



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

On this notification is made of an Act of the Republic of South Africa, namely the Correctional Services Second Amendment Act, 1993, to amend the Correctional Services Act, 1990, so that it will provide for the better protection of offenders and the better protection of society.

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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CAPE TOWN, 6 OCTOBER 1993

No. 15162

KAAPSTAD, 6 OKTOBER 1993

STATE PRESIDENT'S OFFICE

No. 1854.

6 October 1993

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

No. 135 of 1993: Correctional Services Second Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1854.

6 Oktober 1993

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

No. 135 van 1993: Tweede Wysigingswet op Korrektiewe Dienste, 1993.

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- _____** Words underlined with a solid line indicate insertions in existing enactments.

GOVERNMENT GAZETTE ACT

To amend the Correctional Services Act, 1959, so as to adjust a definition and to entrust to the Commissioner certain administrative functions previously entrusted to the Minister; to amend the Public Service Labour Relations Act, 1993, so as to make its provisions applicable to the Department of Correctional Services; and to provide for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 24 September 1993.)*

BE IT ENACTED by the State President and the Parliament 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, section 1 of Act 22 of 1980, Government Notice No. 2302 of 31 October 1980, section 1 of Act 43 of 1981, section 1 of Act 65 of 1982, section 1 of Act 104 of 1983, section 1 of Act 6 of 1985, section 1 of Act 92 of 1990, section 1 of Act 122 of 1991 and section 1 of Act 68 of 1993

1. Section 1 of the Correctional Services Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “strike” of the following definition:

“‘strike’ means strike as defined in section 1 of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993);”.

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Insertion of section 3A in Act 8 of 1959

2. The following section is hereby inserted in the principal Act after section 3: 15

“Application of Act 102 of 1993 to Department

3A. (1) The provisions of the Public Service Labour Relations Act, 1993, shall apply to the Department.

(2) Whenever a provision of this Act is in conflict with a provision of the Public Service Labour Relations Act, 1993, the latter provision shall apply.”

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ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op Korrektiewe Dienste, 1959, ten einde 'n woordomskrywing aan te pas en sekere werksaamhede wat voorheen aan die Minister opgedra is, aan die Kommissaris op te dra; tot wysiging van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, ten einde die bepalings daarvan op die Departement van Korrektiewe Dienste van toepassing te maak; en om voorsiening te maak vir aangeleenthede wat daar mee in verband staan.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 24 September 1993.)

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

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, artikel 1 van Wet 22 van 1980, Goewermentskennisgewing No. 2302 van 31 Oktober 1980, artikel 1 van Wet 43 van 1981, artikel 1 van Wet 65 van 1982, artikel 1 van Wet 104 van 1983, artikel 1 van Wet 6 van 1985, artikel 1 van Wet 92 van 1990, artikel 1 van Wet 122 van 1991 en artikel 1 van Wet 68 van 1993

10 1. Artikel 1 van die Wet op Korrektiewe Dienste, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "staak" deur die volgende omskrywing te vervang:
“‘staking’ staking soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993 (Wet No. 102 van 1993);”.

15 Invoeging van artikel 3A in Wet 8 van 1959

2. Die volgende artikel word hierby in die Hoofwet na artikel 3 ingevoeg:

“Toepassing van Wet 102 van 1993 op Departement

16 3A. (1) Die bepalings van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, is op die Departement van toepassing.
20 (2) Wanneer 'n bepaling van hierdie Wet strydig is met 'n bepaling van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, geld laasgenoemde bepaling.”.

Amendment of section 5B of Act 8 of 1959, as substituted by section 7 of Act 122 of 1991

3. Section 5B of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

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“(7) A member of the National Advisory Council who is not in the full-time service of the State may receive such allowances as may be determined by the **[Minister] Commissioner** with the consent of the Minister of **[Finance] State Expenditure.**”.

