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WOKULUNGISWA KWEZIMILO

DEPARTMENT OF
CORRECTIONAL SERVICES

DEPARTEMENT VAN
KORREKTIEWE DIENSTE

ISAZISO SIKAHULUMENI WAKWAZULU UNOMBOLO 17 KA 1994

UMKHANDLU WAKWAZULU OSHAYA UMTHETHO

UMTHETHO 24 KA 1993

UMTHETHOSICHIBIYELO WESIBILI WAKWAZULU WEZOKULUNGISWA KWEZIMILO, 1993

UMongameli weZwe uyathokoza ngaphansi nangegunya lamandla anikezwe wona yisigaba 31 (2) soMthethosisekelo wemiBuso eziBusayo, 1971 (uMthetho 21 ka 1971) ukuba avume loMthetho olandelayo. (umbhalo wesiNgisi usayinwe nguMongameli weZwe. Kuvunywe mhlaka 10-02-94).

UMTHETHO

Wokuchibiyela uMthetho waKwaZulu wokuLungisa iziMilo, 1990, ukuze kufakwe izincazelo zezisho ezithile kanye nokubuyiselwa kwezinye; ukususa izisho ezithile ezingaqondile; ukuqeda isihlinzeko sokuthi akukho lutho oluqokethwe kuloMthetho oluyophazamisa amandla kaNdunankulu ukuxolela nokuthambisela isigwebo izephulamthetho; kanye nokuhlinzekela izindaba eziphathelele nalokho.

MAKUMISWE UMTHETHO nguMkhandlu waKwaZulu oShaya uMthetho kanje:—

Ukuchitshiyelwa kwesigaba 1 soMthetho 3 ka 1990, njengoba sichitshiyelwe yisigaba 1 soMthetho 5 ka 1991 kanye nesigaba 1 soMthetho 7 ka 1992

1. Isigaba 1 soMthetho waKwaZulu wokuLungisa iziMilo, 1990 (emva kwalokhu obizwa ngokuthi uMthetho omkhulu), ngalokhu siyachitshiyelwa —
 - (a) ngokufaka emva kwencazelo ethi "uMnyango" incazelo elandelayo:
" 'ikomidi lejele' kusho ikomidi lejele okubhekiswe kulo esigabeni 6A;";
 - (b) ngokufaka esikhundleni sencazelo ye "ngane" incazelo elandelayo:
" 'ingane' kusho noma yimuphi umuntu oneminyaka yobudala engaphansi [kweyishumi nesishiyagalombili] kwengamashumi amabili nanye;";
 - (c) ngokufaka esikhundleni sencazelo ye "sithombe" incazelo elandelayo:
" 'sithombe' kuhlangukisa noma yisiphi [yiliphi ifilimu lebhayisikobho, noma yiliphi ifilimu lekhasethi, ibhande elinozibuthe noma ipuleti levidiyo noma okunye okwakhiwe noma ngaluphi uhlobo, okuthi kukho kubekhona noma yimuphi umfanekiso noma imifanekiso eqoshiwe, eyenziwe yafanelana nezimo, efaniswe neminye noma egcinwe ngendlela yokuthi umfanekiso noma imifanekiso ingafakwa komabonakude, iboniswe bukhoma noma yethulwe ngomshini, ngokusebenza ngogesi noma ngelinye icebo] isithombe, umfanekiso, umdwebo obonakalayo nophathekayo noma yikuphi okunye ukwethulwa;";
 - (d) ngokufaka emva kwencazelo ethi "uMsebenzi woMphakathi" incazelo elandelayo:
" 'yazisa' mayelana nesithombe kuhlangukisa ukubonisa, ukukhombisa, ukufaka kumabonakude, ukwethulwa noma ukukhiqiza;";
 - (e) ngokufaka esikhundleni sencazelo ethi "thatha" incazelo elandelayo:
" 'thatha' mayelana ne [nanoma iyiphi ifilimu yebhayisikobho, ifilimu yekhasethi, ibhande likazibuthe, ipuleti

levidiyo noma iyiphi enye into okubhekiswe kuyo encazelweni ye "isithombe", kusho ukukhiqiza noma ngayiphi indlela] sithombe, kuhlenganisa ukwenza noma yisiphi isenzo leso ngokwaso noma njengengxenywe yochungechunge noma njengokunye kokulandelana kwezenzo ezenza kwenzeke ukukhiqizwa kwesithombe."

Ukuchitshiyelwa kwesigaba 10 soMthetho 3 ka 1990, njengoba sichitshiyelwe yisigaba 6 soMthetho 7 ka 1992

2. Isigaba 10 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka endaweni yesigatshana (2) isigatshana esilandelayo kuloMthetho obhalwe ngesiNgisi:
- "(2) Any commissioned officer who has been [discharged with] retired on pension and who thereafter is appointed as a temporary correctional official 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."

