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OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES - AFRIKA.

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No. 8, 1959. (Union)]

ACT

To consolidate and amend the laws relating to prisons.

*(Afrikaans text signed by the Governor-General.)
(Assented to 20th March, 1959.)*

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows: —

PRELIMINARY PROVISIONS.

1. In this Act, unless the context otherwise indicates —
- (i) "bury" includes cremate; and "burial" has a corresponding meaning; (i)
 - (ii) "commissioned officer" means any Commissioner of Prisons appointed under sub-section (3) of section *three*, any Deputy-Commissioner of Prisons, any assistant Commissioner of Prisons and any other member of the Prisons Service holding the rank of brigadier, colonel, lieutenant-colonel, major, captain or lieutenant; (xv)
 - (iii) "Commissioner" means the Commissioner of Prisons appointed or deemed to have been appointed under this Act; (xi)
 - (iv) "farm colony" means a prison of the type referred to in paragraph (e) of sub-section (1) of section *twenty*; (iii)
 - (v) "juvenile" means any person under the age of twenty-one years; (x)
 - (vi) "medical officer" means the medical officer referred to in sub-section (2) of section *six* or the district surgeon or other medical practitioner referred to in sub-section (3) of the said section; (v)
 - (vii) "member of the Prisons Service" means any commissioned officer, warrant-officer, non-commissioned officer or warder serving in the Prisons Department; (xii)

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No. 8, 1959. (Unie)]

WET

Tot samevatting en wysiging van die wette op gevangenis.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 Maart 1959.)*

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg: —

INLEIDENDE BEPALINGS.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken —
- (i) „begrawe” ook veras; en het „begrafnis” ’n ooreenstemmende betekenis; (i)
 - (ii) „blanke gevangene” ’n gevangene wat ’n blanke is soos omskryf in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xxi)
 - (iii) „boerderykolonie” ’n gevangenis van die in paragraaf (e) van sub-artikel (1) van artikel *twintig* bedoelde soort; (iv)
 - (iv) „die Gevangenisdiens” die offisiere, adjudant-offisiere, onder-offisiere en bewaarders wat in die Departement van Gevangenis dien; (xix)
 - (v) „geneeskundige beampte” die geneeskundige beampte in sub-artikel (2) van artikel *ses* bedoel of die distriksgeneesheer of ander geneesheer in sub-artikel (3) van genoemde artikel bedoel; (vi)
 - (vi) „gevangene” enige persoon, hetsy hy veroordeel is of nie, wat in ’n gevangenis in bewaring aangehou word; (xii)
 - (vii) „gevangenis” enige plek wat kragtens hierdie Wet ingestel is of geag word aldus ingestel te gewees het as ’n plek vir die opneming, aanhouding, opsluiting, opleiding of behandeling van persone wat in bewaring aangehou moet word, en sluit dit ook in al die grond, buitegeboue en persele wat daaraan grens en in verband daar-

- (viii) "Minister" means the Minister of Justice; (xiii)
- (ix) "non-white prisoner" means a prisoner who is not a white prisoner; (xiv)
- (x) "prison" means any place established or deemed to have been established under this Act as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody, and includes all land, outbuildings and premises adjacent thereto and used in connection therewith and all land, branches, outstations, camps, buildings, premises or places to which any such persons have been sent for the purpose of imprisonment, detention, labour, treatment or otherwise, and all quarters of members of the Prisons Service used in connection with any such prison; and for the purposes of any offence committed under this Act by or in respect of prisoners further includes every place used as a police cell or lock-up; (vii)
- (xi) "prison board" means a prison board referred to in section *five*; (viii)
- (xii) "prisoner" means any person, whether convicted or not, who is detained in custody in any prison; (vi)
- (xiii) "Public Service" means the public service as defined in section *three* of the Public Service Act, 1957 (Act No. 54 of 1957); (xviii)
- (xiv) "Public Service Commission" means the Public Service Commission referred to in section *four* of the Public Service Act, 1957 (Act No. 54 of 1957); (xix)
- (xv) "race" includes any ethnic or other group as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (xvi)
- (xvi) "regulation" means any regulation made or otherwise in force under this Act; (xvii)
- (xvii) "release on parole" means the release of any prisoner on parole in terms of section *sixty-eight*; (xx)
- (xviii) "release on probation" means the release of any prisoner on probation in terms of section *sixty-seven*; (xxi)
- (xix) "the Prisons Service" means the commissioned officers, warrant-officers, non-commissioned officers and warders serving in the Prisons Department; (iv)
- (xx) "this Act" includes the regulations; (ix)
- (xxi) "white prisoner" means a prisoner who is a white person as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950). (ii)

CHAPTER I.

ESTABLISHMENT, ADMINISTRATION AND FUNCTIONS OF THE PRISONS DEPARTMENT, AND APPOINTMENT, POWERS, DISCIPLINE AND REMOVAL OF PERSONNEL.

- (1) *Establishment and functions of the Prisons Department.*
- 2. (1) There shall be a department to be known as the Prisons Department.
- (2) The functions of the Prisons Department shall be —
 - (a) to ensure that every prisoner lawfully detained in any prison be kept therein in safe custody until lawfully discharged or removed therefrom;
 - (b) as far as practicable, to apply such treatment to convicted prisoners as may lead to their reformation and rehabilitation and to train them in habits of industry and labour;
 - (c) the performance of all work necessary for, arising from, or incidental to, the effective administration of prisons; and

mee gebruik word en al die grond, takke, buitestacies, kampe, geboue, persele of plekke waarheen enige sodanige persone gestuur is vir die doel van gevangesetting, aanhouding, arbeid, behandeling of andersins, asook alle amptelike wonings van lede van die Gevangenisdiens wat in verband met so 'n gevangenis gebruik word; en vir die doeleindes van enige misdryf ingevolge hierdie Wet gepleeg deur of ten opsigte van gevangenes sluit dit voorts in elke plek wat as 'n polisieel of -opsluitplek gebruik word; (x)

- (viii) „gevangenisraad” ’n in artikel *vyf* bedoelde gevangenisraad; (xi)
- (ix) „hierdie Wet” ook die regulasies; (xx)
- (x) „jeugdige” enige persoon onder die ouderdom van een-en-twintig jaar; (v)
- (xi) „Kommissaris” die Kommissaris van Gevangenis wat kragtens hierdie Wet aangestel is of geag word aldus aangestel te gewees het; (iii)
- (xii) „lid van die Gevangenisdiens” ’n offisier, adjudant-offisier, onder-offisier of bewaarder wat in die Departement van Gevangenis dien; (vii)
- (xiii) „Minister” die Minister van Justisie; (viii)
- (xiv) „nie-blanke gevangene” ’n gevangene wat nie ’n blanke gevangene is nie; (ix)
- (xv) „offisier” enige Kommissaris van Gevangenis kragtens die bepalings van sub-artikel (3) van artikel *drie* aangestel, enige Adjunk-kommissaris van Gevangenis, enige Assistent-kommissaris van Gevangenis en enige ander lid van die Gevangenisdiens met die rang van brigadier, kolonel, luitenant-kolonel, majoor, kaptein of luitenant; (ii)
- (xvi) „ras” ook ’n etniese of ander groep soos in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf; (xv)
- (xvii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig of andersins van krag is; (xvi)
- (xviii) „Staatsdiens” die Staatsdiens soos in artikel *drie* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), omskryf; (xiii)
- (xix) „Staatsdienskommissie” die Staatsdienskommissie in artikel *vier* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), bedoel; (xiv)
- (xx) „vrylating op parool” die vrylating van ’n gevangene op parool ingevolge artikel *agt-en-sestig*; (xvii)
- (xxi) „vrylating op proef” die vrylating van ’n gevangene op proef ingevolge artikel *sewe-en-sestig*. (xviii)

HOOFSTUK I.

INSTELLING, BESTUUR EN WERKSAAMHEDE VAN DIE DEPARTEMENT VAN GEVANGENISSE, EN AANSTELLING, BEVOEGDHEDE, TUG EN ONTSLAG VAN PERSONEEL.

- (i) *Instelling en werksaamhede van die Departement van Gevangenis.*
- 2. (1) Daar is ’n departement, bekend as die Departement van Gevangenis.
- (2) Die werksaamhede van die Departement van Gevangenis is —
 - (a) om te verseker dat elke gevangene wat wettiglik in ’n gevangenis aangehou word, daarin in veilige bewaring gehou word totdat hy wettiglik daaruit ontslaan of verwyder word;
 - (b) om, sover doenlik, sodanige behandeling op veroordeelde gevangenes toe te pas as wat tot hul verbetering en rehabilitasie mag lei en om hulle in gewoontes van vlyt en arbeid op te lei;
 - (c) die verrigting van alle werk wat nodig is vir, voortvloei uit, of in verband staan met die doeltreffende bestuur van gevangenis; en

(d) to perform such other duties as the Minister may from time to time assign to the Department.

ii) *Appointment and powers of personnel.*

3. (1) The Prisons Department shall, under the direction and control of the Minister, be in charge of the Commissioner of Prisons.

(2) Subject to the provisions of sub-section (3), the Commissioner of Prisons shall be an officer who holds a post classified in the administrative division of the fixed establishment of the Prisons Department, to be appointed by the Minister, subject to the laws governing the Public Service.

(3) The Minister may at any time subject to the laws governing the Public Service, convert the post of Commissioner of Prisons into, and by notice in the *Gazette* designate it as, a post to be held by a member of the Prisons Service, and thereafter the incumbent of that post shall be appointed by the Governor-General by commission, subject to the provisions of this Act.

4. (1) The Governor-General may from time to time appoint by commission a commissioned officer, to be styled Deputy-Commissioner of Prisons, one or more commissioned officers, to be styled Assistant Commissioners of Prisons, and such other commissioned officers as he may deem necessary, subject to the provisions of this Act.

(2) The Governor-General may, subject to the provisions of this Act, suspend, reprimand, discharge or retire any such commissioned officer or reduce him in rank or in seniority in rank.

5. (1) The Minister shall appoint one or more boards, to be styled prison boards, to perform the functions and duties entrusted to or imposed upon a prison board by or under this Act.

(2) The period of office of members of a prison board shall be determined by the Minister.

(3) A prison board shall consist of so many commissioned officers as official members (one of whom shall be designated by the Minister as chairman) and so many non-official members, as the Minister thinks fit.

(4) The non-official members of a prison board shall receive such remuneration as the Minister may determine in consultation with the Minister of Finance.

6. (1) For every prison there shall be a medical officer who shall perform such duties as are assigned to him by or under this Act.

(2) The Minister may, subject to the laws governing the Public Service, appoint for any prison or group of prisons a medical officer who shall be a resident medical officer whose whole time shall be given to the duties of the post to which he has been appointed.

(3) If no medical officer has been appointed for any prison as provided in sub-section (2), or if the post of medical officer at any prison is temporarily vacant, the duties assigned to the medical officer of such prison by or under this Act shall be performed by the district surgeon for the area in which the prison is situated, or by such other medical practitioner as has been approved for the purpose by the Secretary for Health.

7. (1) The Minister may appoint for any prison or group of prisons one or more ministers of religion or other persons as he may deem fit, to render such services and to perform such functions as may be specified in their letters of appointment.

(2) Any appointment made by the Minister under the provisions of this section may at any time be revoked or annulled.

8. (1) Every member of the Prisons Service other than a commissioned officer, shall be appointed by the Commissioner, with the approval of the Minister, under an agreement in writing incorporating the period and the conditions of his service.

(2) The Commissioner may, subject to the provisions of this Act, suspend, reprimand, discharge or retire any

(d) om sodanige ander pligte te verrig as wat die Minister van tyd tot tyd aan die Departement opdra.

(ii) *Aanstelling en bevoegdhede van personeel.*

3. (1) Aan die hoof van die Departement van Gevangenisreëls staan, behoudens die voorskrifte en beheer van die Minister, die Kommissaris van Gevangenisreëls.

(2) Behoudens die bepalings van sub-artikel (3), is die Kommissaris van Gevangenisreëls 'n beambte wat 'n pos beklee wat by die administratiewe afdeling van die vaste diensstaat van die Departement van Gevangenisreëls ingedeel is en wat deur die Minister aangestel word met inagneming van die wetsbepalings op die Staatsdiens.

(3) Die Minister kan met inagneming van die wetsbepalings op die Staatsdiens, te eniger tyd die pos van Kommissaris van Gevangenisreëls omskep in, en by kennisgewing in die *Staatskoerant* dit aanwys as, 'n pos wat deur 'n lid van die Gevangenisdiens beklee moet word, en daarna word die bekleër van daardie pos deur die Goewerneur-generaal by kommissie aangestel onderworpe aan die bepalings van hierdie Wet.

4. (1) Die Goewerneur-generaal kan van tyd tot tyd by kommissie 'n offisier, wat as Adjunk-kommissaris van Gevangenisreëls bekend staan, een of meer offisiere, wat as Assistent-kommissarisse van Gevangenisreëls bekend staan, en sodanige ander offisiere as wat hy nodig ag, aanstel onderworpe aan die bepalings van hierdie Wet.

(2) Die Goewerneur-generaal kan, met inagneming van die bepalings van hierdie Wet, so 'n offisier skors, berispe, ontslaan of afdank of hom in rang of in rangsansiënneit verlaag.

5. (1) Die Minister stel een of meer rade aan, wat as gevangenisrade bekend staan, om die werksaamhede en pligte wat by of kragtens hierdie Wet aan gevangenisrade toevertrou of opgelê word, te verrig.

(2) Die ampstermyn van lede van 'n gevangenisraad word deur die Minister bepaal.

(3) 'n Gevangenisraad bestaan uit soveel offisiere as amptelike lede (een van wie deur die Minister as voorsitter aangewys word) en soveel nie-amptelike lede as wat die Minister goedvind.

(4) Die nie-amptelike lede van 'n gevangenisraad ontvang sodanige besoldiging as wat die Minister, in oorleg met die Minister van Finansies, bepaal.

6. (1) Vir elke gevangenis moet daar 'n geneeskundige beambte wees wat die pligte moet verrig wat by of kragtens hierdie Wet aan hom opgedra word.

(2) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, vir enige gevangenis of groep gevangenisreëls 'n geneeskundige beambte aanstel wat 'n inwonende geneeskundige beambte moet wees wat sy hele tyd moet wy aan die pligte van die pos waarin hy aangestel is.

(3) Indien vir 'n gevangenis geen geneeskundige beambte volgens voorskrif van sub-artikel (2) aangestel is nie, of indien die pos van geneeskundige beambte by 'n gevangenis tydelik vakant is, moet die pligte wat by of kragtens hierdie Wet aan die geneeskundige beambte van daardie gevangenis opgedra word, verrig word deur die distriksgeneesheer vir die gebied waarin die gevangenis geleë is of deur sodanige ander geneesheer as wat vir dié doel deur die Sekretaris van Gesondheid goedgekeur is.

7. (1) Die Minister kan vir enige gevangenis of groep gevangenisreëls een of meer predikante of ander persone wat hy geskik ag, aanstel om die dienste te lewer en die werksaamhede te verrig wat in hulle aanstellingsbriewe vermeld word.

(2) Enige aanstelling deur die Minister kragtens die bepalings van hierdie artikel gedoen, kan te eniger tyd deur hom herroep word.

8. (1) Elke lid van die Gevangenisdiens behalwe 'n offisier, word deur die Kommissaris, met die goedkeuring van die Minister, aangestel onder 'n skriftelike ooreenkoms waarin die tydperk en voorwaardes van sy diens vermeld word.

(2) Die Kommissaris kan, met inagneming van die bepalings van hierdie Wet, so 'n lid skors, berispe, ont-

(d) to perform such other duties as the Minister may from time to time assign to the Department.

(ii) *Appointment and powers of personnel.*

3. (1) The Prisons Department shall, under the direction and control of the Minister, be in charge of the Commissioner of Prisons.

(2) Subject to the provisions of sub-section (3), the Commissioner of Prisons shall be an officer who holds a post classified in the administrative division of the fixed establishment of the Prisons Department, to be appointed by the Minister, subject to the laws governing the Public Service.

(3) The Minister may at any time subject to the laws governing the Public Service, convert the post of Commissioner of Prisons into, and by notice in the *Gazette* designate it as, a post to be held by a member of the Prisons Service, and thereafter the incumbent of that post shall be appointed by the Governor-General by commission, subject to the provisions of this Act.

4. (1) The Governor-General may from time to time appoint by commission a commissioned officer, to be styled Deputy-Commissioner of Prisons, one or more commissioned officers, to be styled Assistant Commissioners of Prisons, and such other commissioned officers as he may deem necessary, subject to the provisions of this Act.

(2) The Governor-General may, subject to the provisions of this Act, suspend, reprimand, discharge or retire any such commissioned officer or reduce him in rank or in seniority in rank.

5. (1) The Minister shall appoint one or more boards, to be styled prison boards, to perform the functions and duties entrusted to or imposed upon a prison board by or under this Act.

(2) The period of office of members of a prison board shall be determined by the Minister.

(3) A prison board shall consist of so many commissioned officers as official members (one of whom shall be designated by the Minister as chairman) and so many non-official members, as the Minister thinks fit.

(4) The non-official members of a prison board shall receive such remuneration as the Minister may determine in consultation with the Minister of Finance.

6. (1) For every prison there shall be a medical officer who shall perform such duties as are assigned to him by or under this Act.

(2) The Minister may, subject to the laws governing the Public Service, appoint for any prison or group of prisons a medical officer who shall be a resident medical officer whose whole time shall be given to the duties of the post to which he has been appointed.

(3) If no medical officer has been appointed for any prison as provided in sub-section (2), or if the post of medical officer at any prison is temporarily vacant, the duties assigned to the medical officer of such prison by or under this Act shall be performed by the district surgeon for the area in which the prison is situated, or by such other medical practitioner as has been approved for the purpose by the Secretary for Health.

7. (1) The Minister may appoint for any prison or group of prisons one or more ministers of religion or other persons as he may deem fit, to render such services and to perform such functions as may be specified in their letters of appointment.

(2) Any appointment made by the Minister under the provisions of this section may at any time be revoked by him.

8. (1) Every member of the Prisons Service other than a commissioned officer, shall be appointed by the Commissioner, with the approval of the Minister, under an agreement in writing incorporating the period and the conditions of his service.

(2) The Commissioner may, subject to the provisions of this Act, suspend, reprimand, discharge or retire any

(d) om sodanige ander pligte te verrig as wat die Minister van tyd tot tyd aan die Departement opdra.

(ii) *Aanstelling en bevoegdhede van personeel.*

3. (1) Aan die hoof van die Departement van Gevangenisne staan, behoudens die voorskrifte en beheer van die Minister, die Kommissaris van Gevangenisne.

(2) Behoudens die bepalings van sub-artikel (3), is die Kommissaris van Gevangenisne 'n beampte wat 'n pos beklee wat by die administratiewe afdeling van die vaste diensstaat van die Departement van Gevangenisne ingedeel is en wat deur die Minister aangestel word met inagneming van die wetsbepalings op die Staatsdiens.

(3) Die Minister kan met inagneming van die wetsbepalings op die Staatsdiens, te eniger tyd die pos van Kommissaris van Gevangenisne omskep in, en by kennisgewing in die *Staatskoerant* dit aanwys as, 'n pos wat deur 'n lid van die Gevangenisdiens beklee moet word, en daarna word die bekleër van daardie pos deur die Goewerneur-generaal by kommissie aangestel onderworpe aan die bepalings van hierdie Wet.

4. (1) Die Goewerneur-generaal kan van tyd tot tyd by kommissie 'n offisier, wat as Adjunk-kommissaris van Gevangenisne bekend staan, een of meer offisiere, wat as Assistent-kommissarisse van Gevangenisne bekend staan, en sodanige ander offisiere as wat hy nodig ag, aanstel onderworpe aan die bepalings van hierdie Wet.

(2) Die Goewerneur-generaal kan, met inagneming van die bepalings van hierdie Wet, so 'n offisier skors, berispe, ontslaan of afdank of hom in rang of in rangsansiëniteit verlaag.

5. (1) Die Minister stel een of meer rade aan, wat as gevangenisrade bekend staan, om die werksaamhede en pligte wat by of kragtens hierdie Wet aan gevangenisrade toevertrou of opgelê word, te verrig.

(2) Die ampstermyn van lede van 'n gevangenisraad word deur die Minister bepaal.

(3) 'n Gevangenisraad bestaan uit soveel offisiere as amptelike lede (een van wie deur die Minister as voorsitter aangewys word) en soveel nie-amptelike lede as wat die Minister goedvind.

(4) Die nie-amptelike lede van 'n gevangenisraad ontvang sodanige besoldiging as wat die Minister, in oorleg met die Minister van Finansies, bepaal.

6. (1) Vir elke gevangenis moet daar 'n geneeskundige beampte wees wat die pligte moet verrig wat by of kragtens hierdie Wet aan hom opgedra word.

(2) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, vir enige gevangenis of groep gevangenisne 'n geneeskundige beampte aanstel wat 'n inwonende geneeskundige beampte moet wees wat sy hele tyd moet wy aan die pligte van die pos waarin hy aangestel is.

(3) Indien vir 'n gevangenis geen geneeskundige beampte volgens voorskrif van sub-artikel (2) aangestel is nie, of indien die pos van geneeskundige beampte by 'n gevangenis tydelik vakant is, moet die pligte wat by of kragtens hierdie Wet aan die geneeskundige beampte van daardie gevangenis opgedra word, verrig word deur die distriksgeneesheer vir die gebied waarin die gevangenis geleë is of deur sodanige ander geneesheer as wat vir dié doel deur die Sekretaris van Gesondheid goedgekeur is.

7. (1) Die Minister kan vir enige gevangenis of groep gevangenisne een of meer predikante of ander persone wat hy geskik ag, aanstel om die dienste te lewer en die werksaamhede te verrig wat in hulle aanstellingsbriewe vermeld word.

(2) Enige aanstelling deur die Minister kragtens die bepalings van hierdie artikel gedoen, kan te eniger tyd deur hom herroep word.

8. (1) Elke lid van die Gevangenisdiens behalwe 'n offisier, word deur die Kommissaris, met die goedkeuring van die Minister, aangestel onder 'n skriftelike ooreenkoms waarin die tydperk en voorwaardes van sy diens vermeld word.

(2) Die Kommissaris kan, met inagneming van die bepalings van hierdie Wet, so 'n lid skors, berispe, ont-

such member or reduce him in rank or in seniority in rank.

(3) Any member of the Prisons Service who in or in connection with his application for employment in the Prisons Department wilfully made any false statement, shall be liable to dismissal without notice.

9. (1) Whenever it is necessary for the safe custody or transport of any prisoner or for any other purpose, the Commissioner or, subject to the approval of the Commissioner, any member of the Prisons Service in charge of any prison, may appoint so many fit and proper persons as may be deemed expedient to act as special warders upon such conditions as may be prescribed by regulation.

(2) Every such person shall, while so acting, 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 under sub-section (1) of section *eight*.

10. (1) Every member of the Prisons Service shall be, by virtue of his office, a policeman.

(2) All such policemen as aforesaid are authorized and required to use all lawful means in their powers to detain in safe custody the prisoners under their charge and for securing the recapture of any prisoner who has escaped from custody.

11. (1) The Commissioner may authorize any member of the Prisons Service or person or class of members of the Prisons Service or persons employed in or about any prison to be armed with loaded firearms.

(2) If any prisoner attempts to escape or attacks or threatens to attack any member of the Prisons Service or any other person, or in concert with others commits any act of violence, any member of the Prisons Service or person so authorized to be armed with firearms may, whenever it is necessary to prevent the escape or for the defence of himself or any other person, fire upon any such prisoner.

(3) The Commissioner may authorize any member of the Prisons Service or person or class of members of the Prisons Service or persons employed in or about any prison to be armed with any particular weapon or weapons, other than firearms, for use in the circumstances described in sub-section (2), and in those circumstances any member of the Prisons Service or person so authorized may use such weapon or weapons for any of the purposes mentioned in the said sub-section.

(4) If any member of the Prisons Service or person so authorized to be armed with firearms or other weapons and acting under the necessity aforesaid, kills or wounds any prisoner he shall not be deemed to have committed any offence.

(iii) *Retirement, resignation, discharge and suspension.*

12. (1) A member of the Prisons Service shall have the right to retire from the service of the Prisons Department on attaining the age of fifty-eight years and shall, subject to the provisions of sub-section (2), be so retired on reaching the said age: Provided that if a member of the Prisons Service was appointed with effect from a date prior to the twenty-fourth day of June, 1955, he shall have the right at any time before or after he attains the age of fifty-five years, to give written notification to the Commissioner of his wish to be retired from the service of the Prisons Department, and if he gives such notification he shall —

(a) if such notification is given at least three months prior to the date on which he attains the age of fifty-five years, be so retired on attaining that age; or

(b) if such notification is not given at least three months prior to the date on which he attains the age of fifty-five years, be so retired on the first day of the fourth month following the month in which such notification is received.

slaan of afdank of hom in rang of in rangsansieniteit verlaag.