Amendment of section 9B of Act 8 of 1959, as inserted by section 4 of Act 104 of 1983 and amended by section 2 of Act 92 of 1990 and section 10 of Act 122 of 1991

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4. Section 9B of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) Every person who has served in a full-time capacity for a period as may be determined by the **[Minister] Commissioner** with the concurrence of the **[Minister of Defence] Chief of the South African Defence Force** in a post on the fixed establishment of the Department, and who has resigned or who resigns from the service of the Department on or after 1 January 1983, becomes at the commencement of this section or upon his resignation a member of the reserve force, and, subject to the provisions of this Act, remains a member thereof until he attains the age of 55 years.”.

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Amendment of section 9F of Act 8 of 1959, as inserted by section 4 of Act 104 of 1983

5. Section 9F of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) A member of the reserve force shall be paid the salary and allowances determined by the **[Minister] Commissioner** on the recommendation of the Commission for Administration and after consultation with the Minister of **[Finance] State Expenditure:** Provided that any other remuneration paid by the State to such a member shall not be affected by this provision.”.

Amendment of section 9G of Act 8 of 1959, as inserted by section 6 of Act 68 of 1993

6. Section 9G of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

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“(a) the promotion of a commissioned officer of or above the rank of brigadier **[and the transfer of a commissioned officer of or above the rank of Deputy Commissioner]** shall be subject to the approval of the Minister;”.

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Amendment of section 12 of Act 8 of 1959, as amended by section 4 of Act 75 of 1965, section 10 of Act 62 of 1966, section 2 of Act 9 of 1971, section 3 of Act 58 of 1978, section 5 of Act 104 of 1983, section 4 of Act 92 of 1990 and section 1 of Act 80 of 1992

7. Section 12 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (8) of the following paragraph:

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“(b) The Commissioner may **[with the approval of the Minister]** determine the conditions under which such a member may be permitted to resign or withdraw himself from the said service.”.

Wysiging van artikel 5B van Wet 8 van 1959, soos vervang deur artikel 7 van Wet 122 van 1991

3. Artikel 5B van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:
- 5 “(7) ’n Lid van die Nasionale Adviesraad wat nie in die heeltydse diens van die Staat is nie kan die toelaes ontvang wat die **[Minister] Kommissaris** met die instemming van die Minister van **[Finansies] Staatsbesteding** bepaal.”.

Wysiging van artikel 9B van Wet 8 van 1959, soos ingevoeg deur artikel 4 van Wet 104 van 1983 en gewysig deur artikel 2 van Wet 92 van 1990 en artikel 10 van Wet 122 van 1991

4. Artikel 9B van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 15 “(1) Elke persoon wat in ’n heeltydse hoedanigheid vir ’n tydperk deur die **[Minister] Kommissaris** met die instemming van die **[Minister van Verdediging] Hoof van die Suid-Afrikaanse Weermag** bepaal in ’n pos op die vaste diensstaat van die Departement diens gedoen het, en wat op of na 1 Januarie 1983 uit die diens van die Departement bedank het of bedank, word by die inwerkingtreding van hierdie artikel of by sy bedanking ’n lid van die reserwemag, en bly, behoudens die bepalings van hierdie Wet, ’n lid daarvan totdat hy die ouderdom van 55 jaar bereik.”.

Wysiging van artikel 9F van Wet 8 van 1959, soos ingevoeg deur artikel 4 van Wet 104 van 1983

5. Artikel 9F van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 25 “(1) Aan ’n lid van die reserwemag word die salaris en toelaes betaal wat die **[Minister] Kommissaris**, op aanbeveling van die Kommissie vir Administrasie en na oorlegpleging met die Minister van **[Finansies] Staatsbesteding**, bepaal: Met dien verstande dat enige ander besoldiging wat deur die Staat aan so ’n lid betaal word, nie deur hierdie bepaling geraak word nie.”.

Wysiging van artikel 9G van Wet 8 van 1959, soos ingevoeg deur artikel 6 van Wet 68 van 1993

6. Artikel 9G van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:
- 35 “(a) die bevordering van ’n offisier met of bo die rang van brigadier **[en die oorplasing van ’n offisier met of bo die rang van Adjunk-Kommissaris]** met die goedkeuring van die Minister geskied;”.

