

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

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 714.

21 April 1982.

No. 714.

21 April 1982.

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. 65 van 1982: Wysigingswet op Gevangnisse, 1982.

No. 65 of 1982: Prisons Amendment Act, 1982.

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 provide for the appointment of temporary commissioned officers; to establish an advisory release board and to define its functions and duties; and to provide for matters connected therewith.

(English text signed by the State President.)
 (Assented to 30 March 1982.)

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

1. Section 1 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the insertion before the definition of “bury” of the following definition:
 “‘advisory release board’ means the board established by section 5B;” and
 - 10 (b) by the substitution for the definition of “commissioned officer” of the following definition:
 “‘commissioned officer’ means a commissioned officer appointed as such under section 4 (1), and includes, for so long as he holds his commission, a temporary commissioned officer appointed as such under section 4A (1);”
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2. The following section is hereby inserted in the principal Act after section 4:
 - “Appointment and discharge of temporary commissioned officers. **4A. (1)** The Minister may from time to time, by commission under his hand or bearing a replica of his signature, appoint any member of the Prisons Service who is not a commissioned officer appointed under section 4 (1), as a temporary commissioned officer.
 - 25 (2) Subject to the provisions of subsection (3), a commissioned officer appointed under subsection (1) shall hold his commission during the pleasure of the Minister.
 - (3) The Minister may, subject to the provisions of this Act, discharge or retire any such commissioned officer or reduce him in rank.”
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3. The following section is hereby inserted in the principal Act after section 5A:
 - “Advisory release board. **5B. (1)** There is hereby established a board to be styled the advisory release board and consisting of—
 - 35 (a) a judge of the Supreme Court of South Africa;
 - (b) a magistrate of a regional division;
 - (c) an attorney-general or a deputy attorney-general;
 - (d) a member of the South African Police of or above the rank of brigadier;

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 and section 1 of Act 43 of 1981.

Insertion of section 4A in Act 8 of 1959.

Insertion of section 5B in Act 8 of 1959.

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- (e) a member of the Prisons Service of or above the rank of brigadier;
 - (f) a member of the release board; and
 - (g) two other persons who are not in the full-time service of the State and who in the opinion of the State President have special knowledge or experience of matters connected with the functions and duties of the advisory release board, to perform the functions and duties entrusted to or imposed upon the advisory release board by this Act.
- (2) The State President shall appoint each member of the advisory release board, and such a member shall hold office during the pleasure of the State President.
- (3) (a) The State President shall for each member of the advisory release board contemplated in subsection (1) (a) to (f) designate an alternate who has the same qualification as the member for whom he is the alternate.
- (b) Such an alternate shall, in the absence of the member for whom he is the alternate from any meeting of the advisory release board, at such a meeting have all the powers and duties of that member.
- (4) The quorum for a meeting of the advisory release board shall be three members thereof who shall include the member contemplated in subsection (1) (a) or his alternate or the member contemplated in subsection (1) (b) or his alternate.
- (5) The member of the advisory release board contemplated in subsection (1) (a) shall be the chairman of the advisory release board and the member contemplated in subsection (1) (b) shall be the vice-chairman.
- (6) A decision of the majority of the members present at a meeting of the advisory release board shall be the decision of that board, and in the event of an equality of votes on any matter the member presiding at the meeting concerned shall, in addition to his deliberative vote, have a casting vote.
- (7) A member of the advisory release board who is not in the full-time service of the State shall receive such allowances as the Minister may determine in consultation with the Minister of Finance."

4. Section 55 of the principal Act is hereby amended by the substitution for subparagraph (iv) of paragraph (d) of subsection (6) of the following subparagraphs:

"(iv) in the case of a commissioned officer appointed under section 4 (1), direct that the matter be referred to the State President, who may thereupon take any steps provided for in section 4 (2); or

(v) in the case of a temporary commissioned officer appointed under section 4A (1), take any steps provided for in section 4A (3)."

Amendment of section 55 of Act 8 of 1959, as amended by section 49 of Act 70 of 1968 and section 13 of Act 58 of 1978.

5. The following headings are hereby substituted for the headings preceding section 61 of the principal Act:

Substitution of headings preceding section 61 of Act 8 of 1959, as substituted by section 6 of Act 22 of 1980.

"CHAPTER VI

FUNCTIONS AND DUTIES OF INSTITUTIONAL COMMITTEES, **[AND]** RELEASE BOARDS AND THE ADVISORY RELEASE BOARD, AND RELEASES OF PRISONERS

- (i) *Functions and duties of institutional committees, **[and]** release boards and the advisory release board*"

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6. The following section is hereby inserted in the principal Act after section 61A:

Insertion of section 61B in Act 8 of 1959.

- “Functions and duties of advisory release board.”
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- 61B.** The advisory release board shall when required by the Minister advise the Minister as to—
- (a) the general policy which ought to be followed in connection with the release of prisoners;
 - (b) the basis upon which remission of sentence ought to be granted to different categories of prisoners;
 - (c) any recommendation made by the release board in a particular case;
 - (d) any other matter referred to the advisory release board by the Minister.”

7. This Act shall be called the Prisons Amendment Act, 1982.

Short title.