(3) 'n Lid van die Gevangenisdiens wat in of in verband met sy aansoek om aanstelling in die Departement van Gevangenis opsetlik 'n valse verklaring gemaak het, kan sonder kennisgewing ontslaan word.

9. (1) Wanneer dit nodig is vir die veilige bewaring of vervoer van 'n gevangene of vir enige ander doel, kan die Kommissaris of, onderworpe aan die goedkeuring van die Kommissaris, 'n lid van die Gevangenisdiens aan die hoof van 'n gevangenis, soveel geskikte persone aanstel as wat raadsaam geag word, op sodanige voorwaardes as wat by regulasie voorgeskryf word, om as spesiale bewaarders op te tree.

(2) Elke sodanige persoon, terwyl hy aldus optree, is met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas, moet dieselfde pligte verrig en is aan dieselfde tug en gesag onderworpe as 'n bewaarder wat kragtens sub-artikel (1) van artikel *agt* aangestel is.

10. (1) Elke lid van die Gevangenisdiens is, uit hoofde van sy amp, 'n polisiebeampte.

(2) Alle sodanige polisiebeamptes soos voormeld is bevoeg en verplig om alle wetlike middels tot hulle beskikking aan te wend ten einde die gevangenes onder hulle toesig in veilige bewaring aan te hou en die hergevangening van 'n gevangene wat uit bewaring ontvlug het, te verseker.

11. (1) Die Kommissaris kan enige lid van die Gevangenisdiens of persoon of kategorie van lede van die Gevangenisdiens of persone wat in of by 'n gevangenis diens doen, magtig om met gelaaide vuurwapens gewapen te wees.

(2) Indien 'n gevangene poog om te ontvlug of 'n lid van die Gevangenisdiens of 'n ander persoon aanval of dreig om hom aan te val, of in samewerking met ander geweld pleeg, kan enige lid van die Gevangenisdiens of persoon wat aldus gemagtig is om met vuurwapens gewapen te wees, wanneer dit nodig is om die ontvlugting te verhoed of vir die verdediging van homself of 'n ander persoon, op so 'n gevangene vuur.

(3) Die Kommissaris kan enige lid van die Gevangenisdiens of persoon of kategorie van lede van die Gevangenisdiens of persone wat in of by 'n gevangenis diens doen, magtig om met 'n besondere wapen of wapens, wat nie vuurwapens is nie, gewapen te wees, vir gebruik onder die omstandighede beskryf in sub-artikel (2), en onder daardie omstandighede kan 'n aldus gemagtigde lid van die Gevangenisdiens of persoon bedoelde wapen of wapens gebruik vir enige van die doeleindes vermeld in genoemde sub-artikel.

(4) 'n Lid van die Gevangenisdiens of persoon wat aldus gemagtig is om met vuur- of ander wapens gewapen te wees en wat, terwyl hy onder die noodsaaklikheid voormeld optree, 'n gevangene dood of wond, word nie geag 'n misdryf te gepleeg het nie.

(iii) *Afdanking, bedanking, ontslag en skorsing.*

12. (1) 'n Lid van die Gevangenisdiens het die reg om uit die diens van die Departement van Gevangenis af te tree wanneer hy die leeftyd van agt-en-vyftig jaar bereik en word behoudens die bepalinge van sub-artikel (2), aldus afgedank wanneer hy genoemde leeftyd bereik: Met dien verstande dat indien 'n lid van die Gevangenisdiens met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 aangestel is, hy die reg het om te eniger tyd voor of nadat hy die leeftyd van vyf-en-vyftig jaar bereik aan die Kommissaris skriftelik kennis te gee van sy begeerte om uit die diens van die Departement van Gevangenis afgedank te word, en indien hy aldus kennis gee, word hy —

(a) indien bedoelde kennisgewing minstens drie maande voor die datum waarop hy die leeftyd van vyf-en-vyftig jaar bereik, gegee word, aldus afgedank wanneer hy daardie leeftyd bereik; of

(b) indien bedoelde kennisgewing nie minstens drie maande voor die datum waarop hy die leeftyd van vyf-en-vyftig jaar hereik, gegee word nie, aldus afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(2) A member of the Prisons Service may, if the Public Service Commission recommends that it is in the public interest to retain him in his office or post beyond the age of fifty-eight years, be retained from time to time until he attains the age of sixty years and may be further so retained with the approval, by resolution, of both Houses of Parliament, beyond the age of sixty years and until he reaches the age of sixty-three years.

(3) A member of the Prisons Service who has reached the age of fifty years, may be retired from the service of the Prisons Department.

(4) A member of the Prisons Service may be discharged from the service of the Prisons Department —

- (a) on account of continued ill-health;
- (b) owing to the abolition of his post or any reduction in or reorganization or readjustment of the Department or any office or division of the Department or any prison in which he is employed;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the Department, office or division of the Department or any prison in which he is employed;
- (d) on account of unfitness for his duties, or incapacity to carry them out efficiently; or
- (e) on account of misconduct.

(5) A woman member of the Prisons Service who marries shall be deemed to have retired voluntarily from the service of the Prisons Department in contemplation of marriage with effect from the date of her marriage, or if she has discharged her duties on that day, with effect from the day following the date of her marriage, unless the Commissioner approves that she be retained in the service of the Prisons Department.

(6) The Commissioner may discharge any member of the Prisons Service, who is not a commissioned officer, at the expiration of the period for which he has agreed to serve, on one month's prior notice to that effect.

(7) Subject to the provisions of sub-section (9), a commissioned officer may resign from the service of the Prisons Department at any time with or without prior notice of such resignation.

(8) (a) No member of the Prisons Service, who is not a commissioned officer, shall, except with the permission of the Commissioner, be at liberty to resign or withdraw himself from the service of the Prisons Department before the expiration of the period which he has agreed to serve.

(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.

(9) In time of war, disturbance of the public peace, riot or other emergency or apprehended emergency, no member of the Prisons Service shall be at liberty to resign or withdraw himself from the service of the Prisons Department notwithstanding that the period for which he has agreed to serve has expired, unless expressly authorized in writing so to do by the Commissioner.

(10) If any member of the Prisons Service deserts or withdraws himself from the service of the Prisons Department in contravention of the provisions of this section, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

13. (1) A member of the Prisons Service who is not a commissioned officer, may be discharged from the service of the Prisons Department or be reduced in rank or in seniority in rank, if after enquiry in the manner prescribed by regulation, the Commissioner is of opinion that he is unfit to remain in the service of the Prisons

(2) 'n Lid van die Gevangenisdiens kan, indien die Staatsdienskommissie aanbeveel dat dit in die openbare belang is om hom bo die leeftyd van agt-en-vyftig jaar in sy betrekking of pos te hou, van tyd tot tyd aangehou word totdat hy die leeftyd van sestig jaar bereik, en kan met goedkeuring, by besluit, van beide Huise van die Parlement verder aldus aangehou word na die leeftyd van sestig jaar en totdat hy die leeftyd van drie-en-sestig jaar bereik.

(3) 'n Lid van die Gevangenisdiens wat die leeftyd van vyftig jaar bereik het, kan uit die diens van die Departement van Gevangenis afgedank word.

(4) 'n Lid van die Gevangenisdiens kan uit die diens van die Departement van Gevangenis ontslaan word —

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy pos of 'n vermindering in of reorganisasie of herreëling van die Departement of 'n kantoor of afdeling van die Departement of 'n gevangenis waarin hy diens doen;
- (c) indien, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die Departement, kantoor of afdeling van die Departement of 'n gevangenis waarin hy diens doen, sal bevorder;
- (d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer; of
- (e) weens wangedrag.

(5) 'n Vroulike lid van die Gevangenisdiens wat in die huwelik tree, word geag vrywillig uit die diens van die Departement van Gevangenis met die oog op die huwelik te getree het met ingang van die datum van haar huwelik of as sy haar pligte op daardie dag vervul het, met ingang van die dag wat op die datum van haar huwelik volg, tensy die Kommissaris goedkeur dat sy in die diens van die Departement van Gevangenis gehou word.

(6) Die Kommissaris kan enige lid van die Gevangenisdiens wat nie 'n offisier is nie, by die verstryking van die tydperk waarvoor hy onderneem het om te dien, na een maand se voorafgaande kennisgewing te dien effekte, ontslaan.

(7) 'n Offisier kan, behoudens die bepalings van sub-artikel (9), te eniger tyd uit die diens van die Departement van Gevangenis bedank met of sonder voorafgaande kennisgewing van sodanige bedanking.

(8) (a) Geen lid van die Gevangenisdiens, wat nie 'n offisier is nie, is, behalwe met die toestemming van die Kommissaris, vry om te bedank of hom aan die diens van die Departement van Gevangenis te onttrek voor die verstryking van die tydperk waarvoor hy onderneem het om te dien nie.

(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.

(9) In tyd van oorlog, versteuring van die openbare vrede, oproer of ander noodtoestand of verwagte noodtoestand, is geen lid van die Gevangenisdiens vry om te bedank of hom aan die diens van die Departement van Gevangenis te onttrek nie nieteenstaande dat die tydperk waarvoor hy onderneem het om te dien verstryk het, tensy uitdruklik en skriftelik deur die Kommissaris daartoe gemagtig.

(10) Indien 'n lid van die Gevangenisdiens in stryd met die bepalings van hierdie artikel dros of hom aan die diens van die Departement van Gevangenis onttrek, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete.

13. (1) 'n Lid van die Gevangenisdiens wat nie 'n offisier is nie, kan uit die diens van die Departement van Gevangenis ontslaan word of in rang of in rangansiënniteit verlaag word indien na ondersoek volgens voorskrif van die regulasies die Kommissaris van oordeel is dat hy ongeskik is om in die diens van die Departement

Department or to retain his rank or seniority in rank, as the case may be: Provided that such a member of the Prisons Service who is convicted of any of the offences mentioned in section *twelve, fourteen, forty-three, forty-four, forty-five, forty-six or forty-seven* may, in addition to any other penalty imposed therefor, be discharged from the service of the Prisons Department without an enquiry being held.

(2) Any such member of the Prisons Service may, in the manner and within the period prescribed by regulation, appeal to the Minister against any order discharging him or reducing him in rank or in seniority in rank, and in such event the Minister may confirm, set aside, or alter such order or make such other order as to him seems just.

14. Any member of the Prisons Service other than a commissioned officer, who is convicted of assaulting any prisoner may, in addition to any other penalty imposed therefor, be discharged from the service of the Prisons Department; and if he has been sentenced for such offence to a fine exceeding five pounds or to any period of imprisonment without the option of a fine and has been so discharged, he shall in no circumstances be reappointed as a member of the Prisons Service.

15. (1) A member of the Prisons Service may be suspended from office pending his trial for, or after his conviction of, any offence, whether under this Act or otherwise, or pending any enquiry at which a charge of misconduct against him or his fitness to remain in the service of the Prisons Department or retain his rank or seniority in rank is being investigated, and shall be so suspended for any period during which he is under arrest or detention or is serving a term of imprisonment, but shall not, by reason of such suspension, cease to be a member of the Prisons Service.

(2) During the period of suspension of a member of the Prisons Service the powers, functions and authority vested in him by virtue of his office shall be in abeyance, but he shall continue to be subject to the same responsibilities, discipline and penalties as if he had not been suspended.

(3) The suspension of a member of the Prisons Service may be terminated at any time.

16. (1) A member of the Prisons Service who has been suspended from office shall not, in respect of the period of his suspension, be entitled to any pay, allowance, privilege or benefit to which he would otherwise have been entitled as such member, but the Minister may, in his discretion, direct that during the period of suspension of such member, not being a period of suspension during which he is serving a term of imprisonment, he be paid the whole or a portion of his pay and allowances or be granted such privileges and benefits as the Minister may direct.

(2) If it is decided not to discharge a member of the Prisons Service who has been suspended from office, such member shall, in respect of the period of his suspension, not being a period of suspension during which he was serving a term of imprisonment, be paid his full pay and allowances and be granted all the privileges and benefits to which, but for his suspension, he would have been entitled as a member of the Prisons Service: Provided that if such member is not discharged but is reduced in rank, he shall in respect of such period be paid the pay and allowances applicable to the rank to which he is reduced, but if in respect of such period he was in terms of sub-section (1) paid any pay or allowances in excess of the pay and allowances applicable to the rank to which he is reduced, he shall not be obliged to refund the excess.

17. (1) Whenever any member of the Prisons Service is suspended or discharged or resigns from the service of the Prisons Department, or dies, the member of the Prisons Service so suspended, discharged or resigning and the members of his family, and the members of the family of the member of the Prisons Service who dies, shall, when required so to do by notice under the

ment van Gevangenis te bly of, na gelang van die geval, om sy rang of rangansiënniteit te behou: Met dien verstande dat so 'n lid van die Gevangenisdiens wat skuldig bevind word aan enige van die in artikel *twaal, veertien, drie-en-veertig, vier-en-veertig, vyf-en-veertig, ses-en-veertig of sewe-en-veertig* gemelde misdrywe, bo en behalwe enige ander straf daarvoor opgelê, uit die diens van die Departement van Gevangenis ontslaan kan word sonder dat 'n ondersoek ingestel word.

(2) So 'n lid van die Gevangenisdiens kan op en binne die by regulasie voorgeskrewe wyse en tydperk teen 'n bevel waarby hy ontslaan of in rang of in rangansiënniteit verlaag word, na die Minister appelleer, en in so 'n geval kan die Minister die bevel bekragtig, tersyde stel of verander of so 'n ander bevel uitvaardig as wat hy billik ag.

14. 'n Lid van die Gevangenisdiens, behalwe 'n offisier, wat veroordeel word weens aanranding op 'n gevangene kan, bo en behalwe enige ander straf daarvoor opgelê, uit die diens van die Departement van Gevangenis ontslaan word; en indien hy weens so 'n misdryf gevonniss is tot 'n boete van meer as vyf pond of tot enige tydperk van gevangenisstraf sonder die keuse van 'n boete en aldus ontslaan is, word hy onder geen omstandighede weer as 'n lid van die Gevangenisdiens aangestel nie.

15. (1) 'n Lid van die Gevangenisdiens kan in sy amp geskors word in afwagting van sy verhoor, of na sy veroordeling, weens enige misdryf, hetsy ingevolge hierdie Wet of andersins, of in afwagting van 'n ondersoek waarby 'n aanklag van wangedrag teen hom of sy geskiktheid om in die diens van die Departement van Gevangenis te bly of om sy rang of rangansiënniteit te behou, ondersoek word, en moet aldus geskors word vir enige tydperk waartydens hy onder arrest is of aangehou word of 'n termyn van gevangenisstraf uitdien, maar hou nie uit hoofde van die skorsing op om 'n lid van die Gevangenisdiens te wees nie.

(2) Gedurende die tydperk van skorsing van 'n lid van die Gevangenisdiens, is die bevoegdhede, werksaamhede en gesag wat uit hoofde van sy amp by hom berus opgeskort, maar bly hy onderworpe aan dieselfde verantwoordelikhede, tug en strawwe asof hy nie geskors was nie.

(3) Die skorsing van 'n lid van die Gevangenisdiens kan te eniger tyd opgehef word.

16. (1) 'n Lid van die Gevangenisdiens wat in sy amp geskors is, is nie ten opsigte van die tydperk van sy skorsing geregtig op enige soldy, toelaes, voorreg of voordeel waarop hy andersins as so 'n lid geregtig sou gewees het nie, maar die Minister kan na goeë dunnke gelas dat daar gedurende die tydperk van skorsing van so 'n lid wat nie 'n tydperk van skorsing is waartydens hy 'n tydperk van gevangenisstraf uitdien nie, aan hom sy volle soldy en toelaes of 'n deel daarvan betaal word of aan hom die voorregte en voordele toegestaan word wat die Minister gelas.

(2) Indien besluit word om 'n lid van die Gevangenisdiens wat in sy amp geskors is, nie te ontslaan nie, word aan daardie lid ten opsigte van die tydperk van sy skorsing wat nie 'n tydperk van skorsing is waartydens hy 'n tydperk van gevangenisstraf uitgedien het nie, sy volle soldy en toelaes betaal en al die voorregte en voordele toegestaan waarop hy as 'n lid van die Gevangenisdiens geregtig sou gewees het indien hy nie geskors was nie: Met dien verstande dat indien so 'n lid nie ontslaan word nie, maar in rang verlaag word, daar ten opsigte van bedoelde tydperk aan hom die soldy en toelaes betaal moet word wat geld vir die rang waartoe hy verlaag word, maar indien ten opsigte van daardie tydperk ingevolge subartikel (1) aan hom hoër soldy of toelaes betaal is as die soldy en toelaes wat geld vir die rang waartoe hy verlaag word, is hy nie verplig om die verskil terug te betaal nie.

17. (1) Wanneer 'n lid van die Gevangenisdiens geskors of ontslaan word of uit die diens van die Departement van Gevangenis bedank of te sterwe kom, moet die lid van die Gevangenisdiens aldus geskors of ontslaan of wat aldus bedank, en die lede van sy gesin, en die lede van die gesin van die lid van die Gevangenisdiens wat te sterwe kom, wanneer by skriftelike kennis-

hand of the Commissioner, vacate the quarters occupied by such member or the members of his family by virtue of his employment in the Prisons Department.

(2) If such member and the members of his family, or the members of the family of the member of the Prisons Service who died, fail to vacate such quarters within forty-eight hours after the service of the notice aforesaid, the member of the Prisons Service in charge of the prison where such member is or was employed, may by order in writing under his hand direct a member of the Prisons Service serving under him and named in that order (and the member of the Prisons Service named in that order shall have the power) to—

- (a) enter such quarters, if necessary by force;
- (b) eject any persons wrongfully retaining occupation;
- (c) remove therefrom any goods or articles there found which are not State property; and
- (d) take possession of such articles as are the property of the State.

(3) Any person who hinders or obstructs any member of the Prisons Service named in any such order in the exercise of his powers or the execution of his duties shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment for a period not exceeding three months.

(iv) *General.*

18. No member of the Prisons Service shall, without the approval of the Commissioner, assign the whole or any part of any salary of allowances payable to him under this Act, nor shall the whole or any part of such salary or allowances be capable of being seized or attached under or by virtue of any judgment or order of any court, other than a garnishee order, nor shall the same pass under or by virtue of any order made for the sequestration of the estate of any such member of the Prisons Service.

19. (1) The Governor-General may institute, constitute and create decorations and medals, as well as bars, clasps and ribbons in respect of such decorations and medals, which may be awarded by him or by the Minister subject to such conditions as may be prescribed by regulation to any person who is or was a member of the Prisons Service, in respect of his services as such member.

(2) The Commissioner may, with the approval of the Minister, award to any person who is or was a member of the Prisons Service 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.

CHAPTER II.

Establishment and Administration of Prisons.

20. (1) The Minister may, by notice in the *Gazette*, establish prisons—

- (a) for the reception, detention, confinement, training and treatment of persons liable to detention in custody, whether under sentence of court, or prior to sentence, or otherwise requiring by law to be detained, confined or treated;
- (b) for the detention, treatment and training of—
 - (i) juveniles liable to detention in custody and such prisoners over the age of twenty-one years as, by reason of their immaturity, may in the opinion of the Commissioner more appropriately be classified as juveniles; and
 - (ii) convicted prisoners other than those referred to in sub-paragraph (i);
- (c) to serve as observation centres for determining the age, health, mental condition, character traits,

gewing onder die handtekening van die Kommissaris aangesê om dit te doen, die woning ontruim wat so 'n lid of die lede van sy gesin uit hoofde van sy diens in die Departement van Gevangenisbeheer bewoon.

(2) Indien so 'n lid en die lede van sy gesin, of die lede van die gesin van die lid van die Gevangenisdiens wat te sterwe gekom het, versuim om daardie woning binne agt-en-veertig uur na bestelling van die voornoemde kennisgewing te ontruim, kan die lid van die Gevangenisdiens aan die hoof van die gevangenis waar die lid diens gedoen of gedoen het, 'n lid van die Gevangenisdiens wat onder hom dien en wat in die bevel genoem word, by skriftelike bevel onder sy handtekening beveel (en die lid van die Gevangenisdiens aldus in daardie bevel genoem het die bevoegdheid) om—

- (a) sodanige woning, indien nodig met geweld, binne te gaan;
- (b) enige persone wat die woning wederregtelik bly bewoon, uit te sit;
- (c) enige goedere of artikels wat daar gevind word en nie Staatseigendom is nie, daaruit te verwyder; en
- (d) besit te neem van artikels wat Staatseigendom is.

(3) Iemand wat 'n lid van die Gevangenisdiens wat in so 'n bevel genoem word, hinder of belemmer in die uitoefening van sy bevoegdhede of die uitvoering van sy pligte, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(iv) *Algemeen.*

18. 'n Lid van die Gevangenisdiens mag nie, sonder die goedkeuring van die Kommissaris, enige salaris of toelae of deel daarvan wat ingevolge hierdie Wet aan hom betaalbaar is, sedeer nie, en sodanige salaris of toelae of deel daarvan is ook nie vir beslaglegging ingevolge van 'n uitspraak of bevel van 'n geregshof behalwe 'n skuldbeslagorder, vatbaar nie, en gaan ook nie oor ingevolge van 'n bevel waarby so 'n lid van die Gevangenisdiens se boedel onder sekwestrasie geplaas is nie.

19. (1) Die Goewerneur-generaal kan dekorasies en medaljes, asook balke, gespes en linte met betrekking tot sodanige dekorasies en medaljes, instel, daarstel en invoer wat, onderworpe aan die by regulasie voorgeskrewe voorwaardes, deur hom of deur die Minister aan iemand wat 'n lid van die Gevangenisdiens is of was ten opsigte van sy dienste as so 'n lid toegeken kan word.

(2) Die Kommissaris kan, met die goedkeuring van die Minister, aan iemand wat 'n lid van die Gevangenisdiens is of was, so 'n geldelike of ander beloning vir buitengewone bekwaamheid of vir die besit van besondere kwalifikasies of vir die lewering van voortrefflike diens toeken as wat volgens sy oordeel 'n paslike vergoeding daarvoor is.

HOOFSTUK II.

Instelling en Bestuur van Gevangenisbeheer.

20. (1) Die Minister kan by kennisgewing in die *Staatskoerant* gevangenisbeheer instel—

- (a) vir die opnemings, aanhouding, opsluiting, opleiding en behandeling van persone wat in bewaring aangehou moet word, hetsy kragtens 'n vonnis van 'n hof of voor veroordeling, of wat andersins kragtens 'n wetsbepaling aangehou, opgesluit of behandel moet word;
- (b) vir die aanhouding, behandeling en opleiding van—
 - (i) jeugdige wat in bewaring aangehou moet word en sodanige gevangenes bo die ouderdom van een-en-twintig jaar as wat, as gevolg van hulle onrypheid, volgens die oordeel van die Kommissaris meer gepas as jeugdige geklassifiseer kan word; en
 - (ii) ander veroordeelde gevangenes as dié in sub-paragraaf (i) bedoel;
- (c) om as waarnemingsentra te dien om die ouderdom, gesondheidstoestand, verstandelike toestand,

social background, previous conduct, ability to work, aptitude and training of selected prisoners with a view to their classification and training;

- (d) for the detention and medical treatment of chronic sick or infirm prisoners who for any reason cannot be treated in an ordinary prison;
- (e) of the type known as farm colonies to which persons declared to be idle persons in terms of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), may be sent to learn habits of industry and labour; and
- (f) of such other types as he may from time to time deem necessary to establish in pursuance of any scheme for the reformation and rehabilitation of persons convicted of any offence and sentenced to any period of imprisonment or detention.

(2) Any prison established under paragraph (a) of subsection (1) may serve one or more districts as circumstances may require) and for the purposes of any law relating to magistrate's courts any prison established to serve more than one district shall be deemed to be the prison of each district served by that prison.

(3) Any reference in any law to a "gaol" or to a "prison or gaol" or to a "prison and gaol" shall be read as referring to a prison as defined in this Act; and any reference in any law to a "farm colony" shall be read as referring to a farm colony as defined in this Act.

21. Subject to the provisions of sub-section (1) of section *twenty-seven*, any prison established or deemed to have been established under any paragraph of subsection (1) of section *twenty*, or any portion of any such prison, may be used for the purposes envisaged in any of the other paragraphs of the said sub-section.

22. The Minister shall determine—

- (a) which of the prisons or which portions thereof shall be classified as maximum or medium security prisons, or as open prisons;
- (b) the groups of classified prisoners which shall be sent to the different types of prisons; and
- (c) the privileges and indulgences applicable to each of the various types of prisons.