Ukuchitshiyelwa kwesigaba 31 soMthetho 3 ka 1990, njengoba sichitshiyelwe yisigaba 9 soMthetho 5 ka 1991

3. Isigaba 31 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka endaweni yesigatshana (3) isigatshana esilandelayo:
- "(3) Umuntu okubhekiswe kuye kwisigatshana (1) ogcinwe ejele noma esitokisini samaphoyisa noma esikiti noma esuswa esaboshiwe ayiswe noma asuswe enkantolo noma othi esaboshiwe, aye enkantolo noma kusavivinywa icala lakhe, ngeke avunyelwe ukuba azihlanganise nomuntu oneminyaka yobudala engaphezulu [kweyishumi nesishiyagalombili] kwengamashumi amabili nanye naye oboshiwe: Kuqikelelwe ukuthi angavunyelwa ukuzihlanganisa nalowomuntu oboshiwe okade noma azohlenganiswa naye ecaleni linye, uma ilungu loMnyango eliphethe ijele noma ilungu lombutho wamaPhoyisa eliphethe isitokisi samaphoyisa noma isikiti lapho evalelwe khona, linombono wokuthi lokho kuhlenganiswa ngeke kumkhinyabeze."

Ukuchitshiyelwa kwesigaba 33 soMthetho 3 ka 1990

4. Isigaba 33 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (1) isigatshana esilandelayo:
- "(1) Kuye ngokwezimiso zaloMthetho, lelona lelolungu eliphethe noma yiliphi ijele futhi elinye nelinye lalolungu loMnyango eliphethe iziboshwa liyokwenza ukuba leso nalesosiboshwa esigwetshiwe yinoma iyiphi inkantolo, sidonse lesosigwetsh ngendlela eshiwo yiwaranti yenkantolo, [noma uma isigwebo sithanjisiwe nguNdunankulu, ngendlela emiswe uNdunankulu ngomyalo kaNgqongqoshe] futhi ngokwenzenjalo yiwaranti [noma umyalo, noma ikhophi eqinisekisiwe yalokho] iyoba yigunya elanele kulelo nalelolungu."

Ukuchitshiyelwa kwesigaba 55 soMthetho 3 ka 1990, njengoba sichitshiyelwe yisigaba 18 soMthetho 5 ka 1991

5. Isigaba 55 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (4) isigatshana esilandelayo:
- "(4) Ekuphenyweni kwanoma yiliphi icala njengokusho kwalesisigaba umthetho ophathelene nokwamukelwa kobufakazi nokufaneleka kanye nokuphoqakala kofakazi neingoba kwenzeka ezinqubeni emacaleni egazi enkantolo yemantshi, kuyothi, ngaphandle kwezimiso zesihlinzeko sokuqala kwisigaba 217 (1) soMthetho weNqubo emaCaleni eGazi, 1977 (uMthetho Nombolo 51 ka 1977), ulandelwe."

Ukuchithwa kwesigaba 71 soMthetho 3 ka 1990

6. Isigaba 71 soMthetho omkhulu ngalokhu siyachithwa.

Ukuchitshiyelwa kwesigaba 72 soMthetho 3 ka 1990

7. Isigaba 72 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sendima (a) yesigatshana (5) indima elandelayo:
- "(a) Noma yimuphi umuntu olahlwe yicala waboshwa futhi ofanele ukuba adonse isigwebo esinikeziwe, futhi okuthi ngokusho komyalo okhishwe ngaphansi kwesigaba 11 soMthetho wokuNikezana kwaMazwe iZephulamthetho eziBhacile, 1962 (uMthetho Nombolo 67 ka 1962) ukuba anikezwe noma yimuphi umuntu ogunyaziwe yileloLizwe langaphandle ukuba amamukele, uyonikezwa lowomuntu."

Ukufakwa endaweni yesigaba 73A soMthetho 3 ka 1990, njengoba sifakwe yisigaba 22 soMthetho 5 ka 1991

8. Isigaba esilandelayo ngalokhu sifakwa endaweni yesigaba 73A soMthetho omkhulu:
- "Ukususwa kwezingane ezilahlwe ngamacala ejele ziya esikoleni sokuziphatha kahle
- 73A. UNgqongqoshe angathi, ngokubonisana noNgqongqoshe njengoba kuchazwe kuMthetho waKwaZulu wokuNakekelwa kweziNgane, 1987 (uMthetho Nombolo 14 ka 1987), ayale ngokubhaliwe ukususwa kwanoma yimuphi umuntu ongaphansi kweminyaka [eyishumi nesishiyagalombili] engamashumi amabili nanye edonsa kunoma iliphi ijele, aye esikoleni sokwakha izimilo esiphethwe nguMthetho waKwaZulu wokuNakekelwa kweziNgane, 1987 (uMthetho Nombolo 14 ka 1987), futhi ngosuku lwalowo myalo lowomuntu uyothathwa njengothonyelwe kuleso sikole sokwakha izimilo ngaphansi kwesigaba 290 soMthetho weNqubo emaCaleni eGazi, 1977 (uMthetho Nombolo 51 ka 1977)."

Ukuchitshiyelwa kwesigaba 74 soMthetho 3 ka 1990, njengoba sichitshiyelwe yisigaba 26 soMthetho 7 ka 1992

9. Isigaba 74 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka endaweni yesihloko esikhona isihloko esilandelayo:
- "Izivumelwano ngokusebenza noma ngensebenzo yeziboshwa noma yabalingwa, kanye nokudayiswa kwezimpahla ezithile noma kwemikhiqizo."

Ukuchitshiyelwa kwesigaba 85 soMthetho 3 ka 1990

10. Isigaba 85 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka endaweni yesigatshana (1) isigatshana esilandelayo:
- "(1) Lapho isiboshwa sifa nodokotela engakwazi ukwenza isiqiniseko sokuthi sife ngokugula kwemvelo, ilungu loMnyango eliphethe lalalojele liyonikeza umbiko odingwa yisigaba 2, soMthetho wokuPhenya ngoKufa koMuntu, 1959 (uMthetho Nombolo 58 ka 1959)."

