise.

(3) Where a judgment debtor, after he is received at a prison, escapes, or is irregularly discharged, from custody, his further detention shall be deemed to have 35 been suspended on the date of his escape or discharge, as the case may be, and shall be resumed on the date of his recommittal to prison.”.

Short title.

5. This Act shall be called the Prisons Amendment Act, 1979.