23. (1) In every prison—

- (a) men and women prisoners shall be detained in separate parts thereof and in such manner, as far as possible, as to prevent those of one sex from seeing, conversing or holding any communication with those of the other sex;
- (b) as far as possible, white and non-white prisoners shall be detained in separate parts thereof and in such manner as to prevent white and non-white prisoners from being within view of each other; and
- (c) wherever practicable, non-white prisoners of different races shall be separated.

(2) Any prison or any portion thereof may be restricted to the detention, training or treatment therein of a specified race or class of prisoners.

24. A prison or any portion of a prison established or used for the reception, detention, training and treatment of women prisoners shall have a sufficient number of women members of the Prisons Service, and the Commissioner shall determine whether a woman member of the Prisons Service shall be in charge thereof.

25. (1) Every prison within the Union shall, periodically and at such other times as the Commissioner may determine, be inspected by commissioned officers authorized thereto by the Commissioner.

(2) Such commissioned officers shall perform the duties assigned to them by this Act or by administrative instruction.

karaktereïenskappe, sosiale agtergrond, vorige gedrag, vermoë om te werk, aanleg en opleiding te bepaal van gekeurde gevangenes met die oog op hul klassifisering en opleiding;

- (d) vir die aanhouding en geneeskundige behandeling van kroniese siek of swak gevangenes wat om die een of ander rede nie in 'n gewone gevangenis behandel kan word nie;
- (e) van die soort bekend as boerderykolonies waarheen persone wat ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), verklaar is ledige persone te wees, gestuur kan word om gewoontes van vlyt en arbeid aan te leer; en
- (f) van sodanige ander soorte as wat hy van tyd tot tyd nodig ag om in te stel ingevolge 'n skema vir die verbetering en rehabilitasie van persone wat weens 'n misdryf skuldig bevind en gevonnissen is tot 'n tydperk van gevangensetting of aanhouding.

(2) 'n Gevangenis kragtens paragraaf (a) van sub-artikel (1) ingestel kan een of meer distrikte dien volgens vereiste van omstandighede; en vir die doeleindes van enige wetsbepaling met betrekking tot landdroshowe word 'n gevangenis wat ingestel is om meer as een distrik te dien, geag die gevangenis van elke distrik te wees wat deur daardie gevangenis gedien word.

(3) 'n Verwysing in enige wetsbepaling na 'n „tronk" of na 'n „gevangenis of tronk" of na 'n „gevangenis en tronk" word uitgelê as 'n verwysing na 'n gevangenis soos in hierdie Wet omskryf; en 'n verwysing in enige wetsbepaling na 'n „boerderykolonie" word uitgelê as 'n verwysing na 'n boerderykolonie soos in hierdie Wet omskryf.

21. Behoudens die bepalings van sub-artikel (1) van artikel *sewe-en-twintig* kan enige gevangenis wat kragtens 'n paragraaf van sub-artikel (1) van artikel *twintig* ingestel is of geag word aldus ingestel te gewees het, of enige gedeelte van so 'n gevangenis, gebruik word vir die doeleindes wat in enige van die ander Paragraawe van genoemde sub-artikel beoog word.

22. Die Minister bepaal—

- (a) welke van die gevangenis of welke gedeeltes daarvan as maksimum- of medium-veiligheidsgevangenis of as oop gevangenis geklassifiseer moet word;
- (b) die groepe van geklassifiseerde gevangenes wat na die verskillende soorte gevangenis gestuur moet word; en
- (c) die voorregte en vergunnings wat by elk van die verskillende soorte gevangenis van toepassing is.

23. (1) In elke gevangenis—

- (a) word maanlike en vroulike gevangenes in aparte afdelings daarvan aangehou en wel op so 'n wyse dat, sover moontlik, dié van een geslag verhoed word om dié van die ander geslag te sien of om met hulle te gesels of enige gemeenskap met hulle te hou;
- (b) word, sover moontlik, blanke en nie-blanke gevangenes in aparte afdelings daarvan aangehou en wel op so 'n wyse dat blanke en nie-blanke gevangenes verhoed word om mekaar te sien; en
- (c) word, waar doenlik, nie-blanke gevangenes van verskillende rasse van mekaar geskei.

(2) Enige gevangenis of enige gedeelte daarvan kan beperk word tot die aanhouding, opleiding of behandeling daarin van 'n bepaalde ras of klas gevangenes.

24. 'n Gevangenis of enige gedeelte van 'n gevangenis ingestel of gebruik vir die opnemings, aanhouding, opleiding en behandeling van vroulike gevangenes, moet 'n voldoende aantal vroulike lede van die Gevangensdiens hê, en die Kommissaris bepaal of 'n vroulike lid van die Gevangensdiens aan die hoof daarvan moet staan.

25. (1) Elke gevangenis in die Unie word periodiek en op sodanige ander tye as wat die Kommissaris bepaal, deur offisiere geïnspekteer wat deur die Kommissaris daartoe gemagtig is.

(2) Sodanige offisiere verrig die pligte wat by hierdie Wet of by administratiewe opdrag aan hulle opgedra word.

(3) Such commissioned officers shall also periodically inspect and report in writing to the Commissioner on any police cells or lock-ups not controlled by the Prisons Department where sentenced persons or prisoners are detained under the authority contained in section *twenty-eight*.

CHAPTER III.

Duties of Members of the Prisons Service in Relation to the Reception of Prisoners and the Carrying Out of Sentences in Prisons.

(i) *Reception of prisoners.*

26. (1) No member of the Prisons Service in charge of a prison shall receive into his custody at any prison any convicted person except upon production to him of the warrant of the court by which sentence was passed upon that convicted person or a warrant under the hand of the Minister.

(2) Such member shall keep the warrant throughout the period during which that convicted person is in his custody.

27. (1) Unconvicted persons shall be received only at a prison established or deemed to have been established under paragraph (a) of sub-section (1) of section *twenty*.

(2) No member of the Prisons Service in charge of a prison referred to in sub-section (1) shall receive any unconvicted person into his custody except—

- (a) in the case of a person accused of an offence, upon production to him of the warrant of commitment of that person to prison or an order in writing signed by a member of the South African Police Force;
- (b) in the case of a person committed for detention under the provisions of any law authorizing the committal of any witness for detention, upon production to him of the warrant of commitment;
- (c) in the case of a person committed for detention under a decree of civil imprisonment or any other order or judgment of a competent court in civil proceedings, upon production to him of the warrant of the court sued out upon such decree, order or judgment and the deposit with him of a certified copy thereof;
- (d) in the case of an alleged mentally defective person, upon production to him of an order authorizing or commanding the detention of that person at a prison and issued under the provisions of any law for the detention of mentally defective persons: Provided that, anything to the contrary notwithstanding in any law relating to mentally defective persons, no such person shall be received at any prison by reason only that he is alleged to be a mentally defective person, if there is a mental hospital or a public hospital (other than a hospital used exclusively for infectious diseases) in the district in which such prison is situated;
- (e) in any other case, upon production to him of a warrant under the hand of any person authorized thereto by any law or any order, rule or regulation having the force of law;

and every such member of the Prisons Service shall keep every such warrant or order or certified copy thereof throughout the period during which any person referred to therein is in his custody.

28. There may be detained in any police cell or lock-up—

- (a) any person sentenced in a district where no prison has been established or at a place where no prison exists; and
- (b) any prisoner who, under the authority of the Commissioner, is temporarily removed to a police cell or lock-up;

(3) Sodanige offisiere inspekteer ook periodiek enige polisie-selle of -opsluitplekke wat nie onder die beheer van die Departement van Gevangenisne staan nie, waar veroordeelde persone of gevangenes kragtens die magtiging vervat in artikel *agt-en-twintig* aangehou word, en doen skriftelik verslag daarvoor aan die Kommissaris.

HOOFSTUK III.

Pligte van Lede van die Gevangenisdiens met Betrekking tot die Opneming van Gevangenes en die Uitvoering van Vonnisse in Gevangenisne.

(i) *Opneming van gevangenes.*

26. (1) Geen lid van die Gevangenisdiens aan die hoof van 'n gevangenis mag enige veroordeelde persoon by 'n gevangenis in sy bewaring opneem nie behalwe by vertoning aan hom van die lasbrief van die hof deur wie die vonnis oor daardie veroordeelde persoon gevel is of 'n lasbrief onder die handtekening van die Minister.

(2) So 'n lid moet vir die hele tydperk waartydens daardie veroordeelde persoon in sy bewaring is, die lasbrief hou.

27. (1) Onveroordeelde persone word alleenlik opgeneem in 'n gevangenis wat ingestel is of geag word ingestel te gewees het kragtens paragraaf (a) van sub-artikel (1) van artikel *twintig*.

(2) Geen lid van die Gevangenisdiens aan die hoof van 'n in sub-artikel (1) bedoelde gevangenis mag 'n onveroordeelde persoon in sy bewaring opneem nie, behalwe—

- (a) in die geval van 'n persoon wat van 'n misdryf beskuldig word, by vertoning aan hom van die lasbrief vir gevangesetting van daardie persoon of 'n skriftelike bevel geteken deur 'n lid van die Suid-Afrikaanse Polisiemag;
- (b) in die geval van 'n persoon wat vir aanhouding verwys is kragtens die bepalings van 'n wet wat die verwysing van 'n getuie vir aanhouding magtig, by vertoning aan hom van die lasbrief vir verwysing;
- (c) in die geval van 'n persoon verwys vir aanhouding kragtens 'n bevel tot siviele gyseling of enige ander bevel of uitspraak van 'n bevoegde hof in 'n siviele geding, by vertoning aan hom van die lasbrief van die hof wat uitgeneem is kragtens so 'n bevel of uitspraak en die afgifte aan hom van 'n gesertifiseerde afskrif daarvan;
- (d) in die geval van 'n beweerde geestesgekrenkte persoon, by vertoning aan hom van 'n bevel wat die aanhouding in 'n gevangenis van daardie persoon magtig of bevel en wat uitgereik is kragtens die bepalings van 'n wet vir die aanhouding van geestesgekrenkte persone: Met dien verstande dat, ondanks andersluidende bepalings van enige wet met betrekking tot geestesgekrenkte persone, so 'n persoon nie in 'n gevangenis opgeneem mag word bloot omrede dat dit beweer word dat hy 'n geestesgekrenkte persoon is nie, indien daar 'n inrigting vir geestesgekrenktes of 'n publieke hospitaal (behalwe 'n hospitaal wat uitsluitlik vir aansteeklike siektes gebruik word) in die distrik bestaan waarin die gevangenis geleë is;
- (e) in enige ander geval, by vertoning aan hom van 'n lasbrief onderteken deur 'n persoon wat by 'n wet, of 'n order, reël of regulasie wat regsrag het, daartoe gemagtig is;

en elke sodanige lid van die Gevangenisdiens moet elke sodanige lasbrief of bevel of gesertifiseerde afskrif daarvan hou vir die hele tydperk waartydens 'n daarin genoemde persoon in sy bewaring is.

28. Daar kan in 'n polisie-sel of -opsluitplek aangehou word—

- (a) 'n persoon gevonnissen in 'n distrik waar geen gevangenis ingestel is nie of op 'n plek waar geen gevangenis bestaan nie; en
- (b) 'n gevangene wat, met die magtiging van die Kommissaris, tydelik na 'n polisie-sel of -opsluitplek oorgeplaas word;

Provided that no such person or prisoner shall be so detained unless his detention in a prison is not practicable, or so detained without the authority of the Commissioner for a longer period than one month.

29. (1) A person under the age of nineteen years who is accused of having committed an offence shall before his conviction, not be detained in a prison or a police cell or lock-up unless his detention is necessary and no suitable place of detention mentioned in section *thirty-seven* of the Children's Act, 1937 (Act No. 31 of 1937), is available for his detention.

(2) In deciding as to the suitability of any place for the detention of a person referred to in sub-section (1) regard may be had to the nature of the offence with which he is charged and to his age, sex, race and character.

(3) A person referred to in sub-section (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 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 member of the Prisons Service in charge of the Prison or the member of the South African 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.

(4) When a woman under the age of nineteen years is detained or in custody as aforesaid, she shall be under the care of a woman.

(5) (a) When a woman prisoner of or over the age of nineteen years is awaiting trial in any prison or police cell or lock-up on any charge other than murder, the Commissioner may, after consultation with the Commissioner of the South African Police, direct —

- (i) that she be detained at any place determined by the Commissioner; or
 - (ii) that she be detained by a temporary custodian approved of by the magistrate of the district in which she is detained; or
 - (iii) that she be released from custody on a recognizance with or without sureties, as the Commissioner may determine, for her appearance in a court or before a judicial officer at a time and place stipulated in the recognizance or whenever called upon to do so.
- (b) In this sub-section the term "murder" shall not include the murder of the prisoner's newly-born child.
- (c) If a woman released under a recognizance in terms of sub-paragraph (iii) of paragraph (a) does not appear in a court or before a judicial officer at a time and place stipulated in the recognizance or when she is called upon to do so, or if she absconds before she can be so called upon, the court in which or the judicial officer before whom she should have appeared, may declare the bail money specified in the recognizance forfeited and issue a warrant for her arrest; and any such declaration of forfeiture shall have the effect of a judgment on the recognizance for the amounts therein specified against such person and her sureties respectively.
- (d) The Minister or any person acting under his authority, may in his discretion remit any portion of any amount declared forfeited under paragraph (c) and enforce payment in part only.

Met dien verstande dat so 'n persoon of gevangene nie aldus aangehou mag word tensy sy aanhouding in 'n gevangenis ondoenlik is nie, of nie sonder die magtiging van die Kommissaris aldus aangehou mag word vir 'n tydperk van langer as een maand nie.

29. (1) 'n Persoon onder die ouderdom van negentien jaar wat daarvan beskuldig word dat hy 'n misdryf gepleeg het, word voor sy veroordeling nie in 'n gevangenis of 'n polisiecel of -opsluitplek aangehou nie, tensy sy aanhouding noodsaaklik is en geen geskikte plek van bewaring genoem in artikel *sewe-en-dertig* van die Kinderwet, 1937 (Wet No. 31 van 1937), vir sy aanhouding beskikbaar is nie.

(2) Wanneer besluit word oor die geskiktheid van 'n plek vir die aanhouding van 'n in sub-artikel (1) bedoelde persoon, kan die aard van die misdryf waarvan hy aangekla word en sy ouderdom, geslag, ras en karakter in aanmerking geneem word.

(3) 'n In sub-artikel (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 een-en-twintig jaar wat in bewaring is omgang te hê nie: Met dien verstande dat hy toegelaat kan word om omgang te hê met so 'n persoon wat in bewaring is en wat gesamentlik met hom aangekla is of aangekla gaan word, indien die lid van die Gevangenisdiens aan die hoof van die gevangenis of die lid van die Suid-Afrikaanse Polisiemag onder wie se toesig die polisiecel of -opsluitplek is waarin hy aangehou word, van oordeel is dat sodanige omgang nie nadelig vir hom sal wees nie.

(4) Wanneer 'n vroulike persoon onder die ouderdom van negentien jaar soos voormeld aangehou word of in bewaring is, moet sy onder die sorg van 'n vroulike persoon wees.

(5) (a) Wanneer 'n vroulike gevangene van of bo die ouderdom van negentien jaar in 'n gevangenis of polisiecel of -opsluitplek haar verhoor afwag op 'n ander aanklag as dié van moord, kan die Kommissaris, na oorlegging met die Kommissaris van die Suid-Afrikaanse Polisie, gelas—

- (i) dat sy by 'n deur die Kommissaris bepaalde plek aangehou word; of
 - (ii) dat sy aangehou word deur 'n tydelike bewaarder, wat goedgekeur is deur die landdros van die distrik waarin sy aangehou word; of
 - (iii) dat sy uit bewaring vrygelaat word onder 'n borgakke met of sonder borge, soos die Kommissaris mag bepaal, vir haar verskyning in 'n hof of voor 'n regterlike amptenaar op 'n in die borgakke vermelde tyd en plek of wanneer aangesê om dit te doen.
- (b) In hierdie sub-artikel sluit die uitdrukking „moord" nie die moord van die pasgebore kind van die gevangene in nie.
- (c) Indien 'n vroulike persoon wat ingevolge sub-paragraaf (iii) van paragraaf (a) onder 'n borgakke vrygelaat is, nie in 'n hof of voor 'n regterlike amptenaar op 'n in die borgakke vermelde tyd en plek of wanneer sy aangesê is om dit te doen, verskyn nie, of vlug voordat sy aldus aangesê kan word, kan die hof waarin of die regterlike amptenaar voor wie sy moes verskyn het, die in die borgakke vermelde borggeld verbeurd verklaar en 'n lasbrief vir haar inhegtenisneming uitreik; en so 'n verbeurdverklaring het die uitwerking van 'n vonnis op die borgakke teen onderskeidelik bedoelde persoon en haar borge vir die bedrae daarin vermeld.
- (d) Die Minister of iemand wat op sy gesag handel, kan na goeëduke 'n gedeelte van 'n bedrag wat ingevolge paragraaf (c) verbeurd verklaar is, kwytsteld en betaling van slegs 'n gedeelte afdwing.

30. (1) The Minister may enter into an agreement with the government of any British territory in Africa south of the equator on terms and conditions set out in the agreement, for the reception in the Union and detention in any prison therein of any person sentenced by a competent court of such territory according to the law in force therein to imprisonment with or without compulsory labour.

(2) The fact that such agreement has been entered into with the government of any such territory and a summary of the terms and conditions of the agreement shall be notified by the Minister in the *Gazette*.

(3) After the publication of any such notice in the *Gazette* in respect of any such territory aforesaid, a person who has been sentenced to imprisonment as described in sub-section (1) and is still liable to serve the sentence imposed, may be lawfully received into custody in the Union and may be lawfully detained in any prison thereof until the expiry of the sentence or during such portion thereof as may be deemed necessary, and thereupon such person while so detained shall be treated and be subject to the same laws and regulations in every respect as if he were undergoing the sentence of a competent court of the Union: Provided that no such person shall be received into custody in the Union under the provisions of this sub-section unless the original warrant of commitment to prison accompanies the escort in charge of such person.

(4) A certificate under the hand of the Minister setting forth that from documents laid before him it appears that the person named in the certificate has been sentenced or ordered to be detained as described in this section and for a period specified in the certificate shall be accepted as conclusive evidence at all times during the continuance of such period that such person is lawfully under detention or is being dealt with in accordance with this section.

(5) The provisions of sub-sections (3) and (4) shall apply in respect of persons sentenced to imprisonment by competent courts of the Territory of South-West Africa including that portion of the said Territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the said Territory and that portion of the said Territory known as the "Eastern Caprivi Zipfel" referred to in section three of the South-West Africa Affairs Amendment Act of 1951 (Act No. 55 of 1951), notwithstanding that no such agreement as is mentioned in sub-section (1) exists as regards that Territory and no notice has been published in the *Gazette* in respect thereof.

(ii) *Carrying out of sentences.*

31. Subject to the provisions of this Act, every member of the Prisons Service who is in charge of any prison and every other member of the Prisons Service who is in charge of prisoners shall cause every prisoner who has been 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 Governor-General in the manner directed by the Governor-General 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.

32. (1) Subject to the provisions of sub-section (2) of this section, paragraph (a) of section *thirty-nine* and sub-section (2) of section *forty-eight*, a sentence of imprisonment upon a conviction at common law or under any statute shall take effect from the day on which that sentence is passed, unless it is suspended under the provisions of any law or unless the offender is released on bail pending the decision of the division of the Supreme Court having jurisdiction on a question reserved, in which case the sentence shall take effect from the day on which he surrenders himself or is taken into custody to undergo his sentence.

(2) When a person receives more than one sentence of imprisonment or receives additional sentences while

30. (1) Die Minister kan 'n ooreenkoms aangaan met die regering van 'n Britse gebied in Afrika suid van die ewenaar, onder bedinge en voorwaardes in die ooreenkoms uiteengesit, vir die opneming in die Unie en aanhouding in 'n gevangenis daarin van 'n persoon wat deur 'n bevoegde hof van so 'n gebied volgens die daarin geldende reg gevonnisd is tot gevangenisstraf met of sonder dwangarbeid.

(2) Die feit dat so 'n ooreenkoms met die regering van so 'n gebied aangegaan is asook 'n opsomming van die bedinge en voorwaardes van die ooreenkoms word deur die Minister in die *Staatskoerant* bekend gemaak.

(3) Na publikasie van so 'n kennisgewing in die *Staatskoerant* ten aansien van so 'n gebied soos voormeld, kan 'n persoon wat tot gevangenisstraf gevonnisd is soos in sub-artikel (1) beskryf, en wat die opgelegde vonnis nog moet uitdien, wettiglik in die Unie in bewaring opgeneem word en kan hy wettiglik in enige gevangenis van die Unie aangehou word totdat die vonnis verstryk het of gedurende so 'n gedeelte daarvan as wat nodig geag word, en daarop word so 'n persoon, terwyl hy al dus aangehou word, behandel en is hy onderworpe aan dieselfde wette en regulasies in elke opsig asof hy die vonnis van 'n bevoegde hof van die Unie ondergaan: Met dien verstande dat so 'n persoon nie kragtens die bepalings van hierdie subartikel in die Unie in bewaring opgeneem mag word nie tensy die oorspronklike lasbrief vir gevangensetting die geleide vergesel onder wie se toesig daardie persoon is.

(4) 'n Sertifikaat onder die handtekening van die Minister waarin vermeld staan dat dit uit die aan hom voorgelegde dokumente blyk dat die in die sertifikaat genoemde persoon gevonnisd of beveel is om aangehou te word soos in hierdie artikel beskryf en vir 'n in die sertifikaat vermelde tydperk, word te alle tye gedurende die loop van so 'n tydperk aangeneem as afdoende bewys dat so 'n persoon wettiglik aangehou word of dat met hom ooreenkomstig hierdie artikel gehandel word.

(5) Die bepalings van sub-artikels (3) en (4) is van toepassing ten opsigte van persone wat deur bevoegde howe van die Gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van genoemde Gebied bekend as die „Rehoboth Gebiet" soos in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie Gebied omskryf en ook daardie gedeelte van genoemde Gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel drie van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word, tot gevangenisstraf gevonnisd is, nieteenstaande dat so 'n ooreenkoms, soos in sub-artikel (1) vermeld, met betrekking tot daardie Gebied nie bestaan nie en geen kennisgewing ten opsigte daarvan in die *Staatskoerant* gepubliseer is nie.

(ii) *Uitvoering van vonnisse.*

31. Behoudens die bepalings van hierdie Wet, moet elke lid van die Gevangensdiens wat aan die hoof van 'n gevangenis staan en elke ander lid van die Gevangensdiens wat toesig oor gevangenes het, toesien dat elke gevangene wat deur 'n hof gevonnisd is daardie vonnis ondergaan op die wyse deur die hof in die lasbrief gelas of, indien die vonnis deur die Goewerneur-generaal versag is, op die wyse deur die Goewerneur-generaal in die bevel van die Minister gelas, en daartoe is die lasbrief of bevel of 'n gesertifiseerde afskrif daarvan voldoende magtig vir elke sodanige lid.

32. (1) Behoudens die bepalings van sub-artikel (2) van hierdie artikel paragraaf (a) van artikel *nege-en-der-tig* en sub-artikel (2) van artikel *agt-en-veertig*, neem 'n vonnis van gevangenisstraf weens 'n veroordeling onder die gemenerereg of onder 'n wetsbepaling 'n aanvang vanaf die dag waarop daardie vonnis gevel word, tensy dit kragtens die bepalings van 'n wet opgeskort word of tensy die oortreder onder borgtog vrygelaat word in afwagting van die beslissing van die afdeling van die Hooggeregshof wat regsbevoegdheid het oor 'n voorbehoue vraag, in welke geval die vonnis 'n aanvang neem vanaf die dag waarop hy hom oorgee of in bewaring geneem word om sy vonnis te ondergaan.

(2) Wanneer iemand meer as een vonnis van gevangenisstraf opgelê word of addisionele vonnisse opgelê

servicing a term of imprisonment, each such sentence shall be served the one after the expiration, setting aside or remission of the other in such order as the Commissioner may determine, unless the court specifically directs otherwise, or unless the court directs that such sentences shall run concurrently: Provided that any such sentence of imprisonment or additional sentence of imprisonment in which solitary confinement with or without spare diet is imposed, shall be served first: Provided further that any determinate sentence of imprisonment to be served by any person shall run concurrently with a life sentence or with an indeterminate sentence of imprisonment to be served by such person in consequence of being declared an habitual criminal; and that one or more life sentences and one or more such indeterminate sentences, or two or more life sentences, or two or more such indeterminate sentences, shall also run concurrently.