Ukufakwa endaweni yesigaba 88 soMthetho 3 ka 1990

11. Isigaba esilandelayo ngalokhu sifakwa endaweni yesigaba 88 soMthetho omkhulu:

"Ukungabinacala ngezigameko ezenziwe ngaphansi kwewalandi elingekho emthethweni

88. Uma noma yiyiphi inqubo yomthetho ilethwa mayelana noHulumeni noma yiliphi ilungu loMnyango noma yimuphi umlungisisimilo wesikhashana nganoma yisiphi isigameko esenziwe ngokuhambisana nencwadi okubukeka sengathi ikhishwe yimantshi, yisikhulu sokuthula, noma ngesinye isikhulu esigunyazwe ngumthetho ukukhipha amawaranti, uHulumeni noma ilungu loMnyango noma umlungisisimilo wesikhashana ngeke abenacala nganoma yikuphi okungekho emthethweni ekukhishweni kwalelowaranti noma ngokungabinamandla omthetho komuntu okhipha leyowaranti; futhi ekuvezeni iwaranti okubonakala sengathi lisayinwe yimantshi noma yisikhulu sokuthula noma yileso sikhulu esishiwo ngenhla nasebufakazini bokuthi lezozigameko okukhalazwa ngazo zenziwa ekuhambisaneni newaranti, isinqumo siyokhishwa sivune uHulumeni noma lelolungu noma umlungisisimilo wesikhashana, njengoba kungase kwenzeke."

Isihloko esifingqiwe

12. LoMthetho uyobizwa ngokuthi uMithethosichibiyelo wesiBili waKwaZulu wezokuLungiswa kweziMilo, 1993.

KWAZULU GOVERNMENT NOTICE NO. 17 OF 1994

KWAZULU LEGISLATIVE ASSEMBLY

ACT 24 OF 1993

KWAZULU CORRECTIONAL SERVICES SECOND AMENDMENT ACT, 1993

The State President has been pleased under and by virtue of the powers vested in him by section 31 (2) of the self-governing Territories Constitution Act, 1971 (Act 21 of 1971) to approve the following Act. (English text signed by the State President. Assented to on 10-02-94).

ACT

To amend the KwaZulu Correctional Services Act, 1990, so as to insert definitions of certain expressions and to replace others; to replace certain inappropriate expressions; to delete the provision that nothing in this Act contained shall affect the power of the Chief Minister to pardon or reprieve offenders; and to provide for matters connected therewith.

BE IT ENACTED by the KwaZulu Legislative Assembly, as follows:—

Amendment of section 1 of Act 3 of 1990, as amended by section 1 of Act 5 of 1991 and section 1 of Act 7 of 1992

1. Section 1 of the KwaZulu Correctional Services Act, 1990 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the definition of "Department" of the following definition:
" 'institution committee' means an institution committee referred to in section 6A;";
 - (b) by the substitution for the definition of "juvenile" of the following definition:
" 'juvenile' means any person under the age of [eighteen] twenty-one years;";
 - (c) by the substitution for the definition of "photograph" of the following definition:
" 'photograph' includes any [cinematograph film, any film cassette, magnetic tape or video plate or other object consisting of material of whatever nature, on which any image or images have been recorded, adapted, transformed or stored in such a way that the image or images can be televised, visually exhibited or presented by means of a mechanical electronic or other device] picture, image, visually perceptible depiction or any other similar representation;";
 - (d) by the insertion after the definition of "Public Service" of the following definition:
" 'publish' in relation to a photograph includes to exhibit, show, televise, represent or produce;"; and
 - (e) by the substitution for the definition of "take" of the following definition:
" 'take' in relation to [any cinematograph film, film cassette, magnetic tape, video-plate or any object referred to in the definition of "photograph", means produce in any manner] 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;".

Amendment of section 10 of Act 3 of 1990, as amended by section 6 of Act 7 of 1992

2. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
"(2) Any commissioned officer who has been [discharged with] retired on pension who thereafter is appointed as a temporary correctional official 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."

Amendment of section 31 of Act 3 of 1990, as amended by section 9 of Act 5 of 1991

3. Section 31 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:
"(3) A person referred to in subsection (1) who is detained in a prison or a police cell or lock-up or who is being removed in custody to or from a court or who, while in custody, attends a court or a preparatory examination, shall not be permitted to associate with a person over the age of [eighteen] twenty-one years who is in custody: Provided that he may be permitted to associate with such a person in custody who has been or is to be charged jointly with him, if the

(1) Subject to the provisions of a warrant, every member who is in charge of prisoners shall cause every prisoner who was sentenced by any court, to undergo that sentence in the manner directed in the warrant by the court, [or if the sentence has been commuted by the Chief Minister in the manner directed by the Chief Minister in the order of the Minister] and for so doing the warrant [or order or a certified copy thereof] shall be sufficient authority to every such member."

Amendment of section 55 of Act 3 of 1990, as amended by section 18 of Act 5 of 1991

5. Section 55 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) At the investigation of any charge in terms of this section the law as to the admissibility of evidence and the competence and compellability of witnesses as applicable in connection with criminal proceedings in a magistrate's court, shall, with the exception of the provisions of the first proviso to section 17 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), be observed."

