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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 622.

27 Maart 1981.

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

No. 43 van 1981: Wysigingswet op Gevangenisse, 1981.

No. 622.

27 March 1981.

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

No. 43 of 1981: Prisons Amendment Act, 1981.

Act No. 43, 1981

PRISONS AMENDMENT ACT, 1981

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 delete the definitions of certain expressions and to define or further define certain expressions; to regulate the functioning of the Prisons Service within the Department of Justice; to make further provision for the prohibition of pecuniary dealings with regard to prisoners; and to empower the State President to make regulations relating to the establishment and control of a medical scheme; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 3 March 1981.)

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

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 and section 1 of Act 22 of 1980.

Amendment of section 2 of Act 8 of 1959.

Substitution of section 3 of Act 8 of 1959.

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

(a) by the insertion after the definition of "Commissioner" 5 of the following definition:

"Commission for Administration' means the Commission for Administration referred to in section 4 of the Public Service Act, 1957 (Act No. 54 of 1957);"; 10

(b) by the deletion of the definition of "member of the Prisons Service";

(c) by the substitution for the definition of "Minister" of the following definition:

"Minister' means the Minister of [Prisons] Justice;"; 15

(d) by the deletion of the definition of "Public Service Commission"; and

(e) by the deletion of the definition of "the Prisons Service".

2. Section 2 of the principal Act is hereby amended by the 20 substitution for subsection (1) of the following subsection:

"(1) There shall be [a department to be] in the Department of Justice a service, known as the Prisons [Department] Service, which shall consist of the officers, warrant-officers, non-commissioned officers and warders 25 appointed in terms of this Act.".

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

"Control of Prisons Service. 3. (1) The Prisons Service shall, notwithstanding the provisions of any other law but subject to the 30 provisions of subsection (2), be under the control of the Commissioner.

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Wet No. 43, 1981

ALGEMENE VERDUIDELIKENDE NOTA:

- [** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

WET

Tot wysiging van die Wet op Gevangenis, 1959, ten einde die omskrywings van sekere uitdrukksings te skrap en sekere uitdrukksings te omskryf of nader te omskryf; die funksionering van die Gevangenisdiens binne die Departement van Justisie te reël; verdere voorsiening te maak vir die verbod op geldelike verkeer met betrekking tot gevangenes; en aan die Staatspresident die bevoegdheid te verleen om regulasies uit te vaardig betreffende die instelling en bestuur van 'n mediese skema; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1981.)

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

1. Artikel 1 van die Wet op Gevangenis, 1959 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur die omskrywing van „die Gevangenisdiens” te skrap;
- (b) deur na die omskrywing van „Kommissaris” die volgende omskrywing in te voeg:
 „Kommissie vir Administrasie” die Kommissie vir
- 10 Administrasie bedoel in artikel 4 van die Staatsdienswet, 1957 (Wet No. 54 van 1957);”;
- (c) deur die omskrywing van „lid van die Gevangenisdiens” te skrap;
- (d) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
 „Minister” die Minister van **[Gevangenisse] Justisie**;”;
- 15 en
- (e) deur die omskrywing van „Staatsdienskommissie” te skrap.
- 20 2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 „(1) Daar is **[In departement]** in die Departement van
- 25 Justisie 'n diens, bekend as die **[Departement van Gevangenis]** Gevangenisdiens, wat bestaan uit die offisiere, adjudant-offisiere, onderoffisiere en bewaarders kragtens hierdie Wet aangestel.”.
3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:
- 30 „Beheer van Gevangenisdiens.
3. (1) Die Gevangenisdiens staan, ondanks die bepalings van die een of ander wet maar behoudens die bepalings van subartikel (2), onder die beheer van die Kommissaris.

Wysiging van artikel 1 van Wet 8 van 1959, soos gewysig deur artikel 1 van Wet 75 van 1965, artikel 46 van Wet 70 van 1968, artikel 1 van Wet 88 van 1977, artikel 1 van Wet 58 van 1978 en artikel 1 van Wet 22 van 1980.

Wysiging van artikel 2 van Wet 8 van 1959.