(3) Subject to the provisions of the second proviso to sub-section (2), the date of expiry of any sentence of imprisonment being served by a prisoner who escapes from lawful custody or who is unlawfully discharged shall upon his recapture or re-arrest, be postponed for a period equal to the period by which such sentence was interrupted by reason of such escape or discharge.

(4) Any prisoner whose term of imprisonment expires on a Sunday or a public holiday, may be discharged on the authority of the Commissioner at any hour on the day preceding such Sunday or Public holiday as the Commissioner may think fit.

33. (1) Any imprisonment which is imposed by any court in default of payment of a fine shall, prior to the expiration thereof, terminate whenever that fine is paid or is lawfully levied under the process of any law authorizing the levy of the fine.

(2) (a) If any part of the fine is paid or levied before the expiry of any imprisonment such as referred to in sub-section (1), the period of imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the period of imprisonment as the sum so paid and levied bears to the amount of the fine.

(b) An amount which would reduce the imprisonment by a fractional part of a day shall not be received.

(3) No payment of any sum under this section need be accepted otherwise than during the ordinary office hours.

34. (1) A prisoner who, while serving a sentence of imprisonment, is removed to a mental hospital shall, as soon as he is fit for discharge therefrom, be returned by the authorities of such hospital to a prison to complete the sentence which was interrupted by his removal to the hospital.

(2) The period during which such prisoner was detained in a mental hospital may, on the authority of the Minister, be reckoned as part of his sentence of imprisonment.

35. (1) Sentences of death shall be carried out in or in the precincts of a prison appointed by the Governor-General for the carrying out of sentences of death.

(2) The officials required to carry out the sentence of death, the commissioned officer in charge of the prison, the medical officer and such members of the Prisons Service as may be necessary, shall be present at an execution. No other person shall be permitted to be present without an order from the Minister.

(3) As soon as possible after the sentence of death has been carried out, the medical officer shall examine the body to ascertain the fact of death, and shall sign a certificate to that effect which shall be delivered to the sheriff or deputy sheriff. Such certificate shall be signed by the sheriff or deputy sheriff and the ex-

word terwyl hy 'n tydperk van gevangenisstraf uittien, word elke sodanige vonnis die een na die verstryking, tersydestelling of kwytskelding van die ander uitgedien in so 'n volgorde as wat die Kommissaris bepaal, tensy die hof uitdruklik anders gelas of tensy die hof gelas dat sodanige vonnisse saam moet loop: Met dien verstande dat so 'n vonnis van gevangenisstraf of addisionele vonnis van gevangenisstraf waarin alleenopsluiting met of sonder skraal rantsoen opgelê word, eerste uitgedien word: Met dien verstande voorts dat 'n bepaalde vonnis van gevangenisstraf wat deur iemand uitgedien moet word saam moet loop met 'n vonnis van lewenslange gevangenisstraf of met 'n onbepaalde vonnis van gevangenisstraf wat deur so iemand uitgedien moet word as gevolg van sy verklaring tot gewoontemisdadiger; en dat een of meer vonnisse van lewenslange gevangenisstraf en een of meer sodanige onbepaalde vonnisse, of twee of meer vonnisse van lewenslange gevangenisstraf, of twee of meer sodanige onbepaalde vonnisse, ook saam moet loop.

(3) Onderworpe aan die bepalings van die tweede voorbehoudsbepaling by sub-artikel (2), word die datum van die verstryking van 'n vonnis van gevangenisstraf wat uitgedien word deur 'n gevangene wat uit wettige bewaring ontvlug of wat onwettiglik ontslaan word, by sy hergevangening of herinhegtenisneming uitgestel vir 'n tydperk wat gelykstaan aan die tydperk waardeur so 'n vonnis as gevolg van die ontvlugting of ontslag onderbreek is.

(4) 'n Gevangene wie se termyn van gevangenisstraf op 'n Sondag of 'n openbare feesdag verstryk, kan met die magtiging van die Kommissaris ontslaan word op so 'n uur op die dag wat daardie Sondag of openbare feesdag voorafgaan, as wat die Kommissaris goedvind.

33. (1) Gevangenisstraf wat deur 'n hof by wanbetaling van 'n boete opgelê word, eindig voor die verstryking daarvan wanneer daardie boete betaal word of, kragtens die voorskrif van 'n wetsbepaling wat die invordering van die boete magtig, wettiglik ingevorder word.

(2) (a) Indien 'n gedeelte van die boete betaal of ingevorder word voor verstryking van die in sub-artikel (1) bedoelde gevangenisstraf, word die tydperk van gevangenisstraf verkort deur 'n aantal dae wat so na as moontlik in dieselfde verhouding staan tot die tydperk van gevangenisstraf as waarin die aldus betaalde en ingevorderde bedrag tot die bedrag van die boete staan.

(b) 'n Bedrag wat die gevangenisstraf met 'n breukdeel van 'n dag sou verkort, word nie ontvang nie.

(3) Geen betaling van 'n bedrag kragtens hierdie artikel hoef anders as gedurende die gewone kantoorure aangeneem te word nie.

34. (1) 'n Gevangene wat, terwyl hy 'n vonnis van gevangenisstraf uittien, na 'n inrigting vir geestesgekreunktes oorgeplaas word, moet, sodra hy geskik is om daaruit ontslaan te word, deur die owerhede van daardie inrigting na 'n gevangenis teruggestuur word om die vonnis wat as gevolg van sy oorplasing na die inrigting onderbreek is, te voltooi.

(2) Die tydperk waartydens so 'n gevangene in die inrigting vir geestesgekreunktes aangehou is, kan, met die magtiging van die Minister, as deel van sy vonnis van gevangenisstraf gereken word.

35. (1) Doodvonnisse word voltrek in of binne die mure van 'n gevangenis wat deur die Goewerneur-generaal aangewys word vir die voltrekking van doodvonnisse.

(2) Die amptenare belas met die voltrekking van die doodvonnis, die offisier aan die hoof van die gevangenis, die geneeskundige beampte en sodanige lede van die Gevangenisdiens as wat nodig mag wees, woon 'n teregstelling by. Geen ander persoon word sonder 'n bevel van die Minister toegelaat om teenwoordig te wees nie.

(3) So gou moontlik nadat die doodvonnis voltrek is, ondersoek die geneeskundige beampte die liggaam om die feit dat die dood ingetree het vas te stel en onderteken hy 'n sertifikaat te dien effekte wat aan die balju of onder-balju oorhandig word. So 'n sertifikaat word deur die balju of onder-balju en die beul onderteken en

cutitioner and be transmitted by the sheriff to the registrar of the division of the Supreme Court in which the sentence of death was passed.

- (4) (a) The body of an executed person may, in the discretion of the Commissioner, be placed under the control of an inspector of anatomy to be dealt with in accordance with the provisions of the Anatomy Act, 1911 (Act No. 32 of 1911), or be handed over to a medical school which is legally entitled to be in possession of human corpses.
- (b) If such body is not disposed of under paragraph (a) it shall in the discretion of the Commissioner be buried in private, either by the authorities of the prison where the execution took place, or by the near relatives of the deceased under the supervision of the said authorities, and in either case the Commissioner may in his discretion permit near relatives of the deceased to be present at the burial.

36. (1) Corporal punishment shall not be inflicted before the medical officer has examined the prisoner and has certified that he is in a fit state of health to undergo such punishment.

(2) If it appears to the medical officer that the prisoner is not in a fit state of health to undergo corporal punishment, he shall certify that fact in writing.

(3) After the prisoner has been certified by the medical officer to be fit for corporal punishment, the punishment shall be inflicted in private in a prison in the presence of the medical officer.

(4) The medical officer shall immediately stop the infliction of any further punishment if it appears to him during the infliction of the corporal punishment that the prisoner is not in a fit state of health to undergo the remainder thereof, and shall certify that fact in writing.

(5) Whenever under the provisions of sub-section (2) or (4) any medical officer has certified that any person sentenced to undergo corporal punishment is not in a fit state of health to undergo the whole or the remainder thereof, the certificate shall immediately be transmitted to the Commissioner and, if urgently necessary, the fact shall be reported to him by telegraph.

(6) (a) Upon receipt of any such certificate or telegraphic advice, the Commissioner shall report the matter to the court which passed the sentence or, in the case of a superior court, if that court is not sitting, to the provincial division of the Supreme Court concerned, and such court or provincial division may, subject to the provisions of any relevant law, either remit the sentence of corporal punishment or substitute another penalty in lieu of the sentence of corporal punishment.

(b) If no remission or substitution as aforesaid is made by the court or provincial division, the Minister may remit the whole or the remainder of the corporal punishment, as the case may be.

(7) Where corporal punishment has been ordered in more than one sentence passed at or at approximately the same time on the same person, that punishment shall not be inflicted at intervals, but shall be inflicted at one and the same time as early as possible after the sentences were passed, subject to the provisions of this section and of any law relating to the review of such sentences by a judge.

(8) The number of strokes inflicted at one and the same time in terms of sub-section (7) shall in no instance exceed ten and the remainder of the strokes, if any, ordered in the said sentences shall lapse.

37. No woman prisoner shall under any circumstances be subjected to corporal punishment.

word deur die balju deurgestuurd na die registrateur van die afdeling van die Hooggeregshof waar die doodvonnis gevel is.

(4) (a) Die liggaam van 'n tereggestelde persoon kan na goeddunke van die Kommissaris geplaas word onder beheer van 'n inspekteur van anatomie om daarmee ooreenkomstig die bepalings van die Anatomiewet, 1911 (Wet No. 32 van 1911), te handel, of oorhandig word aan 'n mediese skool wat volgens wet geregtig is om in besit van menslike te wees.

(b) Indien oor bedoelde liggaam nie kragtens paragraaf (a) beskik word nie, word dit na goeddunke van die Kommissaris privaat begrawe of deur die owerhede van die gevangenis waar die teregstelling plaasgevind het of deur die nouverwante familiebetrekkings van die oorledene onder toesig van bedoelde owerhede, en in albei gevalle kan die Kommissaris na goeddunke nouverwante familiebetrekkings van die oorledene toelaat om die begrafnis by te woon.

36. (1) Lyfstraf word nie toegedien voordat die geneeskundige beamppte die gevangene ondersoek het en gesertifiseer het dat hy in 'n geskikte gesondheidstoestand verkeer om sodanige straf te ondergaan nie.

(2) Indien dit die geneeskundige beamppte voorkom dat die gevangene nie in 'n geskikte gesondheidstoestand verkeer om lyfstraf te ondergaan nie, gee hy van sy bevinding 'n skriftelike sertifikaat.

(3) Nadat die gevangene deur die geneeskundige beamppte as geskik vir lyfstraf gesertifiseer is, word die lyfstraf in afsondering in 'n gevangenis in die teenwoordigheid van die geneeskundige beamppte toegedien.

(4) Indien dit tydens die toediening van die lyfstraf die geneeskundige beamppte voorkom dat die gevangene nie in 'n geskikte gesondheidstoestand verkeer om die res daarvan te ondergaan nie, moet die geneeskundige beamppte onmiddellik die toediening van enige verdere straf stopsit en gee hy van sy bevinding 'n skriftelike sertifikaat.

(5) Wanneer die geneeskundige beamppte kragtens die bepalings van sub-artikel (2) of (4) gesertifiseer het dat iemand wat gevonnissen is om lyfstraf te ondergaan nie in 'n geskikte gesondheidstoestand verkeer om die geheel of die res daarvan te ondergaan nie, word die sertifikaat onmiddellik na die Kommissaris deurgestuurd, en, indien dringend nodig, word die feit aan hom telegrafies gerapporteer.

(6) (a) By ontvangs van so 'n sertifikaat of telegrafiese berig, rapporteer die Kommissaris die aangeleentheid aan die hof wat die vonnis gevel het of, in die geval van 'n hoërhof, indien daardie hof nie in sitting is nie, aan die betrokke provinsiale afdeling van die Hooggeregshof en sodanige hof of provinsiale afdeling kan met inagneming van die bepalings van enige toepaslike wet, of die vonnis van lyfstraf kwytskeld of die vonnis van lyfstraf deur 'n ander straf vervang.

(b) Indien geen kwytskelding of vervanging soos voormeld deur die hof of provinsiale afdeling verleen of gedoen word nie, kan die Minister die geheel of die res van die lyfstraf, na gelang van die geval, kwytskeld.

(7) Waar lyfstraf beveel is in meer as een vonnis wat op of omstreeks dieselfde tyd oor dieselfde persoon gevel is, word daardie straf nie met tussenpose toegedien nie, maar word dit op een en dieselfde tyd toegedien so gou moontlik na die vonnisse gevel is, behoudens die bepalings van hierdie artikel en van enige wet met betrekking tot die hersiening van sodanige vonnisse deur 'n regter.

(8) Die aantal houe wat ingevolge sub-artikel (7) op een en dieselfde tyd toegedien word, mag in geen geval meer as tien wees nie, en die res van die houe, as daar is, wat in bedoelde vonnisse beveel is, verval.

37. Geen vroulike gevangene word onder enige omstandighede aan lyfstraf onderwerp nie.

38. Subject to the provisions of section *sixty-six*, any person who has been declared an habitual criminal under the provisions of any law, shall be detained in a prison during the Governor-General's pleasure: Provided that any person who has received an indeterminate sentence in consequence of being so declared an habitual criminal after the commencement of this Act, shall be detained in a prison for a period of at least nine years.

39. A person who has, under the provisions of any law, been sentenced to—

- (a) periodical imprisonment, shall be periodically detained in a prison in the manner prescribed by regulation;
- (b) imprisonment for corrective training, shall be detained in a prison for a period of at least two years but not exceeding four years, to be determined by the Minister after a prison board has made a recommendation;
- (c) imprisonment for the prevention of crime, shall be detained in a prison for a period of at least five years but not exceeding eight years, to be determined by the Minister after a prison board has made a recommendation.

40. Any person declared to be an idle person and ordered to be detained in a farm colony in terms of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), shall be detained thereat for the period ordered by the native commissioner or magistrate unless released prior to the expiration of such period on the recommendation of a prison board.

CHAPTER IV.

Penalties for Certain Specific Offences and Rewards for the Recapture of Escaped Prisoners.

(1) *Penalties for specific offences.*

41. Any person who—

- (a) wears or uses any decoration or medal instituted, constituted or created under this Act, or the distinctive bar, clasp or ribbon thereof; or
- (b) represents himself to be a person who is or has been entitled to wear or use any such decoration, medal, bar, clasp or ribbon; and
- (c) is not a person to whom such decoration, medal, bar, clasp or ribbon has been awarded or who has been authorized by competent authority to wear or use such decoration, medal, bar, clasp or ribbon,

shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or, in default of payment, to imprisonment for a period not exceeding three months.

42. Any person who—

- (a) wears any uniform or distinctive badge or button of the Prisons Service, or anything so closely resembling any such uniform, badge or button as to be calculated to deceive; and
- (b) is not a member of the Prisons Service entitled by reason of his appointment, rank or designation to wear such uniform, badge or button; or
- (c) has not been granted permission by the Commissioner to wear such uniform, badge or button,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months.

43. Any person who—

- (a) aids any prisoner in escaping or attempting to escape from any prison; or
- (b) for the purpose of facilitating the escape of any prisoner, supplies or agrees or attempts to supply or aids, incites or encourages any other person in

38. Behoudens die bepalings van artikel *ses-en-estig*, word iemand wat kragtens die een of ander wetsbepaling tot gewoontemisdadiger verklaar is, in 'n gevangenis aangehou vir so lank dit die Goewerneur-generaal behaag: Met dien verstande dat iemand wat 'n onbepaalde vonnis opgelê is omdat hy sedert die inwerkingtreeding van hierdie Wet aldus tot gewoontemisdadiger verklaar is, in 'n gevangenis aangehou word vir 'n tydperk van minstens nege jaar.

39. Iemand wat kragtens die een of ander wetsbepaling gevonnisd is tot—

- (a) periodieke gevangenisstraf, word periodiek in 'n gevangenis aangehou op die by regulasie voorgeskrewe wyse;
- (b) gevangenisstraf vir korrektiewe opleiding, word in 'n gevangenis aangehou vir 'n tydperk van minstens twee jaar maar hoogstens vier jaar, wat deur die Minister bepaal word nadat 'n gevangenisraad 'n aanbeveling gedoen het;
- (c) gevangenisstraf ter voorkoming van misdaad, word in 'n gevangenis aangehou vir 'n tydperk van minstens vyf jaar maar hoogstens agt jaar, wat deur die Minister bepaal word nadat 'n gevangenisraad 'n aanbeveling gedoen het.

40. Iemand wat ingevolge die Naturelle (Stadsgebiede) Konsolidasie Wet, 1945 (Wet No. 25 van 1945), verklaar is 'n ledige persoon te wees en beveel is om in 'n boerderykolonie aangehou te word, word aldaar aangehou vir die tydperk wat die naturellekommissaris of landdros beveel het tensy hy voor die verstryking van bedoelde tydperk op aanbeveling van 'n gevangenisraad vrygelaat word.

HOOFSTUK IV.

Strawwe vir Sekere Bepaalde Misdrywe en Belonings vir die Hergevangeneming van Ontvlugte Gevangenes.

(1) *Strawwe vir bepaalde misdrywe.*

41. Iemand wat—

- (a) 'n kragtens hierdie Wet ingestelde, daargestelde of ingevoerde dekorasie of medalje of die onderskeidende balk, gespe of lint daarvan dra of gebruik; of
- (b) hom voordoen as 'n persoon wat geregtig is of was om so 'n dekorasie, medalje, balk, gespe of lint te dra of te gebruik; en
- (c) nie 'n persoon is aan wie so 'n dekorasie, medalje, balk, gespe of lint toegeken is of wat deur 'n bevoegde gesag gemagtig is om so 'n dekorasie, medalje, balk, gespe of lint te dra of te gebruik nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

42. Iemand wat—

- (a) 'n uniform of onderskeidende wapen of knoop van die Gevangenisdiens dra, of iets wat soveel na so 'n uniform, wapen of knoop lyk dat dit bereken is om te mislei; en
- (b) nie 'n lid van die Gevangenisdiens is wat uit hoofde van sy aanstelling, rang of ampsnaam geregtig is om so 'n uniform, wapen of knoop te dra nie; of
- (c) geen vergunning deur die Kommissaris verleen is om so 'n uniform, wapen of knoop te dra nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

43. Iemand wat—

- (a) 'n gevangene by sy ontvlugting of poging tot ontvlugting uit 'n gevangenis behulpsaam is; of
- (b) vir die doel om die ontvlugting van 'n gevangene te vergemaklik, 'n masker, kledingstuk, vermomming of enige ander artikel, werktuig, saak of

supplying a prisoner with any mask, dress disguise or any other article, instrument, matter or thing; or

- (c) conveys or causes to be conveyed into or out of any prison or any place where prisoners may come to work, any letter or token encouraging or inciting any prisoner to escape or to contravene a regulation or showing a desire to aid any prisoner to escape or to contravene any regulation; or
- (d) harbours or conceals or assists in harbouring or concealing an escaped prisoner,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

44. Any person who —

- (a) is found loitering on any prison reserve or on any prison property or within one hundred yards of any prison or any other place where prisoners may be for the purpose of imprisonment or labour or within one hundred yards of any burial referred to in paragraph (b) of sub-section (4) of section *thirty-five* and who fails to depart therefrom upon being warned so to do by any member of the Prisons Service or of the South African Police Force; or
- (b) without lawful authority holds or attempts to hold any communication with any prisoner; or
- (c) wilfully rides, drives, or leads any animal or vehicle through any group of prisoners outside a prison; or
- (d) in any manner wilfully interferes with any prisoner or group of prisoners; or
- (e) without the authority in writing of the Commissioner—
 - (i) sketches or photographs any prison, portion of a prison, prisoner or group of prisoners, whether within or outside any prison, or any burial referred to in paragraph (b) of sub-section (4) of section *thirty-five*; or
 - (ii) causes any sketch or photograph of any prison, portion of a prison, prisoner or group of prisoners or of any burial referred to in paragraph (b) of sub-section (4) of section *thirty-five* to be published in any manner; or
- (f) publishes any false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner or concerning the administration of any prison, knowing the same to be false, or without taking reasonable steps to verify such information (the onus of proving that reasonable steps were taken to verify such information being upon the accused),

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine, and the court convicting any person of an offence under sub-paragraph (i) of paragraph (e) may, if it thinks fit, declare the sketches or photographs and the negatives from which such photographs were taken to be forfeited to the State.

45. No money or other consideration shall, on any pretext whatsoever, be payable, paid, given or promised by or on behalf of any prisoner, either on his entrance into, commitment to, continuance in or discharge from any prison, to any member of the Prisons Service or other person in the service of the Prisons Department and any member of the Prisons Service or other person in the service of the Prisons Department receiving or demanding any such money or other consideration, or undertaking any service in consideration of receiving or the promise of any such money or other consideration, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

voorwerp aan 'n gevangene voorsien of instem of poog om hom daarvan te voorsien of iemand anders daartoe help, aanhits of aanmoedig; of

- (c) 'n brief of teken waarin of waardeur 'n gevangene aangemoedig of aangehits word om te ontvlug of om 'n regulasie te oortree, of waarin of waardeur 'n verlange geopenbaar word om 'n gevangene by sy ontvlugting of by die oortreding van 'n regulasie behulpsaam te wees, in of uit 'n gevangenis of 'n plek waar gevangenes vir die verrigting van werk mag kom, bring of laat bring; of
- (d) 'n ontvlugte gevangene herberg of versteek of help herberg of versteek,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

44. Iemand wat—

- (a) op enige gevangenissterrein of op enige gevangensciendom of binne honderd tree van 'n gevangenis of enige ander plek waar gevangenes is vir die doeleindes van gevangensetting of arbeid of binne honderd tree van 'n in paragraaf (b) van sub-artikel (4) van artikel *vyf-en-dertig* bedoelde begrafnis, slenter en wat versuim om daarvandaan te vertrek wanneer hy deur 'n lid van die Gevangensidiens of van die Suid-Afrikaanse Polisiemag daartoe gemaan word; of
- (b) sonder wettige magtiging enige gemeenskap met 'n gevangene hou of probeer hou; of
- (c) opsetlik 'n dier of voertuig deur 'n groep gevangenes buite 'n gevangenis ry, bestuur of lei; of
- (d) op enige manier hom opsetlik met 'n gevangene of groep gevangenes bemoei; of
- (e) sonder die skriftelike magtiging van die Kommissaris—
 - (i) 'n gevangenis, gedeelte van 'n gevangenis, gevangene of groep gevangenes, hetsy binne of buite 'n gevangenis, of 'n in paragraaf (b) van sub-artikel (4) van artikel *vyf-en-dertig* bedoelde begrafnis, skets of fotografeer; of
 - (ii) 'n skets of foto van 'n gevangenis, gedeelte van 'n gevangenis, gevangene of groep gevangenes of van 'n in paragraaf (b) van sub-artikel (4) van artikel *vyf-en-dertig* bedoelde begrafnis op enige wyse laat publiseer; of
- (f) enige vals inligting aangaande die gedrag of ervarings van 'n gevangene of oud-gevangene in 'n gevangenis of aangaande die bestuur van 'n gevangenis publiseer wetende dat dit vals is of sonder om redelike stappe te doen om seker te maak dat daardie inligting juis is (die bewyslas om te bewys dat redelike stappe gedoen is om seker te maak dat daardie inligting juis is, berus by die beskuldigde),

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete, en die hof wat iemand aan 'n misdryf kragtens sub-paragraaf (i) van paragraaf (e) skuldig bevind, kan, na goeddunke, die sketse of foto's en die negatiewe waarvan bedoelde foto's geneem is aan die Staat verbeurd verklaar.

45. Geen geld of ander beloning, onder welke voorwendsel ook al, is betaalbaar, of mag betaal, gegee of beloof word deur of namens 'n gevangene, hetsy by sy opneming in, verwysing na, gedurende sy verblyf in, of by sy ontslag uit, 'n gevangenis aan 'n lid van die Gevangensidiens of ander persoon in die diens van die Departement van Gevangenisreëls en 'n lid van die Gevangensidiens of ander persoon in die diens van die Departement van Gevangenisreëls wat sodanige geld of ander beloning ontvang of eis, of 'n diens onderneem as teenprestatie vir die ontvangs of die belofte van sodanige geld of ander beloning, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf.

46. (1) No member of the Prisons Service and no person acting for or employed by him shall —

- (a) sell or supply or receive, directly or indirectly, any benefit or advantage from the sale or supply of any article to or for the use of any prisoner or for the use of the Prisons Department; or
- (b) directly or indirectly, have any interest in any contract or agreement for the sale or supply of any such article.

