

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. 3031.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 446. 24 Maart 1971.

No. 446. 24th March, 1971.

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. 9 van 1971: Wysigingswet op Gevangnisse, 1971.

No. 9 of 1971: Prisons Amendment Act, 1971.

ACT

To amend the provisions of the Prisons Act, 1959, relating to prison boards, the retirement, resignation or discharge of members of the Prisons Service, offences, rewards, penalties and the release of prisoners.

*(Afrikaans text signed by the State President.)
(Assented to 16th March, 1971.)*

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 5 of Act 8 of 1959.

1. Section 5 of the Prisons Act, 1959 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) (a) A member of a prison board shall hold office for such period as the Minister may determine at the time of appointment.

(b) A member of a prison board whose office has become vacant otherwise than under paragraph (c), shall be eligible for re-appointment.

(c) If in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member of a prison board.

(d) If the period of office of any member of a prison board terminates before the expiration of the period for which he has been appointed, the Minister shall, with due regard to the provisions of subsection (3), appoint some other person to fill the vacancy, and until such time as such person is so appointed, the remaining members shall constitute that prison board.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) (a) A prison board shall consist of so many commissioned officers as official members and so many non-official members, as the Minister thinks fit.

(b) The Minister shall from time to time designate a member of a prison board as chairman thereof.”.

Amendment of section 12 of Act 8 of 1959, as amended by section 4 of Act 75 of 1965 and section 10 of Act 62 of 1966.

2. (1) Section 12 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3)ter of the following paragraph:

“(a) for periods which shall not exceed three years in the aggregate; and”; and

(b) by the substitution for subsection (3)quat of the following subsection:

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“(3) *quat* Notwithstanding anything to the contrary in this section contained, a member of the Prisons Service who has attained the age of fifty years may be retired on pension: Provided that any member of the Prisons Service who has been retired in terms of this subsection, and feels aggrieved at his retirement, shall have a right of appeal to the Minister.”.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of section 43 of Act 8 of 1959.

3. Section 43 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) aids any prisoner in escaping or attempting to escape from any prison or while in the course of removal in custody from one place to another; or”.

Amendment of section 49 of Act 8 of 1959.

4. Section 49 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) The Commissioner may pay monetary rewards to persons giving information relating to any planned escape from custody by any prisoner.”.

Amendment of section 54 of Act 8 of 1959, as amended by section 18 of Act 75 of 1965.

5. Section 54 (2) of the principal Act is hereby amended—

(a) by the addition to paragraph (d) of the following words: “and no punishment other than a punishment referred to in paragraph (b) is imposed upon him in respect of the same contravention or non-compliance;”;

(b) by the substitution for paragraphs (e) and (f) of the following paragraphs:

“(e) (i) solitary confinement in an isolation cell, with full diet, for a period not exceeding thirty days; or

(ii) solitary confinement in an isolation cell for any one of the continuous periods set out in the first column of the sub-joined table, with for each such period of solitary confinement in an isolation cell, dietary punishment combined, where applicable, with full diet in the sequence set out in the other columns of that table opposite each such period of solitary confinement in an isolation cell: Provided that where on more than one count such punishment for a total period exceeding thirty days has been imposed, there shall after every period of solitary confinement in an isolation cell, with dietary punishment as so combined with full diet, of thirty days, be an interval of fourteen days, or such longer period as the medical officer concerned may direct, upon full diet and without solitary confinement in an isolation cell:

| <i>Period of Punishment</i> | <i>Spare Diet</i> | <i>Reduced Diet</i> | <i>Full Diet</i> | <i>Spare Diet</i> |
|-----------------------------|-------------------|---------------------|------------------|-------------------|
| 5 days | 5 days | none | none | none |
| 10 days | 5 days | 2 days | 1 day | 2 days |
| 15 days | 7 days | 3 days | 2 days | 3 days |
| 20 days | 8 days | 4 days | 3 days | 5 days |
| 25 days | 9 days | 5 days | 5 days | 6 days |
| 30 days | 12 days | 6 days | 6 days | 6 days |

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(f) a recommendation that remission of sentence not exceeding thirty days in respect of any punishment imposed upon the prisoner, shall not be granted to him;"; and

(c) by the deletion of the proviso.

Amendment of section 71 of Act 8 of 1959.

6. Section 71 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of the following paragraph:

"(b) whose release is expedient on the grounds of his physical condition or, in the case of a woman, her advanced pregnancy,".

Short title.

7. This Act shall be called the Prisons Amendment Act, 1971.