Repeal of section 71 of Act 3 of 1990

6. Section 71 of the principal Act is hereby repealed.

Amendment of section 72 of Act 3 of 1990

7. Section 72 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:

"(a) Any convicted person who has been sentenced to imprisonment and still liable to serve the sentence imposed, and who is in terms of an order issued under section 11 of the Extradition Act, 1962 (Act No. 67 of 1962) to be surrendered to any person authorized by the foreign State concerned to receive him, shall be so surrendered to such person."

Substitution of section 73A of Act 3 of 1990, as inserted by section 22 of Act 5 of 1991

8. The following section is hereby substituted for section 73A of the principal Act:

"Transfer of convicted juvenile from prison to reform school"

73A. The Minister may, in consultation with the Minister as defined in the KwaZulu Child Care Act, 1987 (Act No. 14 of 1987), by order in writing transfer any person under the age of [eighteen] twenty-one years who is undergoing in any prison a sentence of imprisonment, to a reform school governed by the KwaZulu Child Care Act, 1987 (Act No. 14 of 1987), and from the date of that order that person shall be deemed to have been sent to that reform school under section 290 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)."

Amendment of section 74 of Act 3 of 1990, as amended by section 26 of Act 7 of 1992

9. Section 74 of the principal Act is hereby amended by the substitution for the existing heading of the following heading: "Agreements for labour or service of prisoners or probationers, and sale of certain articles or products."

Amendment of section 85 of Act 3 of 1990

10. Section 85 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Where a prisoner dies and a medical practitioner is unable to certify that his death is due to natural causes, the member of the Department in charge of the prison in question shall furnish the report required by section 2 of the Inquests Act, 1959 (Act No. 58 of 1959)."

Substitution of section 88 of Act 3 of 1990

11. The following section is hereby substituted for section 88 of the principal Act:

"Non-liability for acts committed under irregular warrants"

88. If any legal proceedings are brought against the Government or any member of the Department or any temporary correctional official for any act done in compliance with a warrant purporting to be issued by a magistrate, justice of the peace, or other officer authorized by law to issue warrants, the Government or the member of the Department or temporary correctional official concerned shall not be liable for any irregularity in the issuing of such warrant or for want of jurisdiction in the person issuing such warrant; and upon producing the warrant purporting to be signed by a magistrate or justice of the peace or other such officer as aforesaid and upon proof that the acts complained of were done in compliance with the warrant, judgement shall be given in favour of the Government or such member or temporary correctional official, as the case may be."

Short title

12. This Act shall be called the KwaZulu Correctional Services Second Amendment Act, 1993.

KWAZULU GOEWERNMENTS KENNISGEWING NR. 17 VAN 1994

KWAZULU - WETGEWENDE VERGADERING

WET 24 VAN 1993

KWAZULU-TWEEDE WYSIGINGSWET OP DIE KORREKTIEWE DIENSTE, 1993

Dit het die Staatspresident behaag kragtens die bevoegheid hom verleen by artikel 31 (2) van die Grondwet van die Self Regerende Gebiede, 1971 (Wet 21 van 1971), om sy goedkeuring aan onderstaande Wet te heg. (Engelse teks deur die Staatspresident geteken. Goegekeur op 10-02-94).

WET

Tot wysiging van die KwaZulu-Wet op Korrektiewe Dienste, 1990, ten einde omskrywings van sekere uitdrukkings in te voeg en om andere te vervang; om sekere onpaslike uitdrukkings te vervang; om die bepaling dat geen bepaling van hierdie Wet afbreuk doen aan die Hoofminister se bevoegdheid om oortreders te begenadig of aan hulle gracie te verleen nie, te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die KwaZulu-Wetgewende Vergadering, soos volg:-

Wysiging van artikel 1 van Wet 3 van 1990, soos gewysig deur artikel 1 van Wet 5 van 1991 en artikel 1 van Wet 7 van 1992

1. Artikel 1 van die KwaZulu Wet op Korrektiewe Dienste, 1990 (hieronder die Hoofwet genoem), word hierby gewysig:
 - (a) deur die volgende omskrywing na die omskrywing van "Hoofminister" in te voeg:
" 'inrigtingskomitee' 'n inrigtingskomitee bedoel in artikel 6A:'";
 - (b) deur die omskrywing van "jeugdige" deur die volgende omskrywing te vervang:
" 'jeugdige' enige persoon onder die ouderdom van [agtien] een-en-twintig jaar;"
 - (c) deur die omskrywing van "foto" deur die volgende omskrywing te vervang:
" 'foto' ook enige [rolprent, filmkasset, magnetiese band of videoplaaf of ander voorwerp bestaande uit materiaal van watter aard ookal, waarop die een of ander beeld of beelde op sodanige wyse opgeneem, gewysig, verander of gestoor is dat die beeld of beelde gebeeldsind kan word, visueel vertoon kan word of voorgestel kan word deur middel van 'n meganiese, elektroniese of ander toestel] prent, beeld, visueel waarneembare voorstelling of 'n ander soortgelyke weergawe;"
 - (d) deur die volgende omskrywing na die omskrywing van "neem" in te voeg:
" 'publiseer' met betrekking tot 'n foto, ook vertoon, wys, beeldsind, weergee of reproduseer;" en
 - (e) deur die omskrywing van "neem" deur die volgende omskrywing te vervang:
" 'neem' met betrekking tot [enige rolprent, filmkasset, magnetiese band, videoplaaf of enige ander voorwerp waarna verwys is in die omskrywing van "foto", produseer op enige manier] 'n foto, ook om 'n handeling te verrig wat op sigself of as deel van 'n proses of as een van 'n reeks handeling die voortbrenging van 'n foto moontlik maak."