(2) No member of the Prisons Service shall, directly or indirectly—

- (a) have any pecuniary interest in the purchase of any supplies for the use of the Prisons Department or receive any discounts, gifts or other consideration from contractors for or sellers of such supplies; or
- (b) have any pecuniary dealing with prisoners or with their friends with regard to them; or
- (c) on behalf of any prisoner, hold any unauthorized communication with any person.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

47. (a) Any person who, without lawful authority—

- (i) supplies, conveys or causes to be supplied or conveyed, to any prisoner, or hides or places for his use any letter, document, intoxicating liquor, tobacco, dagga, drug, opiate, money, clothing, provisions or any other article; or
- (ii) brings or attempts in any manner whatever to introduce into any prison, or places or attempts to place where prisoners shall labour, any letter, document, intoxicating liquor, tobacco, dagga, drug, opiate, money, clothing, provisions or any other article to be sold or used therein; or
- (iii) brings or attempts to bring out of any prison, or conveys from any prisoner any letter, document or other article, and

(b) any member of the Prisons Service or other person in the service of the Prisons Department who, without lawful authority—

- (i) allows any letter, document, intoxicating liquor, tobacco, dagga, drug, opiate, money, clothing, provisions or any other article to be supplied or conveyed to any prisoner or to be hidden or placed for his use; or
- (ii) allows any letter, document, intoxicating liquor, tobacco, dagga, drug, opiate, money, clothing, provisions or any other article intended to be sold or used therein to be brought or conveyed into a prison or to be placed where prisoners shall labour; or
- (iii) allows any letter, document or other article to be brought out of any prison or to be conveyed from any prisoner; or

(iv) enters into or attempts to enter into any business transaction with a prisoner; and

(c) any prisoner who, without lawful authority—

- (i) receives, directly or indirectly, for his own use or on behalf of any other prisoner or person any letter, document, intoxicating liquor, tobacco, dagga, drug, opiate, money, clothing, provisions or any other article; or
- (ii) enters into or attempts to enter into any business transaction with any member of the Prisons Service or any other person in the service of the Prisons Department; or

46. (1) Geen lid van die Gevangenisdiens en geen persoon wat namens hom optree of by hom in diens is, mag—

- (a) enige artikel aan of vir die gebruik van 'n gevangene of vir die gebruik van die Departement van Gevangenisverkoop of verskaf nie, of direk of indirek enige wins of voordeel uit die verkoop of verskaffing daarvan ontvang nie; of
- (b) direk of indirek enige belang in enige kontrak of ooreenkoms vir die verkoop of verskaffing van so 'n artikel hê nie.

(2) Geen lid van die Gevangenisdiens mag direk of indirek—

- (a) enige geldelike belang hê by die aankoop van enige voorraade vir die gebruik van die Departement van Gevangenisverkoop, of enige kortings, geskenke of ander beloning van leweransiers of verkopers van sodanige voorraade ontvang nie; of
- (b) enige geldelike verkeer met gevangenes of, met betrekking tot hulle, met hulle vriende hê nie; of
- (c) namens 'n gevangene enige ongemagtigde gemeenskap met iemand hou nie.

(3) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigebevinding strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf.

47. (a) Iemand wat sonder wettige magtiging—

- (i) aan 'n gevangene enige brief, dokument, sterk drank, tabak, dagga, bedwelmende middel, slaapmiddel, geld, klere, lewensmiddele of enige ander artikel verskaf of oorbring of laat verskaf of oorbring of dit versteek of plaas vir sy gebruik; of
- (ii) enige brief, dokument, sterk drank, tabak, dagga, bedwelmende middel, slaapmiddel, geld, klere, lewensmiddele of enige ander artikel in 'n gevangenis inbring of op enige wyse hoegenaamd poog om dit in te bring of dit plaas of poog om dit te plaas waar gevangenes sal werk, om daarin verkoop of gebruik te word; of
- (iii) 'n brief, dokument of ander artikel uit 'n gevangenis uitbring of probeer uitbring, of van 'n gevangene meeneem; en

(b) 'n lid van die Gevangenisdiens of ander persoon in die diens van die Departement van Gevangenisverkoop wat sonder wettige magtiging—

- (i) toelaat dat enige brief, dokument, sterk drank, tabak, dagga, bedwelmende middel, slaapmiddel, geld, klere, lewensmiddele of enige ander artikel aan 'n gevangene verskaf of oorgebring word of vir sy gebruik versteek of geplaas word; of
- (ii) toelaat dat enige brief, dokument, sterk drank, tabak, dagga, bedwelmende middel, slaapmiddel, geld, klere, lewensmiddele of enige ander artikel in 'n gevangenis ingebring word of geplaas word waar gevangenes sal werk, om daarin verkoop of gebruik te word; of
- (iii) toelaat dat 'n brief, dokument of ander artikel uit 'n gevangenis uitgebring of van 'n gevangene meegeneem word; of
- (iv) met 'n gevangene 'n besigheidstransaksie aangaan of poog om dit te doen; en

(c) 'n gevangene wat sonder wettige magtiging—

- (i) direk of indirek, vir sy eie gebruik of ten behoeve van 'n ander gevangene of persoon, enige brief, dokument, sterk drank, tabak, dagga, bedwelmende middel, slaapmiddel, geld, klere, lewensmiddele of enige ander artikel ontvang; of
- (ii) met 'n lid van die Gevangenisdiens of 'n ander persoon in die diens van die Departement van Gevangenisverkoop enige besigheidstransaksie aangaan of poog om dit te doen; of

- (iii) arranges, or attempts to arrange, with any member of the Prisons Service or any other person for any letter, document, intoxicating liquor, tobacco, dagga, drug, opiate, money, clothing, provisions or any other article to be sent or passed into any prison for his use or on his behalf; or
- (iv) directly or indirectly gives or sends or attempts to give or send or promises to give or send, any money or any other article to any member of the Prisons Service or any other person in the service of the Prisons Department as a reward for any service rendered or to be rendered to him or on his behalf within or outside any prison; or
- (v) hands or attempts to hand to any member of the Prisons Service or any other person any letter, document or other article for the purpose of being hidden or placed by such member or person for eventual use by or delivery to any other prisoner or person,

- (iii) met 'n lid van die Gevangenisdiens of 'n ander persoon reël of probeer reël dat enige brief, dokument, sterk drank, tabak, dagga, bedwelmende middel, slaapmiddel, geld, klere, lewensmiddele of enige ander artikel vir sy gebruik of ten behoeve van hom in 'n gevangenis ingestuur of ingelaat word; of
- (iv) direk of indirek geld of enige ander artikel aan 'n lid van die Gevangenisdiens of enige ander persoon wat in die diens van die Departement van Gevangenisreëls is, gee of stuur, of probeer gee of stuur of belowe om dit te gee of stuur, as beloning vir enige diens aan hom of ten behoeve van hom gelewer of gelewer te word binne of buite 'n gevangenis; of
- (v) aan 'n lid van die Gevangenisdiens of 'n ander persoon 'n brief, dokument of ander artikel oorhandig of probeer oorhandig met die doel dat dit deur daardie lid of persoon versteek of geplaas word vir uiteindelijke gebruik deur of lewering aan 'n ander gevangene of persoon,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment for a period not exceeding two years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

48. (1) Any prisoner who—

- (a) escapes or conspires with any person to procure the escape of any prisoner, or who assists or incites any other prisoner to escape from the prison in which he is placed, or from any post or place where or wherein he may be for the purpose of labour or detention, or from hospital, or while in course of removal in custody from one place to another; or
- (b) makes any attempt to escape from custody; or
- (c) is in possession of any instrument or other thing with intent to procure his own escape or that of another prisoner,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years, and, in addition, where the escape or attempt to escape was accompanied by any act of violence, such prisoner may be sentenced to undergo corporal punishment not exceeding ten strokes.

(2) Any sentence of imprisonment imposed under sub-section (1) shall commence after the expiry of any sentence the prisoner was then undergoing, but subject to the provisions of the provisos to sub-section (2) of section *thirty-two*.

(3) Nothing in this section contained shall be construed as exempting the prisoner from prosecution or punishment for any offence under the common law or the provisions of this Act or any other law.

(ii) *Rewards for apprehension of escaped prisoners.*

49. (1) The Commissioner may offer monetary rewards to persons who give information leading to the tracing and apprehension of any prisoner who has escaped from custody.

(2) Any person who gives such information or who apprehends, secures and hands over or causes to be handed over to any member of the Prisons Service or of the South African Police Force any such prisoner, and has incurred any expense in connection with the giving of such information or such apprehension, securing or handing over, may be paid his just and reasonable expenses and in addition such sum as a reward as the Commissioner may determine.

(3) No payment of any sum as a reward shall be made under the authority of this section to any member of the Prisons Service or of the South African Police Force, unless, in the opinion of the Minister, such exceptional circumstances exist as to justify such payment being made.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of, by wanbetaling, met gevangenisstraf van hoogstens twee jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf.

48. (1) 'n Gevangene wat—

- (a) ontvlug of met iemand saamspan om die ontvlugting van 'n gevangene te bewerkstellig of wat 'n ander gevangene help of aanhits om te ontvlug uit die gevangenis waarin hy geplaas is of uit 'n pos of plek waar of waarin hy mag wees vir die doel van arbeid of aanhouding, of uit 'n hospitaal, of terwyl hy in bewaring van een plek na 'n ander oorgebring word; of
- (b) 'n poging aanwend om uit bewaring te ontsnap; of
- (c) in besit is van 'n werktuig of ander voorwerp met die doel om sy eie ontvlugting of dié van 'n ander gevangene te bewerkstellig,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar en daarbenewens, waar die ontvlugting of poging tot ontvlugting gepaard gegaan het met geweldpleging, kan sodanige gevangene gevonnissen word om lyfstraf van hoogstens tien houe te ondergaan.

(2) 'n Vonnis van gevangenisstraf wat kragtens sub-artikel (1) opgelê word, neem 'n aanvang na die verstryking van enige vonnis wat die gevangene toe besig was om te ondergaan, maar onderworpe aan die bepalinge van die voorbehoudsbepalings by sub-artikel (2) van artikel *twee-en-dertig*.

(3) Die bepalinge van hierdie artikel word nie so uitgelê dat dit die gevangene teen vervolging of straf weens enige misdryf ingevolge die gemenerereg of die bepalinge van hierdie Wet of enige ander wet vrywaar nie.

(ii) *Beloning vir gevangeneneming van ontvlugte gevangenes.*

49. (1) Die Kommissaris kan geldelike belonings uitloof aan persone wat inligting verstrek wat lei tot die opsporing en gevangeneneming van 'n gevangene wat uit bewaring ontvlug het.

(2) Aan iemand wat sodanige inligting verstrek of wat so 'n gevangene gevange neem, aanhou en oorhandig of laat oorhandig aan 'n lid van die Gevangenisdiens of van die Suid-Afrikaanse Polisiemag en wat enige uitgawes aangegaan het in verband met die verstrekking van sodanige inligting of bedoelde gevangeneneming, aanhouding of oorhandiging, kan sy billike en redelike uitgawes vergoed word en daarbenewens so 'n bedrag as 'n beloning betaal word as wat die Kommissaris bepaal.

(3) Geen betaling van enige bedrag as 'n beloning mag uit hoofde van hierdie artikel aan 'n lid van die Gevangenisdiens of van die Suid-Afrikaanse Polisiemag gedoen word nie tensy, volgens die oordeel van die Minister, sodanige buitengewone omstandighede bestaan as wat die doen van so 'n betaling regverdig.

CHAPTER V.

Trial of Offences under this Act.(i) *Trial by magistrates.*

50. (1) A magistrate shall have jurisdiction to try at a prison or at a place designated by the Commissioner for the purpose, any member of the Prisons Service or special warder for any alleged contravention of or failure to comply with any provision of this Act, whether such contravention or non-compliance is alleged to have taken place within or outside a prison.

(2) A magistrate shall, upon conviction of such member or special warder in respect of any such contravention or non-compliance, have jurisdiction, except where a penalty has been specifically prescribed by this Act, to impose a fine not exceeding fifty pounds or, in default of payment, imprisonment for a period not exceeding six months, or such imprisonment without the option of a fine, or both such fine and such imprisonment.

51. (1) A magistrate shall have jurisdiction to try at a prison or at a place designated by the Commissioner for the purpose, any prisoner for any alleged contravention of or failure to comply with any provision of this Act, whether such contravention or non-compliance is alleged to have taken place within or outside a prison.

(2) A magistrate shall, upon conviction of such prisoner in respect of any such contravention or non-compliance, have jurisdiction to impose any penalty specifically prescribed by this Act or any punishment which any commissioned officer might lawfully have imposed under sub-section (2) of section *fifty-four*, and shall have special jurisdiction to sentence the offender in lieu of or in addition to any such punishment —

- (a) to undergo imprisonment for a period not exceeding six months; or
- (b) to be kept in solitary confinement in an isolation cell with or without light labour for a period not exceeding forty-two days, twenty-eight days of which may be ordered to be passed on reduced diet: Provided that no continuous period passed on reduced diet shall exceed fourteen days, and that at least fourteen days shall elapse between one period passed on reduced diet and another such period.

52. Anything to the contrary notwithstanding in any law relating to magistrate's courts, a magistrate shall have jurisdiction to try any offence under this Act and to impose any penalty prescribed by this Act.

(ii) *Trial by commissioned officers.*

53. (1) Subject to the provisions of sub-sections (3) and (8), a commissioned officer shall have jurisdiction to try at a prison or at a place designated by the Commissioner for the purpose, any member of the Prisons Service (except a commissioned officer) or any special warder for any alleged contravention of or failure to comply with any provisions 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.

(2) Subject to the provisions of sub-section (8), a commissioned officer shall, upon conviction of such member or special warder in respect of any such contravention or non-compliance, have jurisdiction to reprimand him or to impose a fine not exceeding fifteen pounds, which fine may be re-covered by deduction from his accrued or future pay in such instalments as may be determined by the Commissioner.

(3) Any such member of the Prisons Service or special warder who is alleged to have contravened or failed to comply with any provision of this Act, may be tried by the commissioned officer under whose command that member or special warder is, or by any commissioned officer deputed generally or specially thereto by the Commissioner.

HOOFSTUK V.

Verhoor van Misdrywe Ingevolge hierdie Wet.(i) *Verhoor deur landdroste.*

50. (1) 'n Landdros het die regsbevoegdheid om by 'n gevangenis of by 'n plek wat deur die Kommissaris vir dié doel aangewys word, 'n lid van die Gevangenisdiens of 'n spesiale bewaarder te verhoor weens 'n beweerde oortreding van of versuim om te voldoen aan die een of ander bepaling van hierdie Wet, hetsy bedoelde oortreding of versuim na bewering binne of buite 'n gevangenis plaasgevind het.

(2) By skuldigbevinding van so 'n lid of spesiale bewaarder ten opsigte van so 'n oortreding of versuim, het 'n landdros die regsbevoegdheid om, behalwe waar 'n straf uitdruklik deur hierdie Wet voorgeskryf word, 'n boete van hoogstens vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande, of sodanige gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf, op te lê.

51. (1) 'n Landdros het die regsbevoegdheid om by 'n gevangenis of by 'n plek wat deur die Kommissaris vir dié doel aangewys word, 'n gevangene te verhoor weens 'n beweerde oortreding van, of versuim om te voldoen aan die een of ander bepaling van hierdie Wet, hetsy bedoelde oortreding of versuim na bewering binne of buite 'n gevangenis plaasgevind het.

(2) By skuldigbevinding van so 'n gevangene ten opsigte van so 'n oortreding of versuim het 'n landdros die regsbevoegdheid om 'n by hierdie Wet uitdruklik voorgeskrewe straf op te lê of 'n straf wat 'n offisier kragtens sub-artikel (2) van artikel *vier-en-vyftig* wetlik sou kon opgelê het, en het hy die spesiale regsbevoegdheid om in plaas van of benewens so 'n straf, die oortreder te vonnis om—

- (a) gevangenisstraf vir 'n tydperk van hoogstens ses maande te ondergaan; of
- (b) in alleenopsluiting in 'n isolasiesel met of sonder ligte arbeid gehou te word vir 'n tydperk van hoogstens twee-en-veertig dae, waarvan agt-en-twintig dae op bevel op verminderde rantsoen deurgebring kan word: Met dien verstande dat geen aaneenlopende tydperk deurgebring op verminderde rantsoen langer as veertien dae mag wees nie, en dat minstens veertien dae moet verloop tussen een tydperk deurgebring op verminderde rantsoen en 'n ander sodanige tydperk.

52. Ondanks andersluidende wetsbepalings met betrekking tot landdroshoue, het 'n landdros die regsbevoegdheid om enige misdryf ingevolge hierdie Wet te verhoor en om enige deur hierdie Wet voorgeskrewe straf op te lê.

(ii) *Verhoor deur offisiere.*

53. (1) Behoudens die bepalinge van sub-artikels (3) en (8), het 'n offisier die regsbevoegdheid om by 'n gevangenis of by 'n plek wat deur die Kommissaris vir dié doel aangewys word, 'n lid van die Gevangenisdiens (behalwe 'n offisier) of 'n spesiale bewaarder te verhoor weens '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.

(2) Behoudens die bepalinge van sub-artikel (8), het 'n offisier by skuldigbevinding van so 'n lid of spesiale bewaarder ten opsigte van so 'n oortreding of versuim, die regsbevoegdheid om hom te berispe of om 'n boete van hoogstens vyftien pond op te lê, welke boete verhaal kan word deur aftrekking van sy opgeloopte of toekomstige soldy in sodanige paalemente as wat deur die Kommissaris bepaal word.

(3) So 'n lid van die Gevangenisdiens of spesiale bewaarder wat na bewering die een of ander bepaling van hierdie Wet oortree het of versuim het om aan so 'n bepaling te voldoen, kan verhoor word deur die offisier onder wie se bevel daardie lid of spesiale bewaarder is, of deur 'n offisier wat in die algemeen of spesiaal daartoe gemagtig is deur die Kommissaris.

(4) The trial referred to in sub-section (1) shall be conducted in accordance with the provisions of section fifty-eight and the commissioned officer presiding over any such trial may summon witnesses to give evidence thereat and may administer an oath to or accept an affirmation from any such witness.

(5) Any such member or special warder who has been convicted by a commissioned officer may in the manner and within the period prescribed by regulation, appeal to the Commissioner against the conviction and sentence, and thereupon the Commissioner may confirm or quash the conviction and sentence or confirm or alter the conviction and set aside, increase, reduce or otherwise alter the sentence as he deems necessary in the interests of justice.

(6) In the event of an appeal under sub-section (5), the execution of the sentence imposed in respect of the conviction which is the subject of the appeal, shall be suspended pending the Commissioner's decision on the appeal.

(7) Whenever any such member or special warder has been convicted and sentenced under this section, the Commissioner may, if he thinks fit, direct that the record of the proceedings in the case be submitted to him for review, and may thereupon confirm or quash the conviction and sentence or confirm or alter the conviction and set aside, increase, reduce or otherwise alter the sentence as he deems necessary in the interests of justice.

(8) The Commissioner may, if he deems it necessary, restrict in respect of any commissioned officer the jurisdiction conferred on a commissioned officer by any provision of this Act.

54. (1) Any commissioned officer deputed generally or specially thereto by the Commissioner, shall have jurisdiction to try at a prison or at a place designated by the Commissioner for the purpose, any prisoner for any alleged contravention or failure to comply with any provision of any regulation, whether such contravention or non-compliance is alleged to have taken place within or outside a prison.

(2) Upon conviction of any prisoner in respect of any such contravention or non-compliance, such commissioned officer shall have jurisdiction to impose any one or more of the following punishments:

- (a) A reprimand;
- (b) the deprivation of all privileges, gratuities or indulgences for a period not exceeding one month;
- (c) the deprivation of one or more meals on any one day;
- (d) corporal punishment, not exceeding six strokes, if the prisoner is a convicted male prisoner apparently under the age of fifty years;
- (e) solitary confinement in an isolation cell with or without spare diet for a period not exceeding six days in all: Provided that if spare diet is ordered for more than three days, there shall be an intermission of one day upon full diet after the third day of spare diet;
- (f) solitary confinement in an isolation cell with or without light labour for a period not exceeding fifteen days, ten days of which may be ordered to be passed on reduced diet.

(3) The commissioned officer presiding over any trial such as referred to in sub-section (1) may summon witnesses to give evidence thereat and may administer an oath to or accept an affirmation from any such witness.

(4) Nothing in this section contained shall be construed as preventing the imposition by any member of the Prisons Service in charge of a prison of any such punishment as is mentioned in paragraph (a), (b) or (c) of sub-section (2) without a trial such as is referred to in sub-section (1), but in accordance with regulation.

(iii) *Boards of enquiry.*

55. (1) Whenever any commissioned officer who is charged with misconduct in the manner prescribed by regulation—

- (a) admits that he is guilty of the misconduct with which he is charged, the Governor-General may

(4) Die in sub-artikel (1) bedoelde verhoor word volgens voorskrif van artikel *agt-en-vyftig* gevoer, en die offisier wat by so 'n verhoor voorsit, kan getuies dagvaar om aldaar getuie af te lê en kan van so 'n getuie 'n eed afneem of 'n bevestiging aanneem.

(5) So 'n lid of spesiale bewaarder wat deur 'n offisier skuldig bevind is, kan, op die wyse en binne die tydperk by regulasie voorgeskryf, teen die skuldigbevinding en vonnis na die Kommissaris appeleer, en daarop kan die Kommissaris die skuldigbevinding en vonnis bekrachtig of tersyde stel of die skuldigbevinding bekrachtig of wysig en die vonnis tersyde stel, verhoog, versag of andersins wysig soos hy in die belang van die geregtigheid nodig mag ag.

(6) In geval van 'n appèl ingevolge sub-artikel (5), word die uitvoering van die vonnis opgelê ten opsigte van die skuldigbevinding wat die onderwerp van die appèl uitmaak, opgeskort in afwagting van die Kommissaris se beslissing oor die appèl.

(7) Wanneer so 'n lid of spesiale bewaarder kragtens hierdie artikel skuldig bevind en gevonnisd is, kan die Kommissaris, as hy dit goedvind, gelas dat die notule van die verrigtinge in die saak aan hom vir hersiening voorgelê word, en daarop kan hy die skuldigbevinding en vonnis bekrachtig of tersyde stel of die skuldigbevinding bekrachtig of wysig en die vonnis tersyde stel, verhoog, versag of dit andersins wysig soos hy in belang van die geregtigheid nodig mag ag.

(8) Die Kommissaris kan, as hy dit nodig ag, ten opsigte van enige offisier die by enige bepaling van hierdie Wet aan 'n offisier verleende regsbevoegdheid beperk.

54. (1) 'n Offisier wat in die algemeen of spesiaal daartoe gemagtig is deur die Kommissaris, het die regsbevoegdheid om by 'n gevangenis of by 'n plek wat deur die Kommissaris vir dié doel aangewys word, 'n gevangene te verhoor weens 'n beweerde oortreding van of versuim om te voldoen aan die een of ander bepaling van 'n regulasie, hetsy bedoelde oortreding of versuim na bewering binne of buite 'n gevangenis plaasgevind het.

(2) By skuldigbevinding van 'n gevangene ten opsigte van so 'n oortreding of versuim het so 'n offisier die regsbevoegdheid om een of meer van die volgende strawwe op te lê:

- (a) 'n Berisping;
- (b) die ontneming van alle voorregte, gratifikasies of vergunnings vir 'n tydperk van hoogstens een maand;
- (c) die ontneming van een of meer maaltye op enige één dag;
- (d) lyfstraf van hoogstens ses houe, indien die oortreder 'n veroordeelde manlike gevangene oënskynlik onder die ouderdom van vyftig jaar is;
- (e) alleenopsluiting in 'n isolasiesel met of sonder skraal rantsoen vir 'n tydperk van hoogstens ses dae altesaam: Met dien verstande dat indien skraal rantsoen vir meer as drie dae beveel word, daar na die derde dag op skraal rantsoen 'n onderbreking van een dag op vol rantsoen moet wees;
- (f) alleenopsluiting in 'n isolasiesel met of sonder ligte arbeid vir 'n tydperk van hoogstens vyftien dae, waarvan tien dae op bevel op verminderde rantsoen deurgebring kan word.

(3) Die offisier wat by 'n in sub-artikel (1) bedoelde verhoor voorsit, kan getuies dagvaar om aldaar getuie af te lê en kan van so 'n getuie 'n eed afneem of 'n bevestiging aanneem.

(4) Die bepalings van hierdie artikel word nie so uitgelê dat dit 'n lid van die Gevangenisdiens aan die hoof van 'n gevangenis verhoed om 'n in paragraaf (a), (b) of (c) van subartikel (2) genoemde straf sonder 'n in sub-artikel (1) bedoelde verhoor, maar ooreenkomstig die regulasies, op te lê nie.

