



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 8TH MARCH, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 354.

8 Maart 1972.

No. 354.

8th March, 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby in 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. 4 van 1972: Wysigingswet op Gevangenis, 1972.

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

Wet No. 4, 1972

WYSIGINGSWET OP GEVANGENISSE, 1972.

WET

Tot wysiging van die bepalings van die Wet op Gevangenis, 1959, met betrekking tot spesiale bewaarders, verhoor deur offisiere van sekere oortredings deur lede van die Gevangenisdiens en spesiale bewaarders, en die betaling van verkoopregte in verband met gevangeniswinkels; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Maart 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van „spesiale bewaarder” deur „tydelike bewaarder” in Wet 8 van 1959.

1. Die Wet op Gevangenis, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur die uitdrukking „spesiale bewaarder” oral waar dit in die Wet voorkom, te vervang deur die uitdrukking „tydelike bewaarder”.

Wysiging van artikel 9 van Wet 8 van 1959.

2. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikels te vervang:

„(2) 'n Offisier wat met pensioen afgedank is en wat daarna ingevolge subartikel (1) as 'n spesiale bewaarder aangestel word, kan met die bevoegdhede, werksaamhede en verantwoordelikhede van 'n offisier bekleed word en indien hy aldus bekleed word, word hy, behoudens die in subartikel (1) bedoelde voorwaardes, geag 'n offisier te wees.

(3) Elke persoon, behalwe 'n persoon wat ingevolge subartikel (2) geag word 'n offisier te wees, is, terwyl hy as spesiale bewaarder optree, met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede bekleed en belas, moet dieselfde pligte verrig en is aan dieselfde tug en gesag onderworpe as 'n bewaarder wat kragtens artikel 8 (1) aangestel is.”.

Vervanging van artikel 9bis van Wet 8 van 1959, soos ingevoeg deur artikel 3 van Wet 75 van 1965.

3. Artikel 9bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Besoldiging van lede van die Gevangenisdiens en spesiale bewaarders. 9A. (1) Aan alle lede van die Gevangenisdiens en spesiale bewaarders, behalwe spesiale bewaarders wat by ooreenkoms geen besoldiging vir hul dienste ontvang nie, word salarisse of lone en toelaes betaal ooreenkomstig die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(2) Spesiale bewaarders wat geen besoldiging vir hul dienste ontvang nie, word nie omrede van die feit dat hulle geen sodanige besoldiging ontvang, geag nie in die diens van die Staat te wees nie.”.

PRISONS AMENDMENT ACT, 1972.

Act No. 4, 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).

(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."

Wet No. 4, 1972

WYSIGINGSWET OP GEVANGENISSE, 1972.

Wysiging van
artikel 53 van Wet
8 van 1959, soos
gewysig deur
artikel 17 van
Wet 75 van 1965.

4. Artikel 53 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(9) In hierdie artikel, tensy uit die samehang anders blyk, beteken—
, 'n lid van die Gevangenisdiens'; en
, 'n spesiale bewaarder'

ook 'n persoon wat op die datum van 'n beweerde oortreding van of versuim om te voldoen aan die een of ander bepaling van hierdie Wet (behalwe 'n beweerde oortreding of versuim wat ingevolge hierdie Wet uitdruklik tot 'n misdryf verklaar is), hetsy bedoelde oortreding of versuim na bewering binne of buite 'n gevangenis plaasgevind het, so 'n lid of so 'n bewaarder was.”

Wysiging van
artikel 88 van
Wet 8 van 1959.

5. Artikel 88 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen lisensiegeld, belasting, reg of geld (behalwe doeane-, aksyns- of verkoopregte wat volgens wet hefbaar is) is kragtens enige wet of verordening deur enigiemand ten opsigte van 'n gesertifiseerde winkel van lede van die Departement van Gevangenisse of ten opsigte van enige artikel wat in so 'n winkel te koop is, betaalbaar nie”.

Kort titel en
inwerkingtreding.

6. (1) Hierdie Wet heet die Wysigingswet op Gevangenisse, 1972, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

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.