Wysiging van artikel 10 van Wet 3 van 1990, soos gewysig deur artikel 6 van Wet 7 van 1992

2. Artikel 10 van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende subartikel in die Engelse teks te vervang:
"(2) Any commissioned officer who has been [discharged with] retired on pension and who thereafter is appointed as a temporary correctional official 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."

Wysiging van artikel 31 van Wet 3 van 1990, soos gewysig deur artikel 9 van Wet 5 van 1991

3. Artikel 31 van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende subartikel te vervang:
"(3) 'n In subartikel (1) bedoelde persoon wat in 'n gevangenis of 'n polisiecel of opsluitplek aangehou word of wat in bewaring na of van 'n hof oorgebring word of wat, terwyl hy in bewaring is, 'n hof of 'n voorlopige ondersoek bywoon, word nie toegelaat om met 'n persoon bo die ouderdom van [agtien] een-en-twintig jaar wat in bewaring is kontak te hê nie: Met dien verstande dat hy toegelaat kan word om kontak te hê met so 'n persoon wat in bewaring is en wat gesamentlik met hom aangekla is of aangekla gaan word, indien 'n lid van die Departement aan die hoof van die gevangenis of 'n lid van die Polisiemag onder wie se toesig die polisiecel of opsluitplek is waarin hy aangehou word, van oordeel is dat sodanige kontak nie nadelig vir hom sal wees nie."

Wysiging van artikel 33 van Wet 3 van 1990

4. Artikel 33 van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende subartikel te vervang:
"(1) Behoudens die bepalings van hierdie Wet, moet elke lid van die Departement wat aan die hoof van 'n gevangenis staan en elke ander lid van die Departement wat toesig oor gevangenes het, toesien dat elke gevangene wat deur 'n hof gevonnissen is daardie vonnis ondergaan op die wyse deur die hof in die lasbrief gelas [of indien die vonnis deur die Hoofminister versag is, op die wyse deur die Hoofminister op die bevel van die Minister gelas] en daartoe is die lasbrief [of bevel of 'n gesertifiseerde afskrif daarvan] voldoende magtiging vir elke sodanige lid."

Wysiging van artikel 55 van Wet 3 van 1990, soos gewysig deur artikel 18 van Wet 5 van 1991

5. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
"(4) By die ondersoek van 'n aanklag ingevolge hierdie artikel word die wetsbepalings betreffende die toelaatbaarheid van getuie en die bevoegdheid en verpligtheid van getuies soos van toepassing in verband met strafsake

member of the Department in charge of the prison or the member of Police Force in charge of the police cell or lock-up in which he is detained, is of the opinion that such association will not be detrimental to him."

Amendment of section 33 of Act 3 of 1990

4. Section 33 of the principal Act is hereby amended by the substitution for subsection (1) of the the following subsection:
- "(1) Subject to the provisions of this Act, every member who is in charge of any prison and every member of the Department who is in charge of prisoners shall cause every prisoner who was sentenced by any court, to undergo that sentence in the manner directed in the warrant by the court, **or if the sentence has been commuted by the Chief Minister, in the manner directed by the Chief Minister in the order of the Minister** and for so doing the warrant **[or order, or a certified copy thereof]** shall be sufficient authority to every such member."

Amendment of section 55 of Act 3 of 1990, as amended by section 18 of Act 5 of 1991

5. Section 55 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:
- "(4) At the investigation of any charge in terms of this section the law as to the admissibility of evidence and the competency and compellability of witnesses as applicable in connection with criminal proceedings in a magistrate's court, shall, with the exception of the provisions of the first proviso to section 217 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), be observed."

Repeal of section 71 of Act 3 of 1990

6. Section 71 of the principal Act is hereby repealed.

Amendment of section 72 of Act 3 of 1990

7. Section 72 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (5) of the following paragraph:
- "(a) Any convicted person who has been sentenced to imprisonment and still liable to serve the sentence imposed, and who is in terms of an order issued under section 11 of the Extradition Act, 1962 (Act No. 67 of 1962) to be surrendered to any person authorized by the foreign State concerned to receive him, shall be so surrendered to such person."

Substitution of section 73A of Act 3 of 1990, as inserted by section 22 of Act 5 of 1991

8. The following section is hereby substituted for section 73A of the principal Act:
- "Transfer of convicted juvenile from prison to reform school"**
- 71A. The Minister may, in consultation with the Minister as defined in the KwaZulu Child Care Act, 1987 (Act No. 14 of 1987), by order in writing transfer any person under the age of **[eighteen]** ~~twenty-one~~ years who is undergoing in any prison a sentence of imprisonment, to a reform school governed by the KwaZulu Child Care Act, 1987 (Act No. 14 of 1987), and from the date of that order that person shall be deemed to have been sent to that reform school under section 290 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)."

Amendment of section 74 of Act 3 of 1990, as amended by section 26 of Act 7 of 1992

9. Section 74 of the principal Act is hereby amended by the substitution for the existing heading of the following heading:
- "Agreements for labour or service of prisoners or probationers, and sale of certain articles or products."