(iii) *Rade van ondersoek.*

55. (1) Wanneer 'n offisier wat op die by regulasie voorgeskrywe wyse weens wangedrag aangekla word—

- (a) beken dat hy aan die wangedrag waarvan hy aangekla word, skuldig is, kan die Goewerneur-gene-

take any of the steps provided for in sub-section (2) of section *four*;

- (b) denies that he is guilty of the misconduct with which he is charged, the Governor-General may appoint three or more fit and proper persons (at least one of whom shall be a commissioned officer) to constitute a board of enquiry for the investigation of the charge.

(2) Any person appointed under paragraph (b) of sub-section (1), who is in the service of the State, shall, if practicable, be a person in receipt of emoluments higher than the emoluments of the commissioned officer charged.

(3) The board of enquiry may summon any person as a witness, administer an oath to or accept an affirmation from any person so summoned, and investigate the charge in question in such manner as may be prescribed by regulation.

(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 sub-section (1) of section *two hundred and forty-four* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be observed.

(5) Where a commissioned officer is charged with misconduct which constitutes an offence in respect of which he has been convicted by a court of law, a certified copy of the record of the trial in question shall, on its mere production by any person, be admissible in evidence before the board of enquiry investigating the charge, and a certified copy of the charge and conviction in question shall, on its mere production by any person to such board, be *prima facie* proof of the commission of such offence by such officer.

(6) The board of enquiry shall in writing report its finding and submit a recommendation to the Governor-General, who may direct that no further action be taken in the matter or take any of the steps provided for in sub-section (2) of section *four*.

(7) For the purposes of this section "misconduct" means—

- (a) any contravention of or failure to comply with any provision of this Act; or
(b) the commission of any other offence.

(iv) *Review of sentences.*

56. (1) The record of the trial of every case in which a sentence of corporal punishment is imposed in terms of sub-section (2) of section *fifty-one* or *fifty-four* or in which any period of imprisonment of more than three months or a fine of more than fifty pounds is imposed in terms of sub-section (2) of section *fifty* or *fifty-one* shall, within seven days of the sentence, be transmitted to the registrar of the division of the Supreme Court having jurisdiction to review criminal cases tried before the magistrate of the district in which the prison or place where the trial took place is situated.

(2) The registrar shall, as soon as practicable, lay the record of the trial before a judge of the said division, and such judge may, upon consideration thereof, confirm, set aside, alter or reduce the sentence or correct the proceedings as justice may require.

(3) No sentence, other than a sentence imposing corporal punishment, shall be suspended pending the decision of the said judge.

(4) No appeal shall lie against any conviction or sentence imposed under the provisions of section *fifty-four*.

(v) *General.*

57. (1) Any person summoned as a witness at a trial under sections *fifty*, *fifty-one*, *fifty-three* or *fifty-four* or at an enquiry or investigation under section *thirteen* or *fifty-five* to give evidence or to produce any document or thing which in criminal proceedings in a magistrate's court he could be compelled to produce, and who fails to attend such trial or such enquiry or investigation or to

raal enige van die in sub-artikel (2) van artikel *vier* bepaalde stappe doen;

- (b) ontken dat hy aan die wangedrag waarvan hy aangekla word, skuldig is, kan die Goewerneur-generaal drie of meer geskikte persone (van wie ten minste een 'n offisier moet wees) aanstel om 'n raad van ondersoek vir die ondersoek van die aanklag uit te maak.

(2) 'n Kragtens paragraaf (b) van sub-artikel (1) aangestelde persoon wat in diens van die Staat is, moet, indien doenlik, iemand wees wie se besoldiging hoër is as die besoldiging van die aangeklaagde offisier.

(3) Die raad van ondersoek kan enige persoon as 'n getuie dagvaar, van 'n aldus gedagvaarde persoon 'n eed afneem of 'n bevestiging aanneem, en die betrokke aanklag op die by regulasie voorgeskrewe wyse ondersoek.

(4) By die ondersoek van 'n aanklag ingevolge hierdie artikel word die wetsbepalings betreffende die toelaatbaarheid van getuieis en die bevoegdheid en verpligbaarheid van getuies soos van toepassing in verband met strafsake in 'n landdroshof, met uitsondering van die bepaling van die eerste voorbehoudsbepaling by sub-artikel (1) van artikel *tweehonderd-vier-en-veertig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), nagekom.

(5) Waar 'n offisier aangekla word weens wangedrag wat 'n misdryf uitmaak ten opsigte waarvan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van die betrokke verhoor, by blote voorlegging daarvan deur enige persoon, as getuieis toelaatbaar voor die raad van ondersoek wat die aanklag ondersoek, en is 'n gesertifiseerde afskrif van die betrokke aanklag en skuldigbevinding by blote voorlegging daarvan aan die raad deur enige persoon *prima facie*-bewys dat die betrokke offisier bedoelde misdryf gepleeg het.

(6) Die raad van ondersoek moet skriftelik sy bevinding rapporteer en 'n aanbeveling voorlê aan die Goewerneur-generaal, wat kan gelas dat geen verdere stappe in verband met die saak gedoen word nie of enige van die in sub-artikel (2) van artikel *vier* bepaalde stappe kan doen.

(7) By die toepassing van hierdie artikel beteken „wangedrag”—

- (a) 'n oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet; of
(b) die pleeg van enige ander misdryf.

(iv) *Hersiening van vonnisse.*

56. (1) Die notule van die verhoor van elke saak waarin 'n vonnis van lyfstraf ingevolge sub-artikel (2) van artikel *een-en-veertig* of *vier-en-veertig* opgelê word of waarin 'n tydperk van gevangenisstraf van meer as drie maande of 'n boete van meer as vyftig pond ingevolge sub-artikel (2) van artikel *vyftig* of *een-en-veertig* opgelê word, word binne sewe dae na die vonnis deurgestuur na die griffier van die afdeling van die Hooggereshof wat die regsbevoegdheid het om strafsake te hersien wat verhoor is voor die landdros van die distrik waarin die gevangenis of plek waar die verhoor plaasgevind het, geleë is.

(2) Die griffier lê so gou doenlik die notule van die verhoor aan 'n regter van bedoelde afdeling voor, en die regter kan, na oorweging daarvan, die vonnis bekragtig, tersyde stel, wysig of versag of die verrigtinge verbeter na vereiste van die geregtigheid.

(3) Geen vonnis, behalwe 'n vonnis wat lyfstraf opelê, word in afwagting van die beslissing van bedoelde regter opgeskort nie.

(4) Teen 'n skuldigbevinding of vonnis opgelê ingevolge die bepaling van artikel *vier-en-veertig* kan nie geappelleer word nie.

(v) *Algemeen.*

57. (1) Iemand wat gedagvaar is as 'n getuie by 'n verhoor ingevolge artikel *vyftig*, *een-en-veertig*, *drie-en-veertig* of *vier-en-veertig* of by 'n ondersoek ingevolge artikel *dertien* of *vyf-en-veertig* om getuieis af te lê of om 'n dokument of 'n ding voor te lê wat hy in 'n strafsak in 'n landdroshof verplig kan word om voor te lê, en wat versuim om daardie verhoor of daardie ondersoek by

produce such document or thing or to answer any question lawfully put to him thereat, shall be guilty of an offence and liable on conviction before a magistrate's court to such penalty as he would have been liable to if he had failed upon lawful summons to attend any trial at the magistrate's court of the district in which the trial or enquiry or investigation is held, or being a witness at a trial before a magistrate's court, had refused to answer any question lawfully put to him thereat.

(2) If at any such trial or enquiry or investigation any witness makes any false statement under oath knowing the same to be false, he shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

58. (1) Save as is provided in sub-sections (2) and (3), the proceedings at any trial under this Act at a prison or at a place designated by the Commissioner for the trial of any offence or other contravention shall be in the manner and form, as nearly as practicable, as in summary proceedings in a magistrate's court at the hearing and determination of criminal cases.

(2) No person shall be permitted to attend any court held at a prison or at a place so designated for the trial of any offence or other contravention, unless he is a witness summoned to attend the trial thereat or is specially authorized to attend by the commissioned officer or magistrate presiding over that court, or has received a special authority to attend from the Commissioner: Provided that the accused shall in all cases at any hearing be entitled to have present, and to be represented by, his legal adviser.

(3) Failure of the accused to attend the hearing, either personally or through his legal adviser, shall not invalidate the proceedings.

59. Any alleged contravention of or failure to comply with—

- (a) any provision of this Act by a member of the Prisons Service or a special warder or a prisoner, shall be tried at a prison or at a place designated by the Commissioner for the purpose;
- (b) any provision of any law, other than of this Act, by a member of the Prisons Service or a special warder or a prisoner shall be tried by a competent court at its ordinary place of sitting; and
- (c) any provision of this Act by any person, other than a member of the Prisons Service or a special warder or a prisoner, shall be tried by a competent court at its ordinary place of sitting.

60. Nothing in this Act contained shall be construed as preventing any person from being prosecuted in a court of law otherwise than under the provisions of this Act in all cases in which he would be liable to be so prosecuted, but no member of the Prisons Service or special warder who has been acquitted or convicted of any offence under this Act shall be liable to be again tried for any offence arising from the same facts and circumstances.

CHAPTER VI.

Functions and Duties of Prison Boards and Releases of Prisoners.

(i) Functions and duties of prison boards.

61. A prison board shall at such times and intervals (which intervals shall not be longer than one year) as may be determined by the Commissioner or when otherwise required by the Commissioner to do so —

- (a) submit reports in the prescribed form to the Commissioner on, *inter alia*, the conduct, training, aptitude and industry of every prisoner who is detained in any prison situated within the area for which the prison board has been appointed and—

te woon of om daardie dokument of ding voor te lê of om 'n aldaar wettiglik aan hom gestelde vraag te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding in 'n landdroshof strafbaar met die straf waarmee hy strafbaar sou gewees het indien hy versuim het om, nadat hy wettiglik gedagvaar is, te verskyn by 'n verhoor voor die landdroshof van die distrik waarin die verhoor of ondersoek gehou word, of terwyl hy in getuie by 'n verhoor voor 'n landdroshof is, geweier het om enige aldaar wettiglik aan hom gestelde vraag te beantwoord.

(2) Indien 'n getuie by so 'n verhoor of ondersoek 'n valse verklaring onder eed maak, wetende dat dit vals is, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe deur die wet vir die misdaad van meined voorgeskryf.

58. (1) Behalwe soos in sub-artikels (2) en (3) bepaal word, is die verrigtinge by 'n verhoor wat kragtens hierdie Wet in 'n gevangenis of by 'n deur die Kommissaris aangewese plek vir die verhoor van 'n misdryf of ander oortreding plaasvind, wat die wyse en vorm daarvan betref, so na doenlik dieselfde as in summier verrigtinge in 'n landdroshof by die verhoor en beslissing van strafsake.

(2) Niemand word toegelaat om 'n hof gehou by 'n gevangenis of by 'n plek aldus aangewys vir die verhoor van 'n misdryf of ander oortreding, by te woon nie, tensy hy 'n getuie is wat gedagvaar is om aldaar die verhoor by te woon, of spesiaal deur die offisier of landdros wat by daardie hof voorsit, gemagtig word om dit by te woon, of 'n spesiale magtiging van die Kommissaris ontvang het om dit by te woon: Met dien verstande dat die beskuldigde in alle gevalle geregtig is om by 'n verhoor sy regsverteenvoordiger teenwoordig te hê, en om deur hom verteenwoordig te word.

(3) Versuim van die beskuldigde om die verhoor by te woon, hetsy persoonlik of deur sy regsverteenvoordiger, maak nie die verrigtinge ongeldig nie.

59. 'n Beweerde oortreding van of versuim om te voldoen aan—

- (a) 'n bepaling van hierdie Wet deur 'n lid van die Gevangenisdiens of 'n spesiale bewaarder of 'n gevangene word verhoor by 'n gevangenis of by 'n plek wat vir dié doel deur die Kommissaris aangewys word;
- (b) 'n bepaling van enige wet, behalwe van hierdie Wet, deur 'n lid van die Gevangenisdiens of 'n spesiale bewaarder of 'n gevangene, word verhoor deur 'n bevoegde hof by die plek waar hy gewoonlik sit; en
- (c) 'n bepaling van hierdie Wet deur 'n ander persoon as 'n lid van die Gevangenisdiens of 'n spesiale bewaarder of 'n gevangene, word verhoor deur 'n bevoegde hof by die plek waar hy gewoonlik sit.

60. Die bepalinge van hierdie Wet word nie so uitgelê dat dit verhoed dat iemand in 'n gereghof anders as ingevolge die bepalinge van hierdie Wet vervolgd word in alle gevalle waar hy aldus vervolgd sou kon word nie, maar geen lid van die Gevangenisdiens of spesiale bewaarder wat aan 'n misdryf ingevolge hierdie Wet onskuldig of skuldig bevind is, kan weer weens 'n misdryf wat uit dieselfde feite en omstandighede ontstaan, verhoor word nie.

HOOFSTUK VI.

Werksaamhede en Pligte van Gevangenisrade en Vrylatings van Gevangenes.

(i) Werksaamhede en pligte van gevangenisrade.

61. 'n Gevangenisraad moet op sodanige tye en met sodanige tussenpose (welke tussenpose nie langer as een jaar mag wees nie) as wat die Kommissaris bepaal of wanneer hy anders deur die Kommissaris aangesê word om dit te doen—

- (a) verslae in die voorgeskrewe vorm aan die Kommissaris voorlê oor, *inter alia*, die gedrag, opleiding, aanleg en vlyt van elke gevangene wat aangehou word in 'n gevangenis wat binne die gebied geleë is ten opsigte waarvan die gevangenisraad aangestel is en—

- (i) upon whom a sentence of imprisonment for corrective training has been imposed;
 - (ii) upon whom a sentence of imprisonment for the prevention of crime has been imposed;
 - (iii) upon whom a sentence of imprisonment of two years or more has been imposed;
 - (iv) upon whom a life sentence has been imposed;
 - (v) who has been declared to be an idle person in terms of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
 - (vi) who has been declared an habitual criminal; or
 - (vii) with regard to whom a special report is required by the Commissioner;
- (b) make recommendations as to—
- (i) the training and treatment to be applied to any prisoner referred to in paragraph (a);
 - (ii) the release of any prisoner referred to in paragraph (a);
 - (iii) the period and conditions for or upon which any prisoner referred to in paragraph (a) may be released on probation;
 - (iv) the period, supervision and conditions for, under or upon which any prisoner referred to in paragraph (a) may be released on parole;
 - (v) the remission of portion of the sentence imposed upon any prisoner referred to in sub-paragraph (iii) of paragraph (a); and
 - (vi) any matter affecting any prisoner with regard to whom a special report is required in terms of sub-paragraph (vii) of paragraph (a); and
- (c) perform such other functions and duties as may be prescribed by regulation.

(ii) *Releases of prisoners and remissions of sentence.*

62. (1) Upon receipt of a report from a prison board regarding a prisoner who has been sentenced to imprisonment for corrective training or to imprisonment for the prevention of crime and containing a recommendation for the release of such prisoner on a date falling within the relevant period of detention prescribed by section *thirty-nine*, the Commissioner shall submit such report to the Minister.

(2) The Minister may authorize the release of such prisoner on the date recommended by the prison board or on any other date within the said period, either unconditionally or on probation or on parole as he may direct.

63. (1) Upon receipt of a report from a prison board regarding a prisoner serving a sentence of imprisonment of two years or more and containing a recommendation for a remission of sentence within the limits prescribed by the Governor-General by regulation, the Commissioner may remit such portion of the sentence, either unconditionally or on such conditions as he, on the recommendation of the board, may determine.

- (2) (a) If the report referred to in sub-section (1) contains a recommendation by the prison board for the grant of remission in excess of the limits prescribed by the Governor-General by regulation, or if no remission of sentence is granted by the Commissioner under sub-section (1), the Commissioner shall submit such report to the Minister with such recommendation as he may think fit.
- (b) The Minister may authorize the release of the prisoner on parole or submit the report together with such recommendation as he may think fit, for the consideration of the Governor-General.
- (c) The Governor-General may grant remission of such portion of the sentence as he may deem fit or authorize the release of the prisoner on probation or on parole as he may direct.

- (i) op wie 'n vonnis van gevangenisstraf vir korrektiewe opleiding opgelê is;
- (ii) op wie 'n vonnis van gevangenisstraf ter voorkoming van misdaad opgelê is;
- (iii) op wie 'n vonnis van gevangenisstraf van twee jaar of meer opgelê is;
- (iv) op wie lewenslange gevangenisstraf opgelê is;
- (v) wat ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), verklaar is 'n ledige persoon te wees;
- (vi) wat tot gewoontemisdadiger verklaar is; of
- (vii) teen aansien van wie 'n spesiale verslag deur die Kommissaris verlang word;

(b) aanbevelings doen aangaande—

- (i) die opleiding en behandeling wat op 'n in paragraaf (a) bedoelde gevangene toegepas moet word;
- (ii) die vrylating van 'n in paragraaf (a) bedoelde gevangene;
- (iii) die tydperk waarvoor en die voorwaardes waarop 'n in paragraaf (a) bedoelde gevangene op proef vrygelaat kan word;
- (iv) die tydperk waarvoor, die toesig waaronder en die voorwaardes waarop 'n in paragraaf (a) bedoelde gevangene op parool vrygelaat kan word;
- (v) die afslag van gedeelte van die vonnis opgelê op 'n in sub-paragraaf (iii) van paragraaf (a) bedoelde gevangene; en
- (vi) enige aangeleentheid rakende 'n gevangene ten aansien van wie 'n spesiale verslag ingevolge sub-paragraaf (vii) van paragraaf (a) verlang word; en

(c) die ander werksaamhede en pligte verrig wat by regulasie voorgeskryf word.

(ii) *Vrylating van gevangenes en afslag van vonnis.*

62. (1) By ontvangs van 'n verslag van 'n gevangenisraad betreffende 'n gevangene wat gevonnisd is tot gevangenisstraf vir korrektiewe opleiding of tot gevangenisstraf ter voorkoming van misdaad en wat 'n aanbeveling bevat vir die vrylating van die gevangene op 'n datum wat binne die by artikel *nege-en-dertig* voorgeskrewe toepaslike tydperk van aanhouding val, lê die Kommissaris die verslag aan die Minister voor.

(2) Die Minister kan magtiging verleen vir die vrylating van die gevangene op die datum deur die gevangenisraad aanbeveel of op enige ander datum binne bedoelde tydperk, of onvoorwaardelik of op proef of op parool soos hy mag gelas.

63. (1) By ontvangs van 'n verslag van 'n gevangenisraad betreffende 'n gevangene wat 'n vonnis van gevangenisstraf van twee jaar of meer uitdien wat 'n aanbeveling bevat vir 'n afslag van vonnis binne die perke wat deur die Goewerneur-generaal by regulasie voorgeskryf is, kan die Kommissaris afslag van bedoelde gedeelte van die vonnis verleen, of onvoorwaardelik of op sodanige voorwaardes as wat hy, op die aanbeveling van die raad, mag bepaal.

- (2) (a) Indien die in subartikel (1) bedoelde verslag 'n aanbeveling van die gevangenisraad bevat vir die verlening van afslag bo die perke wat deur die Goewerneur-generaal by regulasie voorgeskryf is, of indien die Kommissaris geen afslag van vonnis kragtens sub-artikel (1) verleen nie, lê die Kommissaris die verslag aan die Minister voor met so 'n aanbeveling as wat hy goedvind.
- (b) Die Minister kan magtiging verleen vir die vrylating van die gevangene op parool of die verslag, tesame met so 'n aanbeveling as wat hy goedvind, vir oorweging aan die Goewerneur-generaal voorlê.
- (c) Die Goewerneur-generaal kan afslag van so 'n gedeelte van die vonnis verleen as wat hy goedvind of magtiging verleen vir die vrylating van die gevangene op proef of op parool soos hy mag gelas.

64. (1) Upon receipt of a report from a prison board regarding a prisoner upon whom a life sentence has been imposed and containing a recommendation for the release of such prisoner, the Commissioner shall submit such report to the Minister.

(2) The Minister may authorize the release of the prisoner on parole or submit the report, together with such recommendation as he may think fit, for the consideration of the Governor-General.

(3) The Governor-General may authorize the release of such prisoner on the date recommended by the prison board or on any other date, either unconditionally or on probation or on parole as he may direct.

65. (1) Upon receipt of a report from a prison board regarding a prisoner who has been declared to be an idle person in terms of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and containing a recommendation for the release of such prisoner, the Commissioner shall submit such report to the Minister.

(2) The Minister may authorize the release of such prisoner on the date recommended by the prison board or on any other date, either unconditionally or on probation or on parole as he may direct.

66. (1) Subject to the provisions of the proviso to section *thirty-eight*, no person who has been declared an habitual criminal under the provisions of any law shall be released until a prison board has reported to the Commissioner —

- (a) that there is a reasonable probability that the habitual criminal will in future abstain from crime and lead a useful and industrious life; or
- (b) that he is no longer capable of engaging in crime; or
- (c) that for any other reason it is desirable to release him.

(2) Upon receipt of a report from a prison board regarding a prisoner such as is referred to in sub-section (1) and containing a recommendation for the release of such prisoner, the Commissioner shall submit such report to the Minister.

(3) The Minister may authorize the release of the prisoner on parole or submit the report, together with such recommendation as he may think fit, for the consideration of the Governor-General.

(4) The Governor-General may authorize the release of the habitual criminal on the date recommended by the prison board or on any other date recommended by the prison board or on any other date, either unconditionally or on probation or on parole as he may direct.

67. (1) The Commissioner may, on the authority of the Governor-General or of the Minister granted under any provision of any law, release any prisoner before the expiration of his sentence of imprisonment on probation for such period and on such conditions as shall be specified in the warrant of release: Provided that the Commissioner may at any time on the authority of the Minister alter or cancel any such conditions.

(2) In the case of any such release on probation there may be included a condition that the person released shall not reside in or visit the Union or any defined portion thereof for a specified time: Provided that if the person released is a South African citizen or a citizen of a Commonwealth Country or of the Republic of Ireland there shall not be included a condition that he be banished or absent himself from the Union.

(3) If before the expiration of the period of release on probation, the Commissioner is satisfied that any such prisoner has failed to observe any condition of such release on probation, he may cause him to be arrested and recommitted to any prison by a warrant under the hand of the Minister and thereupon such prisoner shall be detained in a prison as if he had not been so released, and the period of detention shall in such event, unless the Minister specially determines otherwise, be equal to the portion of the sentence which was unexpired at the date of the release on probation.

64. (1) By ontvangs van 'n verslag van 'n gevangenisraad betreffende 'n gevangene op wie 'n lewenslange gevangenisstraf opgelê is, en wat 'n aanbeveling bevat vir die vrylating van bedoelde gevangene, lê die Kommissaris die verslag aan die Minister voor.

(2) Die Minister kan magtiging verleen vir die vrylating van die gevangene op parool of die verslag, tesame met sodanige aanbeveling as wat hy goedvind, vir oorweging aan die Goewerneur-generaal voorlê.

(3) Die Goewerneur-generaal kan magtiging verleen vir die vrylating van bedoelde gevangene op die dag deur die gevangenisraad aanbeveel of op enige ander dag, of onvoorwaardelik of op proef of op parool soos hy mag gelas.

65. (1) By ontvangs van 'n verslag van 'n gevangenisraad betreffende 'n gevangene wat ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), verklaar is 'n ledige persoon te wees en wat 'n aanbeveling bevat vir die vrylating van bedoelde gevangene, lê die Kommissaris die verslag aan die Minister voor.

(2) Die Minister kan magtiging verleen vir die vrylating van bedoelde gevangene op die dag deur die gevangenisraad aanbeveel of op enige ander dag, of onvoorwaardelik of op proef of op parool soos hy mag gelas.

66. (1) Behoudens die bepaling van die voorbehoudsbepaling by artikel *agt-en-dertig* word iemand wat kragtens die een of ander wetsbepaling tot 'n gewoontemisdadiger verklaar is, nie vrygelaat nie voordat 'n gevangenisraad aan die Kommissaris verslag gedoen het—

- (a) dat na redelike verwagting die gewoontemisdadiger hom in die toekoms van misdaad sal onthou en 'n nuttige en vlytige lewe sal lei; of
- (b) dat hy nie langer in staat is om misdaad te pleeg nie; of
- (c) dat dit om enige ander rede wenslik is om hom vry te laat.

(2) By ontvangs van 'n verslag van 'n gevangenisraad betreffende 'n in sub-artikel (1) bedoelde gevangene en wat 'n aanbeveling bevat vir die vrylating van bedoelde gevangene, lê die Kommissaris die verslag aan die Minister voor.

(3) Die Minister kan magtiging verleen vir die vrylating van die gevangene op parool of die verslag, tesame met sodanige aanbeveling as wat hy goedvind, vir oorweging aan die Goewerneur-generaal voorlê.