Vervanging van artikel 3 van Wet 8 van 1959.

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(2) In the execution of his powers and the performance of his duties, including the powers delegated to him in terms of section 93 (1), the Commissioner shall be subject to the directions of the Director-General: Justice or of the Minister.

(3) The Director-General: Justice may himself exercise or perform any power or duty of the Commissioner referred to in subsection (2) and the Minister may delegate to the Director-General: Justice any of the powers referred to in section 93 (1).

(4) In the execution of any power or the performance of any duty which in terms of the provisions of this Act may be exercised or performed by him, the Director-General: Justice shall be subject to the directions of the Minister.”.

Amendment of
section 35 of
Act 8 of 1959,
as amended by
section 9 of
Act 75 of 1965.

Amendment of
section 46 of
Act 8 of 1959,
as amended by
section 14 of
Act 75 of 1965.

Amendment of
section 94 of
Act 8 of 1959,
as amended by
section 37 of
Act 80 of 1964,
section 24 of
Act 75 of 1965,
section 17 of
Act 101 of 1969,
section 8 of
Act 92 of 1970
and section 17 of
Act 62 of 1973.

(2) In the execution of his powers and the performance of his duties, including the powers delegated to him in terms of section 93 (1), the Commissioner shall be subject to the directions of the Director-General: Justice or of the Minister.

(3) The Director-General: Justice may himself exercise or perform any power or duty of the Commissioner referred to in subsection (2) and the Minister may delegate to the Director-General: Justice any of the powers referred to in section 93 (1).

(4) In the execution of any power or the performance of any duty which in terms of the provisions of this Act may be exercised or performed by him, the Director-General: Justice shall be subject to the directions of the Minister.”.

4. Section 35 of the principal Act is hereby amended by the substitution in the Afrikaans text of subsection (3) for the words “onder-balju” and “registerieur” of the words “adjunk-balju” and “griffier”, respectively.

5. Section 46 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) except for the purposes of the execution of his official duties, have any pecuniary dealing with [prisoners] a prisoner or, with [their friends with] regard to [them] a prisoner, with any other person; or”.

6. Section 94 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b)bis of subsection (1) of the following paragraph:

“(b)bis the establishment, management and control of [funds] any scheme to provide for medical, dental and hospital treatment of, the provision of medicines, other medical requirements and medical aids to, and the transportation during their indisposition of—

(i) members of the Prisons Service and members of their families;

(ii) members of the Prisons Service who retired or retire on pension, and members of their families; and

(iii) members of the families of members of the Prisons Service who died or die, the class of members of the Prisons Service or other persons who shall be or may become members of [any particular fund] such a scheme, the [scale or aggregate amount of contributions (if any) to be made to a fund by any particular] portion of the costs of the provision of such treatment, medicines, medical requirements, medical aids or transportation which shall be payable under such a scheme by any member or class of members [thereof] of that scheme, the termination of membership of [a fund] such a scheme, the rights, privileges and obligations of

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- 5 (2) By die uitoefening van sy bevoegdhede en die verrigting van sy pligte, met inbegrip van die bevoegdhede ingevolge artikel 93 (1) aan hom gedelegeer, is die Kommissaris onderworpe aan die voorskrifte van die Direkteur-generaal: Justisie of van die Minister.
- 10 (3) Die Direkteur-generaal: Justisie kan 'n bevoegdheid of plig van die Kommissaris bedoel in subartikel (2) self uitoefen of verrig en die Minister kan enige van die bevoegdhede in artikel 93 (1) vermeld, aan die Direkteur-generaal: Justisie delegeer.
- 15 (4) By die uitoefening van enige bevoegdheid of die verrigting van enige plig wat ingevolge hierdie Wet deur hom uitgeoefen of verrig kan word, is die Direkteur-generaal: Justisie onderworpe aan die voorskrifte van die Minister.”.

20 4. Artikel 35 van die Hoofwet word hierby gewysig deur in die Afrikaanse teks van subartikel (3) die woorde „onder-balju” en „registerieur” deur onderskeidelik die woorde „adjunk-balju” en „griffier” te vervang.