Amendment of section 85 of Act 3 of 1990

10. Section 85 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- "(1) Where a prisoner dies and a medical practitioner is unable to certify that his death is due to natural causes, the member of the Department in charge of the prison in question shall furnish the report required by section 2 of the Inquests Act, 1959 (Act No. 58 of 1959)."

Substitution of section 88 of Act 3 of 1990

11. The following section is hereby substituted for section 88 of the principal Act:
- "Non-liability for acts committed under irregular warrants"**
88. If any legal proceedings are brought against the Government or any member of the Department or any temporary correctional official for any act done in compliance with a warrant purporting to be issued by a magistrate, justice of peace, or other officer authorized by law to issue warrants, the Government or the member of the Department or temporary correctional official concerned shall not be liable for any irregularity in the issuing of such warrant or for want of jurisdiction in the person issuing such warrant; and upon producing the warrant purporting to be signed by a magistrate or justice of the peace or other such officer as aforesaid and upon proof that the acts complained of were done in compliance with the warrant, judgement shall be given in favour of the Government or such member or temporary correctional official, as the case may be."

Short title

12. This Act shall be called the KwaZulu Correctional Services Second Amendment Act, 1993.

KWAZULU-TWEEDE WYSIGINGSWET OP DIE KORREKTIIEWE DIENSTE, 1993

Dit het die Staatspresident behaag kragtens die bevoegheid hom verleen by artikel 31 (2) van die Grondwet van die Self Regerende Gebiede, 1971 (Wet 21 van 1971), om sy goedkeuring aan onderstaande Wet te heg. (Engelse teks deur die Staatspresident geteken. Goegekeur op 10-02-94).

WET

Tot wysiging van die KwaZulu-Wet op Korrektiewe Dienste, 1990, ten einde omskrywings van sekere uitdrukkings in te voeg en om andere te vervang; om sekere onpaslike uitdrukkings te vervang; om die bepaling dat geen bepaling van hierdie Wet afbreuk doen aan die Hoofminister se bevoegdheid om oortreders te begenadig of aan hulle gracie te verleen nie, te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die KwaZulu-Wetgewende Vergadering, soos volg:-

Wysiging van artikel 1 van Wet 3 van 1990, soos gewysig deur artikel 1 van Wet 5 van 1991 en artikel 1 van Wet 7 van 1992

1. Artikel 1 van die KwaZulu Wet op Korrektiewe Dienste, 1990 (hieronder die Hoofwet genoem), word hierby gewysig-
 - (a) deur die volgende omskrywing na die omskrywing van "Hoofminister" in te voeg:
" 'inrigtingskomitee' 'n inrigtingskomitee bedoel in artikel 6A:';
 - (b) deur die omskrywing van "jeugdige" deur die volgende omskrywing te vervang:
" 'jeugdige' enige persoon onder die ouderdom van [agtien] een-en-twintig jaar;";
 - (c) deur die omskrywing van "foto" deur die volgende omskrywing te vervang:
" 'foto' ook enige [rolprent, filmkasset, magnetiese band of videoplaak of ander voorwerp bestaande uit materiaal van watter aard ookal, waarop die een of ander beeld of beelde op sodanige wyse opgeneem, gewysig, verander of gestoor is dat die beeld of beelde gebeeldsend kan word, visueel vertoon kan word of voorgestel kan word deur middel van 'n meganiese, elektroniese of ander toestel] prent, beeld, visueel waarneembare voorstelling of 'n ander soortgelyke weergawe;"
 - (d) deur die volgende omskrywing na die omskrywing van "neem" in te voeg:
" 'publiseer' met betrekking tot 'n foto, ook vertoon, wys, beeldsend, weergee of reproduseer;"; en
 - (e) deur die omskrywing van "neem" deur die volgende omskrywing te vervang:
" 'neem' met betrekking tot [enige rolprent, filmkasset, magnetiese band, videoplaak of enige ander voorwerp waarna verwys is in die omskrywing van "foto", produseer op enige manier] 'n foto, ook om 'n handeling te verrig wat op sigself of as deel van 'n proses of as een van 'n reeks handeling die voortbrenging van 'n foto moontlik maak."

Wysiging van artikel 10 van Wet 3 van 1990, soos gewysig deur artikel 6 van Wet 7 van 1992

2. Artikel 10 van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende subartikel in die Engelse teks te vervang:
"(2) Any commissioned officer who has been [discharged with] retired on pension and who thereafter is appointed as a temporary correctional official 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."

Wysiging van artikel 31 van Wet 3 van 1990, soos gewysig deur artikel 9 van Wet 5 van 1991

3. Artikel 31 van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende subartikel te vervang:
"(3) 'n In subartikel (1) bedoelde persoon wat in 'n gevangenis of 'n polisieel of opsluitplek aangehou word of wat in bewaring na of van 'n hof oorgebring word of wat, terwyl hy in bewaring is, 'n hof of 'n voorlopige ondersoek bywoon, word nie toegelaat om met 'n persoon bo die ouderdom van [agtien] een-en-twintig jaar wat in bewaring is kontak te hê nie: Met dien verstande dat hy toegelaat kan word om kontak te hê met so 'n persoon wat in bewaring is en wat gesamentlik met hom aangekla is of aangekla gaan word, indien 'n lid van die Departement aan die hof van die gevangenis of 'n lid van die Polisiemag onder wie se toesig die polisieel of opsluitplek is waarin hy aangehou word, van oordeel is dat sodanige kontak nie nadelig vir hom sal wees nie."