(4) Die Goewerneur-generaal kan magtiging verleen vir die vrylating van bedoelde gevangene op die dag deur die gevangenisraad aanbeveel of op enige ander dag, of onvoorwaardelik of op proef of op parool soos hy mag gelas.

67. (1) Die Kommissaris kan, met die kragtens die een of ander wetsbepaling verleende magtiging van die Goewerneur-generaal of van die Minister, 'n gevangene voor die verstryking van sy vonnis van gevangenisstraf op proef vrylaat vir die tydperk en op die voorwaardes wat in die lasbrief vir vrylating vermeld word: Met dien verstande dat die Kommissaris te eniger tyd met die magtiging van die Minister enige sodanige voorwaardes kan verander of kanselleer.

(2) In die geval van so 'n vrylating op proef kan daar 'n voorwaarde gestel word dat die persoon wat vrygelaat word die Unie of enige omskrewe gedeelte daarvan vir 'n vasgestelde tydperk nie mag besoek of daarin mag woon nie: Met dien verstande dat indien die persoon wat vrygelaat word 'n Suid-Afrikaanse burger of 'n burger van 'n Statebondslid of van die Republiek Ierland is, daar nie 'n voorwaarde gestel word dat hy uit die Unie verban word of daaruit moet bly nie.

(3) Indien die Kommissaris voor die verstryking van die tydperk van vrylating op proef oortuig is dat so 'n gevangene versuim het om 'n voorwaarde van die vrylating op proef na te kom, kan hy hom in hegtenis laat neem en weer gevangene laat sit kragtens 'n deur die Minister ondertekende lasbrief en daarop word bedoelde gevangene in 'n gevangenis aangehou asof hy nie aldus vrygelaat was nie en die tydperk van aanhouding moet in so 'n geval, tensy die Minister spesiaal anders bepaal, gelyk wees aan die gedeelte van die vonnis wat onverstreke was op die datum van die vrylating op proef.

(4) If any prisoner so released on probation completes the period thereof without breaking any condition of the release, he shall no longer be deemed to be an habitual criminal or, as the case may be, liable to any punishment in respect of the conviction upon which he was sentenced.

68. (1) The Commissioner may—

- (a) on the recommendation of a prison board and in the circumstances prescribed by regulation; or
- (b) on the authority of the Governor-General or of the Minister granted under any provision of any law,

release any prisoner before the expiration of his sentence of imprisonment on parole for such period and under such supervision and on such conditions as shall be specified in the warrant of release: Provided that the Commissioner may at any time on the authority of the Minister alter the provision in such warrant as to supervision and alter or cancel any such conditions.

(2) If before the expiration of the period of release on parole the Commissioner is satisfied that any such prisoner has failed to observe any condition of such release on parole he may by order recall him to a prison and thereupon he shall be liable to be detained in prison until lawfully discharged or released therefrom and if at large shall be deemed to be unlawfully at large.

(3) If any prisoner so released on parole completes the period thereof without breaking any condition of the release, he shall no longer be deemed to be an habitual criminal or, as the case may be, liable to any punishment in respect of the conviction upon which he was sentenced.

69. (1) Notwithstanding anything to the contrary in any law contained, if at any time it appears to him to be expedient, the Governor-General may authorize the release of any prisoner either unconditionally or on probation or on parole as he may direct, and may grant remission of a portion of the sentence of any prisoner.

(2) In any case where a release of any prisoner referred to in sub-section (1) is in the opinion of the Minister justified and urgent, he may authorize the immediate release of the prisoner concerned in anticipation of the Governor-General's approval.

70. (1) Notwithstanding the provisions of this Chapter and the provisions of the regulations governing the grant of remission of sentence, the Commissioner may, when in his opinion any prisoner has rendered highly meritorious service, submit the case with a recommendation for special remission of sentence to the Minister.

(2) The Minister may, if he deems fit, grant to such prisoner special remission of sentence not exceeding ninety days, either unconditionally or on such conditions as he may determine.

71. Any prisoner who is detained in any prison under sentence of court and—

- (a) who is suffering from a dangerous infectious or contagious disease; or
- (b) whose life is endangered by his detention in a prison; or
- (c) whose release is expedient on grounds of advanced pregnancy,

may, on the recommendation of the medical officer, be released by the Minister either unconditionally or on probation or on parole as the Minister may direct.

72. Nothing in this Act shall affect Her Majesty's Royal prerogative of mercy.

CHAPTER VII.

Removal, Training and Treatment of Prisoners.

73. (1) Any prisoner detained in any prison may, on the authority of the Commissioner, be removed to any other prison or to a police cell or lock-up, or in the case

(4) Indien 'n gevangene aldus vrygelaat op proef die tydperk daarvan voltooi sonder om 'n voorwaarde van die vrylating te verbreek, word hy nie langer geag 'n gewoontemisdadiger te wees of, na gelang van die geval, onderhewig te wees aan enige straf ten opsigte van die skuldigbevinding op grond waarvan hy gevonnissen is nie.

68. (1) Die Kommissaris kan—

- (a) op aanbeveling van 'n gevangenisraad en in die omstandighede by regulasie voorgeskryf; of
- (b) met die kragtens die een of ander wetsbepaling verleende magtiging van die Goewerneur-generaal of van die Minister,

'n gevangene voor die verstryking van sy vonnis van gevangenisstraf op parool vrylaat vir die tydperk en onder die toesig en op die voorwaardes wat in die lasbrief vir vrylating vermeld word: Met dien verstande dat die Kommissaris te eniger tyd met die magtiging van die Minister die voorsiening in so 'n lasbrief betreffende toesig kan verander en enige sodanige voorwaardes kan verander of kanselleer.

(2) Indien die Kommissaris voor die verstryking van die tydperk van vrylating op parool oortuig is dat so 'n gevangene versuim het om 'n voorwaarde van die vrylating op parool na te kom, kan hy by bevel hom terugroep na 'n gevangenis en daarop is hy onderhewig aan aanhouding in 'n gevangenis totdat hy wettiglik daaruit ontslaan of vrygelaat word en as hy op vrye voet is word hy geag onwettiglik op vrye voet te wees.

(3) Indien 'n gevangene aldus op parool vrygelaat die tydperk daarvan voltooi sonder om 'n voorwaarde van die vrylating te verbreek, word hy nie langer geag 'n gewoontemisdadiger te wees of, na gelang van die geval, onderhewig te wees aan enige straf ten opsigte van die skuldigbevinding op grond waarvan hy gevonnissen is nie.

69. (1) Die Goewerneur-generaal kan, ondanks andersluidende wetsbepalings, indien dit te eniger tyd hom wenslik voorkom, magtiging verleen vir die vrylating van enige gevangene, of onvoorwaardelik of op proef of op parool soos hy mag gelas, en kan afslag van 'n gedeelte van die vonnis van enige gevangene verleen.

(2) In 'n geval waar 'n in sub-artikel (1) bedoelde vrylating van 'n gevangene volgens die oordeel van die Minister geregverdig en dringend is, kan hy magtiging verleen vir die onmiddellike vrylating van die betrokke gevangene in afwagting van die goedkeuring van die Goewerneur-generaal.

70. (1) Ondanks die bepalinge van hierdie Hoofstuk en die bepalinge van die regulasies wat die verlening van afslag van vonnis reël, kan die Kommissaris, wanneer hy van oordeel is dat 'n gevangene hoogs verdienstelike diens gelewer het, die geval met 'n aanbeveling van spesiale afslag van vonnis aan die Minister voorlê.

(2) Die Minister kan, as hy dit goedvind, 'n spesiale afslag van vonnis van hoogstens negentig dae aan so 'n gevangene verleen, of onvoorwaardelik of op sodanige voorwaardes as wat hy mag bepaal.

71. 'n Gevangene wat kragtens 'n vonnis van 'n hof in 'n gevangenis aangehou word en—

- (a) wat aan 'n gevaarlike aansteeklike of besmetlike siekte ly; of
- (b) wie se lewe deur sy aanhouding in 'n gevangenis in gevaar gestel word; of
- (c) wie se vrylating wenslik is op grond van gevorderde swangerskap,

kan, op aanbeveling van die geneeskundige beambte, deur die Minister vrygelaat word, of onvoorwaardelik of op proef of op parool soos die Minister mag gelas.

72. Geen bepaling van hierdie Wet doen aan Haar Majesteit se koninklike prerogatief van begenadiging afbreuk nie.

HOOFSTUK VII.

Oorplasing, Opleiding en Behandeling van Gevangenes.

73. (1) 'n Gevangene wat in 'n gevangenis aangehou word, kan, met die magtiging van die Kommissaris, oorgeplaas word na enige ander gevangenis of na 'n poli-

of serious illness or of a woman who is about to give birth to a child and if adequate facilities do not exist for the treatment of such prisoner in such prison, to any other place.

(2) If any person is arrested and is liable to be detained in the prison of the district in which the arrest takes place and it is in the opinion of the Commissioner not practicable or expedient to receive and detain him in that prison, such person may on the authority of the Commissioner be sent direct to any other prison.

(3) Any convicted person or class of convicted persons may on the authority of the Commissioner be sent direct from the court passing the sentence to any prison notwithstanding that such prison is situated outside the area of jurisdiction of the court passing the sentence.

(4) On an order signed by the officer charged with the prosecution of crimes or offences in any province or portion of a province, or on a warrant issued by any court or judicial officer in terms of any law, the Commissioner shall immediately cause any person referred to in the order or warrant who is awaiting trial in any prison on a criminal charge to be removed to such other prison, as may be specified in the order or warrant, to be there detained for further examination, trial or sentence, or until liberated or removed therefrom in due course of law.

74. (1) Notwithstanding anything contained in the Children's Act, 1937 (Act No. 31 of 1937), or any other law, the Minister as defined in the said Act may, in consultation with the Minister, by order in writing transfer to a prison designated by the Minister any person detained in a reformatory governed by that Act, if in his opinion, such person is a type of person who is not amenable to training in a reformatory.

(2) A person transferred to a prison in terms of sub-section (1) shall for all purposes be deemed to have been released from the provisions of the Children's Act, 1937, and to be subject *mutatis mutandis*, to all the provisions of this Act as if he had on the date of his transfer been sentenced to imprisonment for corrective training: Provided that he shall not under this section be detained under this Act for a period beyond the date upon which he would normally have been released from the reformatory had he not been so transferred.

75. (1) Subject to the employment of prisoners upon public works as far as possible, the Commissioner may contract with any authority or divisional council or municipal council or other public body or with any person or body of persons for the employment of prisoners who are under sentence of imprisonment, upon such terms and conditions as may be agreed between such parties.

(2) As far as practicable, all departments of the Public Service shall purchase from the Prisons Department, at such prices as may from time to time be determined by the Union Tender and Supplies Board to be fair and reasonable, such articles and supplies as may be required by those departments and as may be manufactured or produced and can be supplied by the Prisons Department.

(3) The products of labour in any prison may from time to time be sold to any person under such conditions as may be prescribed by the Minister, who shall prescribe such conditions as will, as far as possible, prevent competition with industries carried on in the neighbourhood of that prison.

(4) The Minister may authorize specific services necessary or expedient in the public interest or in the interest of any deserving charity to be rendered gratuitously.

(5) A woman prisoner undergoing a sentence of imprisonment at any prison shall not under any circumstances be permitted to work outside the prescribed boundaries of the prison in which she is detained, and

siesel of -opsluitplek of, in die geval van ernstige siekte of van 'n vrou wat op die punt staan om aan 'n kind geboorte te gee en indien toereikende geriewe vir die behandeling van so 'n gevangene nie in daardie gevangenis bestaan nie, na enige ander plek.

(2) Indien iemand in hegtenis geneem word en in 'n gevangenis van die distrik waarin die inhegtenisneming plaasvind, aangehou moet word en dit volgens die oordeel van die Kommissaris nie doenlik of wenslik is om hom in daardie gevangenis op te neem en aan te hou nie, kan bedoelde persoon met die magtiging van die Kommissaris direk na enige ander gevangenis gestuur word.

(3) 'n Veroordeelde persoon of klas van veroordeelde persone kan met die magtiging van die Kommissaris direk van die hof wat die vonnis vel na enige gevangenis gestuur word, niteenstaande dat sodanige gevangenis buite die regsgebied van die hof wat die vonnis vel, geleë is.

(4) Op 'n bevel onderteken deur die beampte belas met die vervolging van misdade of misdrywe in 'n provinsie of gedeelte van 'n provinsie, of op 'n lasbrief uitgereik deur 'n hof of regterlike amptenaar ingevolge een of ander wetsbepaling, laat die Kommissaris 'n in die bevel of lasbrief genoemde persoon wat in 'n gevangenis sy verhoor op 'n kriminele aanklag afwag, onmiddellik oorplaas na 'n ander in die bevel of lasbrief vermelde gevangenis, om aldaar aangehou te word vir verdere ondersoek, verhoor of vonnis, of totdat hy wettiglik daaruit vrygelaat of verwyder word.

74. (1) Ondanks andersluidende bepalings in die Kinderwet, 1937 (Wet No. 31 van 1937), of enige ander wet, kan die Minister soos in genoemde Wet omskryf, in oorleg met die Minister, by skriftelike bevel enige persoon wat aangehou word in 'n verbeteringshuis wat deur daardie Wet beheer word, oorplaas na 'n deur die Minister aangewese gevangenis, indien daardie persoon volgens sy oordeel 'n tipe persoon is wat nie vir opleiding in 'n verbeteringshuis vatbaar is nie.

(2) Iemand wat ingevolge sub-artikel (1) na 'n gevangenis oorgeplaas is, word vir alle doeleindes geag van die bepalings van die Kinderwet, 1937, onthef te gewees het en *mutatis mutandis* onderworpe te wees aan al die bepalings van hierdie Wet asof hy op die datum van sy oorpasing gevonniss was tot gevangenisstraf vir korrektiewe opleiding: Met dien verstande dat hy kragtens hierdie artikel nie onder hierdie Wet aangehou mag word vir 'n tydperk na die datum waarop hy normaalweg uit die verbeteringshuis vrygelaat sou geword het indien hy nie aldus oorgeplaas was nie.

75. (1) Onderworpe daaraan dat gevangenes sover doenlik vir openbare werke gebruik word, kan die Kommissaris kontrakte aangaan met enige owerheid of afdelingsraad of stadsraad of ander openbare liggaam of met enige persoon of liggaam van persone vir die gebruik van gevangenes wat tot gevangenisstraf gevonniss is, op die bedinge en voorwaardes waarvoor die partye ooreen mag kom.

(2) Alle departemente van die Staatsdiens moet sover doenlik die artikels en voorrade wat deur daardie departemente benodig mag word en wat deur die Departement van Gevangenisse vervaardig of geproduseer en verskaf kan word, van die Departement van Gevangenisse aankoop teen die pryse wat van tyd tot tyd deur die Unie-raad vir Tenders en Leweransies as billik en redelik bepaal mag word.

(3) Die voortbrengsels van die arbeid in 'n gevangenis kan van tyd tot tyd aan enige persoon verkoop word op sodanige voorwaardes as wat voorgeskryf mag word deur die Minister wat sodanige voorwaardes voorskryf as wat, sover as moontlik, mededinging met nywerhede wat in die omgewing van daardie gevangenis voortgesit word, sal verhoed.

(4) Die Minister kan magtiging verleen dat bepaalde dienste wat in die openbare belang of in die belang van enige verdienstelike liefdadige doel nodig of wenslik is, gratis gelewer word.

(5) 'n Vroulike gevangene wat 'n vonnis van gevangenisstraf in 'n gevangenis ondergaan, mag onder geen omstandighede toegelaat word om buite die voorgeskrewe grense van die gevangenis waarin sy aangehou word.

such a prisoner shall at all times be under the charge of a woman member of the Prisons Service.

76. Prisoners may be paid gratuities in accordance with rates approved by the Commissioner in consultation with the Secretary to the Treasury.

77. Every prisoner sentenced to imprisonment and detained in a prison shall, subject to the provisions of this Act and subject also to any special order of the court, be employed, trained and treated in such manner as the Commissioner may determine, and for that purpose such a prisoner shall at all times perform such labour, tasks and other duties as may be assigned to him by the member of the Prisons Service in charge of such prison or by any other member of the Prisons Service in whose charge he may be.

78. (1) In the administration of prisons the rule for convicted prisoners shall, as far as possible and depending on the type of prison, be association at work and segregation at rest.

(2) The Commissioner may order —

- (a) the complete segregation of convicted prisoners at work as well as at rest for any period in pursuance of any scheme of classification or treatment or otherwise;
- (b) the complete segregation of a convicted prisoner at work as well as at rest for any period upon the written request of such prisoner.

(3) Complete segregation at work as well as at rest shall not be ordered or enforced if in any particular case or at any time the medical officer certifies that any such complete segregation would be or is dangerous to the prisoner's physical or mental health.

(4) The complete segregation described in this section shall not be deemed to be solitary confinement for the purposes of any provision of this Act whereby solitary confinement for a limited period is or may be ordered as a punishment.

79. In addition to the segregation described in section *seventy-eight*, there shall be provided, where practicable and necessary, in every prison sufficient isolation cells of a pattern approved by the Commissioner and such cells shall be used for the following purposes only:

- (a) To confine a prisoner sentenced for any offence referred to in Chapter V in accordance with the tenor of that sentence;
- (b) to confine a prisoner in accordance with the provisions of section *eighty*; or
- (c) to segregate any prisoner if desirable in the interests of the administration of justice and no ordinary single cell is available for the purpose.

80. (1) As often and for as long as it is urgently and absolutely necessary to secure or restrain any prisoner—

- (a) who has displayed or is threatening violence; or
- (b) who has been recaptured after escape or who there is good reason to believe is contemplating escape,

the member of the Prisons Service in charge of the prison may order that prisoner to be confined in an isolation cell, and, in addition or in the alternative, if necessary, to be placed in irons or subjected to some other approved means of mechanical restraint for such period as may be considered absolutely necessary, but not exceeding one month.

(2) The powers conferred upon a member of the Prisons Service by sub-section (1) may likewise be exercised by him upon the written order of the medical officer recommending any such restraint or confinement in an isolation cell for medical reasons.

(3) A member of the Prisons Service in charge of a prison may order any prisoner to be confined in an isolation cell and, if necessary, subjected to mechanical

te werk nie, en so 'n gevangene moet te alle tye onder die toesig wees van 'n vroulike lid van die Gevangenisdiens.

76. Aan gevangenes kan gratifikasies betaal word ooreenkomstig tariewe deur die Kommissaris in oorleg met die Sekretaris van die Tesourie goedgekeur.

77. Elke gevangene wat tot gevangenisstraf gevonnis is en in 'n gevangenis aangehou word, moet, onderworpe aan die bepalings van hierdie Wet en onderworpe ook aan enige spesiale bevel van die hof, besig gehou opgelei en behandel word op sodanige wyse as wat die Kommissaris mag bepaal, en vir daardie doel moet so 'n gevangene te alle tye die arbeid, take en ander pligte verrig wat aan hom opgedra mag word deur die lid van die Gevangenisdiens aan die hoof van bedoelde gevangenis of deur enige ander lid van die Gevangenisdiens onder wie se toesig hy mag wees.

78. (1) In die bestuur van gevangenis is die reël vir veroordeelde gevangenes, sover moontlik en afhange van die tipe gevangenis, assosiasie gedurende die werktyd en afsondering gedurende die rustyd.

(2) Die Kommissaris kan—

- (a) die algehele afsondering van veroordeelde gevangenes gedurende die werktyd sowel as gedurende die rustyd vir enige tydperk gelas ingevolge 'n skema van klassifikasie of behandeling of andersins;
- (b) die algehele afsondering van 'n veroordeelde gevangene gedurende die werktyd sowel as gedurende die rustyd vir enige tydperk gelas op die skriftelike versoek van daardie gevangene.

(3) Algehele afsondering gedurende die werktyd sowel as gedurende die rustyd word nie beveel of toegepas nie indien in 'n bepaalde geval of te eniger tyd die geneeskundige beamppte sertifiseer dat so 'n algehele afsondering gevaarlik sal wees of is vir die gevangene se liggaamlike of verstandelike gesondheid.

(4) Die algehele afsondering beskryf in hierdie artikel word nie geag alleenopsluiting te wees vir die doeleindes van enige bepaling van hierdie Wet waarkragtens alleenopsluiting vir 'n beperkte tydperk as 'n straf beveel is of beveel mag word nie.

79. Benewens die afsondering beskryf in artikel *agt-en-sewentig*, word elke gevangenis, waar doenlik en nodig, voorsien van 'n voldoende aantal isolasieselle van 'n deur die Kommissaris goedgekeurde model, en sodanige selle word slegs vir die volgende doeleindes gebruik:

- (a) Vir die opsluiting ooreenkomstig die strekking van die vonnis, van 'n gevangene gevonniss weens 'n in Hoofstuk V bedoelde misdryf;
- (b) vir die opsluiting van 'n gevangene ooreenkomstig die bepalings van artikel *tagtig*; of
- (c) vir die afsondering van 'n gevangene indien dit in die belang van die regspleging wenslik is en geen gewone enkelsel vir daardie doel beskikbaar is nie.

80. (1) Wanneer en vir so lank as wat dit dringend en volstrek noodsaaklik is om 'n gevangene—

- (a) wat geweld gepleeg het of met geweld dreig; of
- (b) wat na ontvlugting hergevangeneem is of ten opsigte van wie daar goeie rede bestaan om te glo dat hy van plan is om te ontvlug,

in versekerde bewaring of in bedwang te hou, kan die lid van die Gevangenisdiens aan die hoof van die gevangenis beveel dat daardie gevangene in 'n isolasiesel opgesluit word en boonop of in die alternatief indien nodig in boei geslaan word aan 'n ander goedgekeurde meganiese dwangmiddel onderwerp word vir so 'n tydperk as wat volstrek noodsaaklik geag word, maar hoogstens een maand.

(2) Die bevoegdheids by sub-artikel (1) aan 'n lid van die Gevangenisdiens verleen, kan insgelyks deur hom uitgeoefen word wanneer die toepassing van so 'n dwangmiddel of die opsluiting in 'n isolasiesel deur die geneeskundige beamppte op geneeskundige gronde voorgeskryf word.

(3) 'n Lid van die Gevangenisdiens aan die hoof van 'n gevangenis, kan 'n gevangene in 'n isolasiesel laat opsluit en, indien nodig, aan 'n meganiese dwangmiddel

restraint if such confinement or restraint is requested by the police authorities in the interests of the administration of justice, but the period of any such confinement or restraint shall not be longer than is necessary for the purpose required.

- (4) (a) The member of the Prisons Service who issues an order under this section shall immediately make an entry in a book to be kept for the purpose recording the particulars thereof and if such member is not a commissioned officer, he shall without delay send notice of his action to the commissioned officer under whose command he falls, stating the facts and making his recommendation.
- (b) Such commissioned officer shall at the earliest opportunity visit the prison and confirm or set aside such member's order.
- (5) (a) If it is considered absolutely necessary to continue such restraint or confinement in an isolation cell for a period exceeding one month, the member of the Prisons Service in charge of the prison shall report to the Commissioner stating the facts and making his recommendation.
- (b) Upon receipt of the said report and recommendation the Commissioner may order the extension of the period of restraint or confinement in an isolation cell for two additional months, but no such restraint or confinement shall exceed a period of three months without an order under the hand of the Minister.

(6) Save as is provided in section *seventy-nine* and in this section, no prisoner, other than a person under sentence of death or in the course of transfer or while temporarily outside the precincts of the prison, shall, unless sentenced to solitary confinement by a court of law, be confined in any isolation cell or subjected to mechanical restraint.

CHAPTER VIII.

Detention and Treatment of Civil Debtors and Certain Other Classes of Prisoners

81. (1) Civil debtors, persons detained pending arrangements for their removal from the Union, and other persons received into a prison in accordance with the provisions of section *twenty-seven*, shall perform such duties as may be necessary to maintain the good order and cleanliness of any room or other place occupied by them within the prison, and of any premises adjoining or in any way subserving, or any articles or things subserving, that room or place or the occupants thereof, and may be permitted to perform other labour.

(2) Alleged mentally defective, feeble-minded or epileptic prisoners received into a prison as aforesaid shall only be compelled to do such work as the medical officer may prescribe.

82. (a) Prisoners detained under any warrant sued out upon any decree, order or judgment of any court made, issued or given in civil proceedings;
- (b) unconvicted prisoners awaiting trial for an alleged offence;
- (c) alleged mentally defective prisoners; and
- (d) persons committed for detention as witness,

may, subject to such limitations and restrictions as may be prescribed by the Commissioner, be allowed—

- (i) to write and receive letters;
- (ii) to receive visits; and
- (iii) to procure for themselves from outside the prison and to receive at prescribed hours therein such

laat onderwerp as bedoelde opsluiting of bedwang in die belang van die regspleging deur die polisie-owerhede versoek word, maar die tydperk van so 'n opsluiting of bedwang mag nie langer wees as wat vir die vereiste doel nodig is nie.

