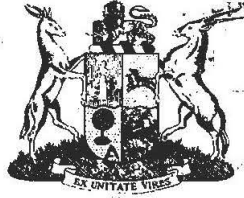


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KAAPSTAD, 27 MAART 1985

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 651.

27 March 1985

No. 651.

27 Maart 1985

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

No. 6 of 1985: Prisons Amendment Act, 1985.

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

No. 6 van 1985: Wysigingswet op Gevangenis, 1985.

Act No. 6, 1985

PRISONS AMENDMENT ACT, 1985

**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 extend the definitions of "photograph" and "take" and to define the word "publish"; to make provision for the temporary promotion of commissioned officers; to extend the power of the Minister to enter into agreements with other governments relating to the reception and detention of certain prisoners; and to extend the power of the Commissioner to delegate certain powers delegated to him; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 12 March 1985.)*

**BE IT ENACTED** by the State President and 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 and section 1 of Act 104 of 1983.

1. Section 1 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of "photograph" 5 of the following definition:  
"'photograph' includes any picture, image, visually perceptible depiction or any other similar representation;";
- (b) by the insertion of the following definition after the de- 10  
 finition of "Public Service":  
"'publish', in relation to a photograph, includes to exhibit, show, televise, represent or reproduce;"; and
- (c) by the substitution for the definition of "take" of the 15  
 following definition:  
"'take', in relation to a photograph, includes to perform any act which by itself or as part of a process or as one of a sequence of acts renders possible the production of a photograph;". 20

Insertion of section 4B in Act 8 of 1959.

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

- 4B.** (1) The Minister may from time to time temporarily promote a commissioned officer in rank, and the commissioned officer shall hold the temporary higher rank thus awarded him during the pleasure of the Minister. 25
- (2) The fact that a commissioned officer holds a temporary higher rank in terms of subsection (1), shall not derogate from the State President's power 30  
to act in terms of section 4 (2) in respect of such a commissioned officer."

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Substitution of section 30 of Act 8 of 1959, as amended by section 11 of Act 62 of 1966, section 13 of Act 101 of 1969 and section 7 of Act 58 of 1978.

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

“Minister may enter into agreements relating to reception and detention of certain prisoners.

30. (1) The Minister may enter into an agreement with the government of any other territory, **[in Africa]** wheresoever situated, on terms and conditions set out in the agreement, providing for the reception in the Republic or such territory and detention in any prison in the Republic or such territory of any person sentenced or referred to any prison for detention therein by a competent court of or person in such territory or the Republic according to the law in force in such territory or the Republic.

(2) The fact that such agreement has been entered into with the government of any such territory and a summary of the terms and conditions of the agreement shall be notified by the Minister in the *Gazette*.

(3) After the publication of any such notice in the *Gazette* in respect of any such territory aforesaid, a person who in such territory has been sentenced or referred to a prison for detention therein as described in subsection (1) may be lawfully received into custody in the Republic and may be lawfully detained in any prison thereof until the carrying out of the sentence or until the expiry of the sentence or period of detention or during such portion thereof as may be deemed necessary, and thereupon such person while so detained shall be treated and be subject to the same laws and regulations in every respect as if he had been sentenced or referred to any prison for detention therein by a competent court of or person in the Republic: Provided that no such person shall be received into custody in the Republic under the provisions of this subsection unless the original warrant of commitment to or order for detention in a prison accompanies the escort in charge of such person.

(4) A certificate under the hand of the Minister setting forth that from documents laid before him it appears that the person named in the certificate has been sentenced or ordered to be detained as described in this section and for a period specified in the certificate shall be accepted as conclusive evidence at all times during the continuance of such period that such person is lawfully under detention or is being dealt with in accordance with this section.

(5) The provisions of subsections (3) and (4) shall apply in respect of persons sentenced to imprisonment by competent courts of the Territory of South West Africa **[including that portion of the said Territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the said Territory and that portion of the said Territory known as the ‘Eastern Caprivi Zipfel’]**, notwithstanding that no such agreement as is mentioned in subsection (1) exists as regards that Territory and no notice has been published in the *Gazette* in respect thereof.”

Amendment of section 93 of Act 8 of 1959, as amended by section 23 of Act 75 of 1965 and section 51 of Act 70 of 1968.

4. 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

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delegated to him under subsection (1) to any other commissioned officer of or above the rank of **[brigadier]** colonel designated by him.”.

Short title.

**5.** This Act shall be called the Prisons Amendment Act, 1985.