Wysiging van artikel 33 van Wet 3 van 1990

4. Artikel 33 van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende subartikel te vervang:
"(1) Behoudens die bepalings van hierdie Wet, moet elke lid van die Departement wat aan die hof van 'n gevangenis staan en elke ander lid van die Departement wat toesig oor gevangenes het, toesien dat elke gevangene wat deur 'n hof gevonnissen is daardie vonnis ondergaan op die wyse deur die hof in die lasbrief gelas [of indien die vonnis deur die Hoofminister versag is, op die wyse deur die Hoofminister op die bevel van die Minister gelas] en daartoe is die lasbrief [of bevel of 'n gesertifiseerde afskrif daarvan] voldoende magtigting vir elke sodanige lid."

Wysiging van artikel 55 van Wet 3 van 1990, soos gewysig deur artikel 18 van Wet 5 van 1991

5. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
"(4) By die ondersoek van 'n aanklag ingevolge hierdie artikel word die wetsbepalings betreffende die toelaatbaarheid van getuie en die bevoegdheid en verpligbaarheid van getuies soos van toepassing in verband met strafsake

in 'n magistraatshof, met uitsondering van die bepaling van die eerste voorbehoudsbepaling by artikel 217(1) van die Strafproseswet, 1977 (Wet No. 51 van 1977), nagekom. ”.

Herroeping van artikel 71 van Wet 3 van 1990

6. Artikel 71 van die Hoofwet word hierby herroep.

Wysiging van artikel 72 van Wet 3 van 1990

7. Artikel 72 van die Hoofwet word hierby gewysig deur paragraaf (3) van subartikel (5) deur die volgende paragraaf te vervang:

“(a) Enige veroordeelde persoon wat tot gevangenisstraf gevonnissen is en wat die opgelegde vonnis nog moet uitdien en wat ingevolge 'n bevel wat kragtens artikel 11 van die Wet op Uitlewering, 1962 (Wet No. 67 van 1962), uitgereik is, uitgelewer moet word aan iemand wat deur die betrokke vreemde Staat gemagtig is om hom te ontvang, moet aldus aan so iemand uitgelewer word.”.

Vervanging van artikel 73A van Wet 3 van 1990, soos ingevoeg deur artikel 22 van Wet 5 van 1991

8. Artikel 73A van die Hoofwet word hierby deur die volgende artikel vervang:

“Oorplasing van veroordeelde jeugdige van gevangenis na verbeteringskool

73A. Die Minister kan, in ooreenstemming met die Minister soos in die KwaZulu Wet op Kindersorg, 1987 (Wet No. 14 van 1987), omskryf, by skriftelike bevel iemand onder die leeftyd van [agtien] een-en-twintig jaar wat in 'n gevangenis gevangenisstraf ondergaan, oorplaas na 'n verbeteringskool wat deur die KwaZulu Wet op Kindersorg, 1987 (Wet No. 14 van 1987), beheer word, en vanaf die datum van die bevel word bedoelde persoon geag na daardie verbeteringskool gestuur te wees het kragtens artikel 290 van die Strafproseswet, 1977 (Wet No. 51 van 1977).”.

Wysiging van artikel 74 van Wet 3 van 1990, soos gewysig deur artikel 26 van Wet 7 van 1992

9. Artikel 74 van die Hoofwet word hierby gewysig deur die bestaande opskrif deur die volgende opskrif te vervang:

“Ooreenkomste vir arbeid of diens van gevangenes of toesiggevalle, en verkoop van sekere artikels of produkte.”.

Wysiging van artikel 85 van Wet 3 van 1990

10. Artikel 85 van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende subartikel te vervang:

“(1) Waar 'n gevangene te sterwe kom en 'n mediese praktisyn nie in staat is om te sertifiseer dat sy dood aan natuurlike oorsake toe te skryf is nie, moet die lid van die Departement aan die hoof van die betrokke gevangenis die verslag doen wat ingevolge artikel 2 van die Wet op Geregtelike Doodsondersoek, 1959 (Wet No. 58 van 1959), vereis word.”.

Vervanging van artikel 88 van Wet 3 van 1990

11. Artikel 88 van die Hoofwet word hierby deur die volgende artikel in die Engelse teks vervang:

“Non-liability for acts committed under irregular warrants

88. If any legal proceedings are brought against the Government or any member of the Department or any temporary correctional official for any act done in compliance with a warrant purporting to be issued by a magistrate, justice of the peace, or other officer authorised by law to issue warrants, the Government or the member of the Department or temporary correctional official concerned shall not be liable for any irregularity in the issuing of such warrant or for want of jurisdiction in the person issuing such warrant: and upon producing the warrant purporting to be signed by a magistrate or justice of the peace or other such officer as aforesaid and upon proof that the acts complained of were done in compliance with the warrant, judgement shall be given in favour of the Government or such member or temporary correctional official, as the case may be.”.

Kort titel

12. Hierdie Wet heet die KwaZulu-Tweede Wysigingswet op Korrektiewe Dienste, 1993.

IZIMEMEZELO

ISAZISO KWABAMEMEZELEYO NABAKHOKHAYO IMALI

IZIMEMEZELO: Ngesentimitha noma ingxenye (Kuhlanganisa 13 milimitha ngenhla nangezansi kwesihloko nesigqesho.)

(a) Izicelo zamalaysense okuhweba: ngolwimi: inkokhelo elingayo engu R5.