Wysiging van artikel 12 van Wet 8 van 1959, soos gewysig deur artikel 4 van Wet 75 van 1965, artikel 10 van Wet 62 van 1966, artikel 2 van Wet 9 van 1971, artikel 3 van Wet 58 van 1978, artikel 5 van Wet 104 van 1983, artikel 4 van Wet 92 van 1990 en artikel 1 van Wet 80 van 1992

7. Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (8) deur die volgende paragraaf te vervang:
- 45 “(b) Die Kommissaris kan **[, met die goedkeuring van die Minister,]** die voorwaardes bepaal waaronder so ’n lid toegelaat kan word om te bedank of hom aan genoemde diens te onttrek.”.

Substitution of section 13B of Act 8 of 1959, as inserted by section 5 of Act 92 of 1990

8. The following section is hereby substituted for section 13B of the principal Act:

“Dismissal of members of Department who strike

13B. If the Commissioner is of the opinion that a member of the Department strikes takes part in a strike or conspires with another person to strike take part in a strike or incites, instigates or commands another person to strike take part in a strike, he the Commissioner may after affording such a member the opportunity to be heard dismiss such member from the Department: Provided that—

(a) such member shall as soon as practicable after the date of such dismissal be notified in writing of the dismissal, the reasons for the dismissal being stated;

(b) such member may, within 30 days after the receipt of the notice, make written representations to the Minister regarding the revocation of the dismissal;

(c) the Minister may, after having considered the representations, reinstate such member in his employment as from the date of his dismissal] in accordance with the provisions of section 19 of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).”.

Amendment of section 19 of Act 8 of 1959, as amended by section 8 of Act 92 of 1990 and section 7 of Act 68 of 1993

9. Section 19 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) The Commissioner may with the approval of the Minister award to any person who is or was a member of the Department such monetary or other reward for exceptional ability or possessing special qualifications or rendering meritorious service, as is, in his opinion, a fitting reward therefor.

(3) The Commissioner may with the approval of the Minister award a monetary or other reward to a person who performs an act which promotes the interests of the Department or of a member of the Department and which justifies such award.”.

Amendment of section 55 of Act 8 of 1959, as amended by section 49 of Act 70 of 1968, section 13 of Act 58 of 1978, section 4 of Act 65 of 1982, section 32 of Act 97 of 1986 and section 22 of Act 92 of 1990

10. Section 55 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) (a) After the expiration of the period aforesaid, the Minister or, if authorized thereto by the Minister either specially in a particular case or generally the Commissioner may appoint a board of enquiry to investigate the charge in question.

(b) A board of enquiry shall consist of one or more persons who [—

(ii) in the case of a board appointed by the Minister] shall be commissioned officers of the rank equal to or higher than that of the officer charged, or magistrates

[(ii) in the case of a board appointed by the Commissioner, shall be such commissioned officers].”.

Vervanging van artikel 13B van Wet 8 van 1959, soos ingevoeg deur artikel 5 van Wet 92 van 1990

8. Artikel 13B van die Hoofwet word hierby deur die volgende artikel vervang:

5 **“Ontslag van lede van Departement wat staak**

- 10 **13B.** Indien [die Kommissaris van oordeel is dat] ’n lid van die Departement [staak] aan ’n staking deelneem of met iemand anders saamspan om [te staak] aan ’n staking deel te neem of iemand uitlok, aanstig of beveel om [te staak] aan ’n staking deel te neem, kan [hy] die Kommissaris [nadat hy die lid ’n geleentheid gebied het om aangehoor te word] sodanige lid ooreenkomstig die bepalings van artikel 19 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993 (Wet No. 102 van 1993), uit die Departement ontslaan~~[: Met dien verstande dat—]~~
- 15 (a) sodanige lid so gou moontlik na die datum van daardie ontslag, skriftelik van die ontslag in kennis gestel word, met vermelding van die redes vir die ontslag;
- 20 (b) sodanige lid binne 30 dae na die datum van ontvangs van die kennisgewing, skriftelik vertoe tot die Minister kan rig aangaande die opheffing van die ontslag;
- 25 (c) die Minister, na oorweging van die vertoe, die lid in sy diens kan herstel vanaf die datum waarop hy ontslaan is].”.

