

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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[No. 3405.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 354. 8 Maart 1972.

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

No. 4 van 1972: Wysigingswet op Gevangnisse, 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 354. 8th March, 1972.

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

No. 4 of 1972: Prisons Amendment Act, 1972.

ACT

To amend the provisions of the Prisons Act, 1959, relating to special warders, trial by commissioned officers of certain contraventions by members of the Prisons Service and special warders and the payment of sales duties in respect of canteens at prisons; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 2nd March, 1972.)*

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

1. The Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the expression "special warder" wherever it occurs of the expression "temporary warder".

Substitution for "special warder" of "temporary warder" in Act 8 of 1959.

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsections:

Amendment of section 9 of Act 8 of 1959.

"(2) Any commissioned officer who has been retired on pension and who thereafter is appointed as a special warder in terms of subsection (1), may be vested with the powers, functions and responsibilities of a commissioned officer, and if he is so vested, he shall, subject to the conditions referred to in subsection (1), be deemed to be a commissioned officer.

(3) Every person, other than a person deemed to be a commissioned officer in terms of subsection (2), shall, while acting as a special warder, be vested with the same powers, functions and responsibilities, perform the same duties and be subject to the same discipline and authority as a warder appointed in terms of section 8 (1)."

3. The following section is hereby substituted for section 9bis of the principal Act:

Substitution of section 9bis of Act 8 of 1959, as inserted by section 3 of Act 75 of 1965.

9A. (1) All members of the Prisons Service and special warders, other than special warders who by agreement receive no remuneration for their services, shall be paid salaries or wages and allowances in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

"Remuneration of members of the Prisons Service and special warders.

(2) Special warders who receive no remuneration for their services, shall not by reason of the fact that they receive no such remuneration be regarded as not being in the service of the State."

PRISONS AMENDMENT ACT, 1972.

Act No. 4, 1972

4. Section 53 of the principal Act is hereby amended by the addition of the following subsection: Amendment of section 53 of Act 8 of 1959, as amended by section 17 of Act 75 of 1965.

“(9) In this section, unless the context otherwise indicates—

‘any member of the Prisons Service’; and
‘any special warder’,

includes any person who, at the date of any alleged contravention of or failure to comply with any provision of this Act (except any alleged contravention or non-compliance which is expressly declared to be an offence under this Act), whether such contravention or non-compliance is alleged to have taken place within or outside a prison, was such a member or such a warder.”

5. Section 88 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 88 of Act 8 of 1959.

“(1) No licence money, tax, duty or fee (other than customs, excise or sales duties leviable by law) shall be payable by any person under any law or bye-law in respect of any certified canteen of members of the Prisons Department or in respect of any article on sale at such a canteen.”

6. (1) This Act shall be called the Prisons Amendment Act, 1972, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.