(b) Ezinye izimemezele: ngolwimi:-

Uhlu olulodwa - R0,60/isentimitha - ukuphinda - R0,30/

isentimitha.

Izinhlal ezimbili - R1,20/isentimitha - ukuphinda - R0,60/

isentimitha.

Izinhlal ezintathu - R1,80/isentimitha - ukuphinda - R0,90/

isentimitha.

Ukulinganisa ubungako bohlu, linganisa amagama awu 6 ngomugqa ohlwini olulodwa; 14 izinhla ezimbili, 21 izinhla ezintathuezinemigqa emithathu kwisentimitha.

Umbhalo (olotshwe ngesandla) ubhalwe ecaleni elilodwa kuphela. Amabizo oqobo NGAMAGAMA AMAKHULU.

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeke kwamagama athile noma amaphutha okushicilela.

ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI

EZIKHISHWAYO ZIKHOKHWA KUQALA

IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

Abenza izicelo zamalaysense amabhizinisi/emisebenzi mabaqaphele uhlelo lwengxenye I yemithetho ephathelene namabhizinisi nokuhweba KwaZulu njengokusho koMthetho wakwaZulu wamaBhizinisi

IZICELO ZAMALAYISENSE OPHUZO

Abenza izicelo zamalaysense ophuzo mabaqaphele isijobelelo emithethweni ephathelene nophuzo njengokusho koMthetho wophuzo wakwaZulu ka 1980 okuyiyona-yona fomu yesaziso sesicelo selayisense yoPhuzo okufanele sikhishwe ngayo kule Gazethi kaHulumeni.

Izincwadi mazithunyelwe ku Nobhala weZangaphakathi,
Isikhwama sePosi X02, Ulundi 3838.

ADVERTISEMENTS

NOTICE TO ADVERTISERS AND SUBSCRIBERS

ADVERTISEMENTS: Per cm, or part (including 13 mm at top and bottom of heading and signature):-

(a) Applications for trading licences per language - A flat rate of R5,00

(b) Other advertisements per language:-

Single column - - - - R0,60/cm Repeat - - - R0,30/cm

Double Column - - - - R1,20/cm Repeat - - - R0,60/cm

Triple Column - - - - R1,80/cm Repeat - - - R0,90/cm

To Calculate approximate space, allow 6 words per line single Column, 14 Double Column, 21 Triple Column, with 3 lines to a cm. Manuscript to be written on one side only; proper names in BLOCK LETTERS. NO responsibility is accepted for losses arising from omissions or typographical errors.

ALL ADVERTISEMENTS AND SUBSCRIPTION PAYMENTS STRICTLY IN ADVANCE

BUSINESS/OCCUPATIONAL AND LICENCE APPLICATIONS

The attention of applicants for Business/Occupational licences is drawn to Schedule 4 of Part I of the regulations relating to Business and Trading Undertakings in KwaZulu in terms of the KwaZulu Business and Trading Undertakings Act 1974, which is the correct form of a Notice of Application for a Business Licence for publication in this Official Gazette.

LIQUOR LICENCE APPLICATIONS

The attention of applicants for Liquor Licences is drawn to the Annexure of the Regulations relating to Liquor Licences in terms of the KwaZulu Liquor Act 1980, which is the correct form of a Notice of Application for a Liquor Licence for publication in this Official Gazette.

Communications to be addressed to:-

The Secretary for Interior, Private Bag X02, Ulundi 3838

ADVERTENSIES

KENNISGEWING AAN ADVERTEERDERS EN INTEKENAARS

ADVERTENSIES: Per cm. of deel (insl. 13 mm bo en onder vir opskrif en handtekening): -

(a) Aansoeke om Handellisensie per taal - 'n Vaste tarief van R5,00

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Enkel kolom R0,60/cm Herhaling ... R0,30/cm

Dubbele kolom R1,20/cm Herhaling ... R0,60/cm

Driedubbele kolom... .. R1,80/cm Herhaling ... R0,90/cm

Vir berekening van benaderde ruimte moet 6 woorde per reël enkele kolom, 14 per reël dubbele kolom, 21 per reël driedubbele kolom, en 3 reël per cm toegelaat word. Manuskripte moet duidelik op een kant en eienaam met BLOKLETTERS geskryf word. Geen aanspreeklikheid word vir verliese as gevolg van weglatinge of drukfoute aanvaar nie.

ALLE ADVERTENSIE - EN INTEKENGELDE STRENG VOORUITBETAALBAAR

AANSOEKE OM BESIGHEIDS/BEROEPSLISENSIES

Die aandaag van applikante om Besigheids/beroepslisensies word gevestig op bylae 4 van Deel 1 van die Regulasies betreffende Besigheids/Beroepslisensies in KwaZulu ingevolge die KwaZulu-wet op Sake - en Beroepsondernemings, 1974, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Besigheidslisensie in hierdie Amptelike Koerant gepubliseer moet word.

AANSOEK OM DRANKLISENSIES

Die aandaag van applikante om Dranklisensies word gevestig op die aanhangsel van die Regulasies betreffende Dranklisensies kragtens die KwaZulu Drankwet, 1980, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Dranklisensie in hierdie Amptelike Koerant gepubliseer moet word.

Mededelings moet gerig word aan:-

**Die Sekretaris van Binnelandse Sake,
Privaatsaak X02 Ulundi 3838**