Wysiging van artikel 35 van Wet 8 van 1959, soos gewysig deur artikel 9 van Wet 75 van 1965.

25 5. Artikel 46 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

25 ,,(b) behalwe vir die doeleindes van die uitoefening van sy ampspligte, enige geldelike verkeer met [gevangenes] 'n gevangene of, met betrekking tot [hulle] 'n gevangene, met [hulle vriende] enige ander persoon hê nie; of”.

30 6. Artikel 94 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b)bis van subartikel (1) deur die volgende paragraaf te vervang:

35 ,,(b)bis die instelling, bestuur en beheer van [fondse] 'n skema om voorsiening te maak vir geneeskundige, tandheelkundige en hospitaalbehandeling van, die verskaffing van medisyne, ander mediese benodighede en mediese hulpmiddels aan, en die vervoer tydens hulle ongesteldheid van—

40 (i) lede van die Gevangenisdiens en lede van hulle gesinne;

(ii) lede van die Gevangenisdiens wat met pensioen afgetree het of aftree, en lede van hulle gesinne; en

45 (iii) lede van die gesinne van lede van die Gevangenisdiens wat te sterwe gekom het of sterf,

50 die klas van lede van die Gevangenisdiens of ander persone wat lede van [n bepaalde fonds] so 'n skema is of kan word, die [skaal of totale bedrag van bydraes (indien enige)] gedeelte van die koste van die verskaffing van bedoelde behandeling, medisyne, mediese benodighede, mediese hulpmiddels of vervoer wat deur enige [bepaalde] lid of klas [van] lede van [n fonds daartoe gelewer moet word] so 'n skema kragtens daardie skema betaalbaar is, die beëindiging van lidmaatskap van [n fonds] so 'n skema, die regte, voorregte en verpligtinge van lede van [n fonds]

Wysiging van artikel 94 van Wet 8 van 1959, soos gewysig deur artikel 37 van Wet 80 van 1964, artikel 24 van Wet 75 van 1965, artikel 17 van Wet 101 van 1969, artikel 8 van Wet 92 van 1970 en artikel 17 van Wet 62 van 1973.

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members of **[a fund]** such a scheme, the vesting in such a scheme of assets, rights, liabilities or obligations, or the disposal in any other manner of the assets, of any fund established by regulations made under this paragraph before the amendment thereof by the provisions of the **Prisons Amendment Act, 1981**, and generally all matters reasonably necessary for the regulation and operation of a **[fund] scheme;**"; and

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(b) by the deletion of subsection (1)*bis*.

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Substitution of the expressions "Prisons Department", "Department" and "Public Service Commission" in Act 8 of 1959.

7. The principal Act is hereby amended by the substitution for the expressions "Prisons Department", "Department" and "Public Service Commission", wherever they occur, of the expressions "Prisons Service", "Service" and "Commission for Administration", respectively.

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Short title.

8. This Act shall be called the Prisons Amendment Act, 1981.

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so 'n skema, die oorgang op so 'n skema van die bates, regte, laste of verpligtinge, of die beskikking op 'n ander wyse oor die bates, van 'n fonds ingestel by regulasies uitgevaardig kragtens hierdie paragraaf voor die wysiging daarvan deur die bepalings van die Wysigingswet op Gevangenisse, 1981, en oor die algemeen alle aangeleenthede wat redelikerwys vir die reëling en werking van 'n **[fonds]** skema nodig is;"; en

10 (b) deur paragraaf (1)*bis* te skrap.

7. Die Hoofwet word hierby gewysig deur die uitdrukking "Departement van Gevangenisse", „Departement" en „Staatsdienskommissie", oral waar dit voorkom, deur onderskeidelik die uitdrukking „Gevangenisdien", „Diens" en „Kommissie 15 vir Administrasie" te vervang.

Vervanging van die uitdrukking „Departement van Gevangenisse", „Departement" en „Staatsdienskommissie" in Wet 8 van 1959.

8. Hierdie Wet heet die Wysigingswet op Gevangenis, 1981. Kort titel.