Wysiging van artikel 19 van Wet 8 van 1959, soos gewysig deur artikel 8 van Wet 92 van 1990 en artikel 7 van Wet 68 van 1993

25 9. Artikel 19 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

- 30 “(2) Die Kommissaris kan~~[, met die goedkeuring van die Minister,]~~ aan iemand wat ’n lid van die Departement is of was, so ’n geldelike of ander beloning vir buitengewone bekwaamheid of vir die besit van besondere kwalifikasies of vir die lewering van voortreflike diens toeken as wat volgens sy oordeel ’n paslike vergoeding daarvoor is.
- 35 (3) Die Kommissaris kan~~[, met die goedkeuring van die Minister,]~~ ’n geldelike of ander beloning toeken aan ’n persoon wat ’n handeling verrig wat die belang van die Departement of van ’n lid van die Departement bevorder en wat sodanige toekenning regverdig.”.

Wysiging van artikel 55 van Wet 8 van 1959, soos gewysig deur artikel 49 van Wet 70 van 1968, artikel 13 van Wet 58 van 1978, artikel 4 van Wet 65 van 1982, artikel 32 van Wet 97 van 1986 en artikel 22 van Wet 92 van 1990

40 10. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 45 “(2) (a) Na verstryking van voormalde tydperk, kan [die Minister of, indien daartoe deur die Minister gemagtig, hetsy spesiaal in ’n besondere geval of algemeen,] die Kommissaris ’n raad van ondersoek aanstel om die betrokke aanklag te ondersoek.
- 50 (b) ’n Raad van ondersoek bestaan uit een of meer persone wat [—]
- 55 (i) in die geval van ’n raad deur die Minister aangestel, offisiere met dieselfde of hoër rang as die aangeklaagde offisier, of landdroste is~~[;]~~;
- 60 (ii) in die geval van ’n raad deur die Kommissaris aangestel, sodanige offisiere is~~[.]~~”.

Substitution of section 68 of Act 8 of 1959, as substituted by section 21 of Act 68 of 1993

11. The following section is hereby substituted for section 68 of the principal Act:

“Special remission of sentence by Commissioner”

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68. Notwithstanding any provision to the contrary the [Minister] Commissioner may [on the recommendation of the Commissioner] grant to a prisoner who has rendered highly meritorious service a special remission of sentence not exceeding two years either unconditionally or on such conditions as he may determine.”.

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Substitution of section 69 of Act 8 of 1959, as substituted by section 21 of Act 68 of 1993

12. The following section is hereby substituted for section 69 of the principal Act:

“Placement on parole on medical grounds”

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69. A prisoner serving any sentence in a prison—

- (a) who suffers from a dangerous, infectious or contagious disease; or
 - (b) whose [release or] placement on parole is expedient on the grounds of his physical condition or, in the case of a woman, her advanced pregnancy,
- may at any time, on the recommendation of the medical officer, be [released unconditionally or] placed on parole by the [Minister] Commissioner: Provided that a prisoner sentenced to imprisonment for life shall not be placed on parole without the consent of the Minister.”.

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Amendment of section 74 of Act 8 of 1959, as substituted by section 25 of Act 92 of 1990

13. Section 74 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) Notwithstanding anything contained in the Child Care Act, 1983 (Act No. 74 of 1983), or any other law, the [Minister] Director-General as defined in the said Act may in consultation with the [Minister] Commissioner, by order in writing transfer to a prison designated by the [Minister] Commissioner any person receiving training in a reform school governed by that Act, if, in his opinion, such person is a type of person who is not amenable to training in a reform school.”.

35

Substitution of section 74A of Act 8 of 1959, as inserted by section 26 of Act 92 of 1990

14. The following section is hereby substituted for section 74A of the principal Act:

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“Transfer of convicted juveniles from prison to reform school”

74A. The [Minister] Commissioner may, in consultation with the [Minister] Director-General as defined in the Child Care Act, 1983 (Act No. 74 of 1983), by order in writing transfer any person under the age of 21 years who is undergoing in any prison a sentence of imprisonment, to a reform school governed by the Child Care Act, 1983, 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).”.

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Vervanging van artikel 68 van Wet 8 van 1959, soos vervang deur artikel 21 van Wet 68 van 1993

11. Artikel 68 van die Hoofwet word hierby deur die volgende artikel vervang:

“Spesiale afslag van vonnis deur Kommissaris

5 **68.** Ondanks andersluidende bepalings kan die **[Minister] Kommissaris [op aanbeveling van die Kommissaris]** 'n spesiale afslag van vonnis van hoogstens twee jaar of onvoorwaardelik of op sodanige voorwaardes as wat hy mag bepaal, verleen aan 'n gevangene wat hoogs verdienstelike diens gelewer het.”.

10 **Vervanging van artikel 69 van Wet 8 van 1959, soos vervang deur artikel 21 van Wet 68 van 1993**

12. Artikel 69 van die Hoofwet word hierby deur die volgende artikel vervang:

“Uitplasing op parool op geneeskundige gronde

15 **69.** 'n Gevangene wat 'n vonnis in 'n gevangenis uitdien en—
 (a) wat aan 'n gevaarlike, aansteeklike of besmetlike siekte ly; of
 (b) wie se **[vrylating of]** uitplasing op parool raadsaam is vanweë sy liggaaamlike toestand of, in die geval van 'n vroulike persoon, haar gevorderde swangerskap,
 kan, op aanbeveling van die geneeskundige beampie, deur die **[Minister] Kommissaris** te eniger tyd **[onvoorwaardelik vrygelaat word of]** op parool uitgeplaas word: Met dien verstande dat 'n gevangene wat gevonnis is tot lewenslange gevangenisstraf nie sonder die goedkeuring van die Minister op parool uitgeplaas word nie.”.

25 **Wysiging van artikel 74 van Wet 8 van 1959, soos vervang deur artikel 25 van Wet 92 van 1990**

13. Artikel 74 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

30 “(1) Ondanks andersluidende bepalings in die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), of enige ander wet, kan die **[Minister] Direkteur-generaal** soos in genoemde Wet omskryf, in oorleg met die **[Minister] Kommissaris**, by skriftelike bevel enige persoon wat opleiding ontvang in 'n verbeteringskool wat deur daardie Wet beheer word, oorplaas na 'n deur die **[Minister] Kommissaris** aangewese gevangenis, indien daardie persoon volgens sy oordeel 'n tipe persoon is wat nie vir opleiding in 'n verbeteringskool vatbaar is nie.”.

Vervanging van artikel 74A van Wet 8 van 1959, soos ingevoeg deur artikel 26 van Wet 92 van 1990

40 14. Artikel 74A van die Hoofwet word hierby deur die volgende artikel vervang:

“Oorplasing van veroordeelde jeugdiges van gevangenis na verbeteringskool

45 **74A.** Die **[Minister] Kommissaris** kan, in oorleg met die **[Minister] Direkteur-generaal** soos in die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), omskryf, by skriftelike bevel iemand onder die leeftyd van 21 jaar wat in 'n gevangenis gevangenisstraf ondergaan, oorplaas na 'n verbeteringskool wat deur die Wet op Kindersorg, 1983, beheer word, en vanaf die datum van die bevel word bedoelde persoon geag na daardie verbeteringskool gestuur te gewees het kragtens artikel 290 van die Strafproseswet, 1977 (Wet No. 51 van 1977).”.

Substitution of certain expressions in Act 8 of 1959

15. The principal Act is hereby amended by the substitution wherever it appears in sections 4(2), 4A(3), 4B(1), 5C, 6(2), 9B(3), 13A, 16(1), 26(1), 32A(1) and (2), 34(2), 35(2), 36(6)(b), 49(3), 61(c) and (d), 75(3) and (4), 88(3) and (4)(b) and 94(1)(w) for the word "Minister" of the word "Commissioner". 5

Savings

16. The continued validity after the date of commencement of this section of anything done or permitted by the Minister prior to such commencement in terms of a provision amended by this Act, shall not be affected solely by reason of the fact that the Minister is by virtue of such amendment divested of, and the Commissioner is by virtue of such amendment invested or charged with, the power or duty to do or to permit any such thing, and as from such date of commencement any such thing shall be deemed to have been done or permitted by the Commissioner. 10

Amendment of Act 102 of 1993

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17. The Public Service Labour Relations Act, 1993, is hereby amended—

(a) by the substitution in section 1 for paragraph (a) of the definition of "employee" of the following paragraph:

"(a) a person employed in terms of an Act other than the Public Service Act or the Correctional Services Act, 1959 (Act No. 8 of 1959); and"; and

(b) by the substitution in section 19 for paragraph (c) of subsection (11) of the following paragraph:

"(c) Upon the expiry of the period of three working days referred to in paragraph (a), the head of department shall take into account any written explanations so made, and may thereafter immediately terminate the services of any such employees at his sole discretion and notwithstanding the provisions of section 16(1) and (4) of the Public Service Act and section 12 of the Correctional Services Act, 1959 (Act No. 8 of 1959).". 25

Short title and commencement

18. (1) This Act shall be called the Correctional Services Second Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 30

(2) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act. 35

Vervanging van sekere uitdrukings in Wet 8 van 1959

15. Die Hoofwet word hierby gewysig deur die woord "Minister", oral waar dit in artikels 4(2), 4A(3), 4B(1), 5C, 6(2), 9B(3), 13A, 16(1), 26(1), 32A(1) en (2), 34(2), 35(2), 36(6)(b), 49(3), 61(c) en (d), 75(3) en (4), 88(3) en 4(b) en 5 94(1)(w) voorkom, deur die woord "Kommissaris" te vervang.

Voorbehoude

16. Die voortgesette geldigheid na die datum van inwerkingtreding van hierdie artikel van iets wat voor sodanige inwerkingtreding deur die Minister gedoen of toegelaat is ingevolge 'n bepaling deur hierdie Wet gewysig, word nie 10 geraak bloot vanweë die feit dat die Minister, uit hoofde van sodanige wysiging onthef word van, en die Kommissaris uit hoofde van sodanige wysiging beklee of belas is met, die bevoegdheid of plig om so iets te doen of toe te laat nie, en vanaf sodanige datum van inwerkingtreding word so iets geag gedoen of toegelaat te wees deur die Kommissaris.

15 Wysiging van Wet 102 van 1993

17. Die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, word hierby gewysig—

- (a) deur in artikel 1 paragraaf (a) van die woordomskrywing van "werk-nemer" deur die volgende paragraaf te vervang:
20 "(a) 'n persoon in diens geneem ingevolge 'n ander Wet as die Staatsdienswet of die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), nie; en"; en
- (b) deur in artikel 19 paragraaf (c) van subartikel (11) deur die volgende paragraaf te vervang:
25 "(c) By verstryking van die tydperk van drie werksdae in paragraaf (a) vermeld, neem die departementshoof alle geskrewe verduidelikings aldus verskaf, in ag, en kan hy daarna, ondanks die bepalings van artikel 16(1) en (4) van die Staatsdienswet en artikel 12 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), onmiddellik die dienste van enige sodanige werknemers na eie goeddunke beëindig.".

Kort titel en inwerkingtreding

18. (1) Hierdie Wet heet die Tweede Wysigingswet op Korrektiewe Dienste, 1993, en tree in werking op 'n datum wat die Staatspresident by proklamasie in 35 die *Staatskoerant* bepaal.

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