- (4) (a) Die lid van die Gevangenisdiens wat 'n bevel kragtens hierdie artikel uitreik, moet onmiddellik in 'n boek wat vir dié doel gehou moet word, 'n inskrywing doen waarin die besonderhede daarvan aangeteken word en as daardie lid nie 'n offisier is nie, moet hy sonder versuim berig van sy optrede aan sy bevelvoerende offisier deurstuur met vermelding van die feite en sy aanbeveling doen.
- (b) Bedoelde offisier moet by die vroegste geleentheid die gevangenis besoek en bedoelde lid se bevel bekragtig of tersyde stel.
- (5) (a) Indien dit volstrek noodsaaklik geag word om met bedoelde bedwang of opsluiting in 'n isolasiesel vir 'n tydperk van langer as een maand aan te hou, moet die lid van die Gevangenisdiens aan die hoof van die gevangenis verslag doen aan die Kommissaris met vermelding van die feite en sy aanbeveling doen.
- (b) By ontvangs van bedoelde verslag en aanbeveling kan die Kommissaris bevel dat die tydperk van bedwang of opsluiting in 'n isolasiesel vir twee verdere maande verleng word, maar geen sodanige bedwang of opsluiting mag sonder 'n bevel onder die handtekening van die Minister 'n tydperk van drie maande oorskry nie.

(6) Behalwe soos in artikel *nege-en-sewentig* en in hierdie artikel bepaal word, mag geen gevangene, behalwe iemand onder 'n doodvonnis of in die loop van 'n oorplasing of terwyl hy tydelik buite die mure van die gevangenis is, in 'n isolasiesel opgesluit of aan 'n meganiese dwangmiddel onderwerp word tensy hy deur 'n geregshof tot alleenopsluiting gevonnisd is nie.

HOOFSTUK VIII.

Aanhouding en Behandeling van Siviele Gyselaars en Sekere Ander Klasse Gevangenes.

81. (1) Siviele gyselaars, persone aangehou in afwagting van reëlings vir hulle uitsetting uit die Unie, en ander persone in 'n gevangenis opgeneem ooreenkomstig die bepalinge van artikel *sewe-en-twintig*, moet sodanige pligte verrig as wat nodig mag wees ter handhawing van die goeie orde en sindelikeit van enige kamer of ander plek wat deur hulle in die gevangenis bewoon word, en van enige perseel wat aan sodanige kamer of plek grens of tot die gebruik van daardie kamer of plek of die bewoners daarvan dien of van enige artikels of voorwerpe wat tot soortgelyke gebruik dien, en hulle kan toegelaat word om ander arbeid te verrig.

(2) Beweerde geestesgekrenkte, swaksinnige of epileptiese gevangenes wat in 'n gevangenis soos voormeld opgeneem is of word, is verplig om slegs sodanige arbeid te verrig as wat die geneeskundige beamppte voorskryf.

82. (a) Gevangenes wat aangehou word uit hoofde van 'n lasbrief wat uitgeneem is kragtens 'n bevel of vonnis van 'n hof uitgereik of gevel in 'n siviele geding;
- (b) onveroordeelde gevangenes wat hul verhoor weens 'n beweerde misdryf afwag;
- (c) beweerde geestesgekrenkte gevangenes; en
- (d) persone wat as getuies vir aanhouding ver-

wys is, kan, onderworpe aan sodanige beperkings en voorbehoude as wat die Kommissaris mag voorskryf, toegelaat word—

- (i) om briewe te skryf en te ontvang;
- (ii) om besoek te ontvang; en
- (iii) om, onderworpe aan 'n noukeurige ondersoek daarvan, sodanige voedsel, ongesteekte drank, bedde-

food, unfermented drink, bedding, clothing, literature and other articles as may be approved by the Commissioner, subject to a strict examination thereof:

Provided that —

- (aa) all letters written and received as well as all literature must be read and censored by the member of the Prisons Service in charge of the prison, excluding documents handed over by a prisoner to his legal adviser if such member is satisfied that such documents are intended solely for the defence of the prisoner;
- (bb) no article of food or drink which, in the opinion of the member of the Prisons Service in charge of the prison, is not clean, wholesome, sound and free from disease, infection or contamination, shall be accepted and no food or drink shall be accepted for delivery to any prisoner unless it is in such a container or so wrapped that it is reasonably protected from contamination during handling within the prison; and
- (cc) the member of the Prisons Service in charge of the prison may, in his discretion and with due regard to the nutritional needs of the prisoner for whom food or drink is delivered, limit the quantity of such food or drink that may be supplied in any one day to such prisoner.

83. No prisoner such as is referred to in section *eighty-two* shall be given or compelled to wear prison dress unless—

- (a) that prisoner's dress is deemed insufficient or improper or in an insanitary condition;
- (b) it is necessary to preserve that dress in the interests of the administration of justice; or
- (c) he is unable to procure other suitable clothing from any other source.

84. (1) The member of the Prisons Service in charge of any prison receiving into his custody any person by virtue of the warrant of any court sued out upon a decree of civil imprisonment shall receive from the plaintiff who has sued out that warrant, payment in advance by weekly instalments of such amount per diem as may be determined by the Commissioner, in consultation with the Secretary to the Treasury, as and for the maintenance, throughout the period of his detention, of the person so received.

(2) All payments received in terms of sub-section (1) shall be paid into the Consolidated Revenue Fund.

(3) If any sum payable in accordance with this section to any member of the Prisons Service in charge of any prison in respect of any day's detention after the first day's detention is not paid before ten o'clock in the forenoon of that day, that member of the Prisons Service shall forthwith discharge the person in respect of whose maintenance the sum is payable.

(4) Every period of detention under this section shall be deemed to commence at ten o'clock in the forenoon.

CHAPTER IX.

General Provisions.

85. The provisions of this Act relating to the treatment and conduct of prisoners shall be printed in the English and Afrikaans languages, and in any other language which may be prescribed by the Commissioner, and shall be made available to every prisoner immediately after admission to a prison or if a prisoner is unable to read and understand any of the languages in which the

goed, klere, leesstof en ander artikels as wat die Kommissaris mag goedkeur van buite die gevangenis vir hulself te verkry en op voorgeskrewe tye daarin te ontvang:

Met dien verstande dat—

- (aa) alle briewe geskryf en ontvang sowel as alle leesstof gelees en gekeur moet word deur die lid van die Gevangenisdiens aan die hoof van die gevangenis, uitgesonderd dokumente deur 'n gevangene aan sy regsvertegenwoordiger oorhandig indien so 'n lid oortuig is dat sodanige dokumente allee vir die verdediging van die gevangene bedoel is;
- (bb) geen voedsel of drank wat, volgens die oordeel van die lid van die Gevangenisdiens aan die hoof van die gevangenis, nie skoon, heilsaam, goed en vry van siekte, besmetting of besoedeling is nie, ontvang mag word nie en geen voedsel of drank vir aflewering aan 'n gevangene in ontvangs geneem mag word tensy dit in so 'n houer is of op so 'n wyse toegedraai is dat dit redelikerwys teen besoedeling tydens hantering binne die gevangenis beskerm word nie; en
- (cc) die lid van die Gevangenisdiens aan die hoof van die gevangenis, na goeë dunnke en met behoorlike inagneming van die voedingsbehoefte van die gevangene vir wie voedsel of drank afgelewer word, die hoeveelheid van sodanige voedsel of drank wat gedurende enige een dag aan sodanige gevangene verskaf mag word, kan beperk

83. Aan 'n artikel *twee-en-tagtig* bedoelde gevangene word geen gevangensklore uitgereik nie en so 'n gevangene word nie verplig om gevangensklore te dra nie, tensy—

- (a) daardie gevangene se klere as ongenoegsaam of onvoegsaam of in 'n onsindelike toestand beskou word;
- (b) dit nodig is om daardie klere in belang van die regspleging te bewaar; of
- (c) hy nie in staat is om ander geskikte klere van enige ander bron te verkry nie.

84. (1) Die lid van die Gevangenisdiens aan die hoof van 'n gevangenis wat iemand in sy bewaring opneem kragtens 'n lasbrief van 'n hof wat uitgeneem is kragtens 'n bevel tot siviele gyseling, moet van die eiser wat daardie lasbrief uitgeneem het, betaling vooruit in weeklikse paaielemente ontvang van so 'n bedrag per dag as wat deur die Kommissaris in oorleg met die Sekretaris van die Tesourie bepaal mag word, vir die onderhoud, gedurende die hele tydperk van sy aanhouding, van die persoon wat aldus opgeneem word.

(2) Alle betalings wat ingevolge sub-artikel (1) ontvang word, word in die Gekonsolideerde Inkomstefonds gestort.

(3) Indien 'n bedrag wat volgens hierdie artikel aan 'n lid van die Gevangenisdiens aan die hoof van 'n gevangenis betaalbaar is ten opsigte van enige dag se aanhouding na die eerste dag se aanhouding nie voor tienuur voormiddag op daardie dag betaal word nie, moet daardie lid van die Gevangenisdiens die persoon ten opsigte van wie se onderhoud die bedrag betaalbaar is, onmiddellik ontslaan.

(4) Elke tydperk van aanhouding onder hierdie artikel word geag om tienuur in die voormiddag 'n aanvang te neem.

HOOFSTUK IX.

Algemene Bepalings.

85. Die bepalinge van hierdie Wet wat betrekking het op die behandeling en gedrag van gevangenes, word gedruk in Engels en Afrikaans en in enige ander taal wat die Kommissaris mag voorskryf, en word aan elke gevangene onmiddellik na toelating tot 'n gevangenis beskikbaar gestel of, indien 'n gevangene nie in staat is om enige van die tale waarin bedoelde bepalinge beskik-

said provisions have been made available, the contents of the said provisions shall be conveyed to him orally.

86. (1) The magistrate of the district in which a prison is situated shall require the medical officer of such prison or if for any cause such medical officer is unable to furnish such certificate, then some other qualified medical practitioner, to furnish him with a certificate showing the cause of death of every prisoner who dies at such prison, whether from natural causes or violence or pursuant to a sentence of a court of law.

(2) If the magistrate deems it necessary he shall hold an inquest upon the body of such prisoner in accordance, as far as possible, with the provisions of any law for the holding of inquests as to the cause of death.

(3) The magistrate shall report every such death to the Commissioner with whatsoever he shall have done thereon.

(4) The Commissioner shall, save where death has occurred pursuant to a judicial sentence, also cause an enquiry to be held as to any death in any prison from other than natural causes, and report thereon to the Minister.

87. (1) When a summons or subpoena in any criminal proceedings is addressed to and served upon any member of the Prisons Service or other person having the custody of prisoners, requiring him to cause any prisoner named in the summons or subpoena to be brought before any court, such member of the Prisons Service or other person shall comply in all respects with the terms of that summons or subpoena.

(2) A judge of a superior court may at any time order any prisoner to be brought before a court over which he is presiding in a criminal case.

(3) Whenever it becomes necessary to serve the civil process of any court upon any prisoner, the person charged with the service of the process shall, before serving such process, hand a copy thereof to the member of the Prisons Service in charge of the prison in which the prisoner is detained, and such member shall thereupon permit and facilitate the service of the process upon the prisoner personally.

(4) (a) Whenever at the instance of any party (other than the State) to civil or criminal proceedings any prisoner is subpoenaed to attend any court in order to give evidence thereat, there shall, unless—

(i) the party who sued out the subpoena has been allowed to proceed *in forma pauperis*; or

(ii) the accused in a criminal case requires the attendance of a witness whose evidence is deemed material to his defence by the attorney-general, in cases tried by a superior court, or by a magistrate, in cases tried before any inferior court, and has not sufficient means to make the deposit,

be deposited with the member of the Prisons Service in charge of the prison where the prisoner is detained, such sum as may be necessary to cover the expenses to be occasioned by the conveyance of the prisoner and his necessary escort to and from the court and by their maintenance during such period as the prisoner and his escort are likely by reason of their attendance to be detained outside the prison.

(b) No person shall be required or allowed to obey any such subpoena unless the sum required to be deposited in terms of paragraph (a) has been previously deposited.

(c) The expenses referred to in this sub-section shall be determined in accordance with a scale prescribed by the Commissioner.

baar gestel is, te lees en te verstaan nie, word die inhoud van bedoelde bepalings mondeling aan hom meegedeel.

86. (1) Die landdros van die distrik waarin 'n gevangenis geleë is, moet die geneeskundige beampte van daardie gevangenis of, indien om enige rede bedoelde geneeskundige beampte nie in staat is om so 'n sertifikaat te verskaf nie, dan 'n ander bevoegde geneesheer, aansê om aan hom 'n sertifikaat te verskaf, wat die oorsaak van die dood aantoon van elke gevangene wat in so 'n gevangenis te sterwe kom, hetsy as gevolg van natuurlike oorsake of geweld of ingevolge 'n vonnis van 'n geregshof.

(2) Indien die landdros dit nodig ag, skou hy die lyk van so 'n gevangene ooreenkomstig, sover doenlik, die wetsbepalings betreffende die hou van geregtelike lykskouings aangaande die oorsaak van dood.

(3) Die landdros rapporteer elke sodanige sterfgeval aan die Kommissaris met vermelding van wat hy daaromtrent gedoen het.

(4) Behalwe waar die dood ingevolge 'n regterlike vonnis plaasgevind het, laat die Kommissaris ook ondersoek instel aangaande enige sterfgeval in 'n gevangenis as gevolg van ander as natuurlike oorsake, en doen hy verslag daarvoor aan die Minister.

87. (1) Wanneer 'n dagvaarding of subpoena in 'n strafszaak gerig en bestel word aan 'n lid van die Gevangenisdiens of 'n ander persoon wat gevangenes in bewaring het waarin hy aangesê word om 'n in die dagvaarding of subpoena genoemde gevangene voor 'n hof te laat bring, moet sodanige lid van die Gevangenisdiens of ander persoon in alle opsigte aan die bepalings van daardie dagvaarding of subpoena voldoen.

(2) 'n Regter van 'n hoërhof kan te eniger tyd bevel dat 'n gevangene voor 'n hof gebring word waaroor hy in 'n strafszaak presideer.

(3) Wanneer dit nodig word om die siviele prosesstukke van 'n hof aan 'n gevangene te bestel, moet die persoon wat met die bestelling van die prosesstukke belas is, alvorens hy die prosesstukke bestel, 'n afskrif daarvan oorhandig aan die lid van die Gevangenisdiens aan die hoof van die gevangenis waarin die gevangene aangehou word, en daarop moet daardie lid die bestelling van die prosesstukke aan die gevangene persoonlik toelaat en vergemaklik.

(4) (a) Wanneer op versoek van 'n party (behalwe die Staat) by 'n siviele geding of strafszaak 'n gevangene as getuie gedagvaar word om 'n hof by te woon ten einde aldaar getuient af te lê, moet daar, tensy—

(i) die party wat die subpoena uitgeneem het, toegelaat is om *in forma pauperis* op te tree; of

(ii) die beskuldigde in 'n strafszaak die bywoning van 'n getuie verlang wie se getuient, in sake wat voor 'n hoërhof dien, volgens die oordeel van die prokureur-generaal, of in sake wat voor 'n laerhof dien, volgens die oordeel van 'n landdros, van wesenlike belang vir sy verdediging geag word en hy nie oor voldoende middele beskik om die vereiste bedrag te stort nie,

by die lid van die Gevangenisdiens aan die hoof van die gevangenis waarin die gevangene aangehou word, so 'n bedrag gestort word as wat nodig mag wees om die onkoste te dek wat veroorsaak gaan word deur die vervoer van die gevangene en sy nodige geleide na die hof en terug en deur hulle onderhoud gedurende sodanige tydperk as wat die gevangene en sy geleide as gevolg van hul bywoning waarskynlik buite die gevangenis gehou sal word.

(b) Niemand kan verplig of mag toegelaat word om so 'n subpoena te gehoorsaam, tensy die bedrag wat ingevolge paragraaf (a) gestort moet word, eers gestort is nie.

(c) Die in hierdie sub-artikel bedoelde onkoste word bereken ooreenkomstig 'n deur die Kommissaris voorgeskrewe tarief.

(d) The amount of the expenses determined in accordance with the provisions of this subsection shall be recovered from the amount deposited in terms of paragraph (a) and shall be paid into the Consolidated Revenue Fund, the balance, if any, of the amount so deposited being refunded to the party by whom the deposit was made.

88. (1) No licence money, tax, duty or fee (other than customs or excise 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.

(2) The production of an official document bearing the signature of the Minister or of a person authorized by the Minister to sign any such document and indicating that he has certified the canteen, shall be sufficient evidence that it is a canteen falling under this section.

(3) For the purposes of this section "canteen" includes any mess for members of the Prisons Service or any Prisons Department institution or any premises temporarily or permanently used for providing recreation, refreshment or necessaries solely for members or pensioners or civilian employees of the Prisons Department or for the families of such members, pensioners or civilian employees or for civilians employed in any work in or in connection with any such mess, institution or premises.

89. If any legal proceedings are brought against the State or any member of the Prisons Service or any special warder 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 State or the member of the Prisons Service or special warder concerned shall not be liable for any irregularity in the issuing of the 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, judgment shall be given in favour of the State or such member or special warder, as the case may be.

90. (1) No civil action against the State or any person for anything done or omitted in pursuance of any provision of this Act shall be commenced after the expiration of six months immediately succeeding the act or omission complained of, or in the case of a prisoner, after the expiration of six months immediately succeeding the date of his release from prison, but in no case shall any such action be commenced after the expiration of one year from the date of the act or omission complained of.

(2) Notice in writing of every such action, stating the cause thereof and the details of the claim, shall be given to the defendant one month at least before the commencement of the action.

91. Whenever under this Act the age of any person is in question, his detention in any prison or place, when he is under or over the age prescribed by this Act, shall not be deemed to have been unlawful if, when the detention order was made, he appeared to be within the limits of age prescribed by this Act.

92. Under special circumstances the Minister may, by warrant under his hand, permit a person confined or detained in any prison to leave such prison temporarily under escort or otherwise for any special purpose, on such conditions as the Minister may determine.

93. (1) The Minister may delegate any of the powers vested in him by this Act (except sub-section (3) of section three, subsection (2) of section six, sub-section

(d) Die bedrag van die onkoste bereken ooreenkomstig die bepaling van hierdie sub-artikel word verhaal van die bedrag wat ingevolge paragraaf (a) gestort is en word in die Gekonsolideerde Inkomstefonds betaal, terwyl die balans, indien daar is, van die bedrag aldus gestort terugbetaal word aan die party deur wie die bedrag gestort is.

88. (1) Geen lisensiegeld, belasting, reg of geld (behalwe doeane- of aksynsregte 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 Gevangenisde of ten opsigte van enige artikel wat in so 'n winkel te koop is, betaalbaar nie.

(2) Die voorlegging van 'n amptelike dokument onder die handtekening van die Minister of van iemand wat deur die Minister gemagtig is om so 'n dokument te onderteken, waarin aangedui word dat hy die winkel gesertifiseer het, is afdoende bewys dat dit 'n winkel is wat onder hierdie artikel val.

(3) By die toepassing van hierdie artikel omvat „winkel” ook 'n menasie vir lede van die Gevangenisdiens of 'n instelling van die Departement van Gevangenisde of 'n perseel wat tydelik of permanent gebruik word om ontspanning, verversings of benodighede te verskaf uitsluitlik vir lede of gepensioneerde lede of burgerlike werknemers van die Departement van Gevangenisde of vir die gesinne van sodanige lede, gepensioneertes of burgerlike werknemers of vir burgerlike persone wat in enige werk in of in verband met so 'n menasie, instelling of perseel werksaam is.

89. Indien 'n regsding teen die Staat of 'n lid van die Gevangenisdiens of 'n spesiale bewaarder ingestel word weens 'n handeling verrig ter uitvoering van 'n lasbrief wat uitgereik heet te wees deur 'n landdros, vrederegter, of ander beampte wat by wet gemagtig is om lasbriewe uit te reik, is die Staat of die betrokke lid van die Gevangenisdiens of spesiale bewaarder nie op grond van onreëlmatigheid in verband met die uitreiking van die lasbrief of weens onbevoegdheid van die persoon wat dit uitgereik het, aanspreeklik nie; en by voorlegging van die lasbrief wat onderteken heet te wees deur 'n landdros of vrederegter of so 'n ander beampte soos voormeld en by bewys dat die handeling waarvoor gekla word ter uitvoering van die lasbrief verrig is, word uitspraak ten gunste van die Staat of bedoelde lid of spesiale bewaarder, na gelang van die geval, gegee.

90. (1) Geen siviele geding word teen die Staat of enige persoon weens enigiets uit hoofde van 'n bepaling van hierdie Wet gedoen of nagelaat, na die verstryking van ses maande wat onmiddellik volg op die doen of late waarvoor gekla word, of in die geval van 'n gevangene, na die verstryking van ses maande wat onmiddellik volg op die datum van sy vrylating uit die gevangenis, ingestel nie, maar in geen geval word so 'n geding na die verstryking van een jaar vanaf die datum van die doen of late waarvoor gekla word, ingestel nie.

(2) Skriftelike kennisgewing van elke sodanige geding, waarin die oorsaak daarvan en die besonderhede van die eis vermeld word, moet aan die verweerder gegee word minstens een maand voordat die geding ingestel word.

91. Wanneer onder hierdie Wet die ouderdom van iemand ter sprake is, word sy aanhouding in 'n gevangenis of plek, wanneer hy benede of bo die by hierdie Wet voorgeskrewe ouderdom is, nie geag onwettig te gewees het nie indien hy, toe die bevel tot aanhouding uitgereik is, oënskynlik binne die by hierdie Wet voorgeskrewe ouderdomsgrense was.

92. Die Minister kan onder buitengewone omstandighede, by 'n lasbrief deur hom onderteken, iemand wat in 'n gevangenis opgesluit is of aangehou word, vergun om so 'n gevangenis onder geleide of andersins vir 'n spesiale doel tydelik verlaat, op sodanige voorwaardes as wat die Minister mag bepaal.

93. (1) Die Minister kan enige van die bevoegdhede by hierdie Wet (behalwe sub-artikel (3) van artikel drie, sub-artikel (2) van artikel ses, sub-artikel (1) van ar-

(1) of section *sixteen*, sub-section (2) of section *nineteen* and section *twenty*) to the Commissioner.

(2) The Commissioner may delegate any of the powers vested in him by this Act to any member of the Prisons Service or other person employed in the Prisons Department.

(3) The Commissioner may delegate any of the powers delegated to him under sub-section (1), to the Deputy-Commissioner of Prisons.

94. (1) The Governor-General may make regulations, not inconsistent with this Act, as to—

- (a) the duties and powers of members of the Prisons Service;
- (b) the mode of appointment, the conditions of service, the rates of pay, the retention of rank on retirement, the supply of uniforms, the prohibition of the disposal of any article of kit or equipment, the occupation of official quarters and the conduct of members of the Prisons Service including special warders, and the rates of remuneration or allowances, if any, payable to ministers of religion appointed under section *seven*;
- (c) the general government and management of prisons, the maintenance of good order and discipline therein, and the acts or omissions which shall be deemed to be offences against discipline;
- (d) the functions and duties of prison boards, quorum and procedure at meetings and the form of reports of such boards;
- (e) the mode of supplying food and the scales of diet and the quantity of clothing and necessaries for prisoners;
- (f) the safe custody of prisoners when at labour or otherwise, including the taking of such steps as the medical officer may think necessary for the preservation of the health of prisoners;
- (g) the receipt and safe custody by members of the Prisons Service at prisons of money, valuables, or other articles belonging to any prisoner, and the conditions and circumstances under which payment, deposit, or delivery of such money, valuables, or other articles shall be made during the period of detention of any prisoner;
- (h) the introduction into or conveyance out of any prison of any food, drink, bedding, clothing, books, newspapers, letters, documents or any other articles;
- (i) the searching of prisoners and of non-commissioned members of the Prisons Service and of special warders and of all quarters and other places within any prison occupied or frequented by such members and special warders and the seizure and examination of any letter or communication addressed to or received by any such member or special warder;
- (j) the confiscation or destruction of all articles illicitly introduced into any prison or found in or near any prison and of all clothing belonging to prisoners which by reason of its condition or for any other valid cause it is undesirable to keep;
- (k) the admission to any prison of any persons other than members of the Prisons Service, special warders and persons who are or may be detained therein;
- (l) the right to petition for and the procedure for obtaining mitigation or remission of sentence or the conditional release of prisoners, the grant of remission of sentence in particular classes of cases, the obtaining and recording of information regarding the behaviour of prisoners on discharge and their re-employment, and the supply of money,

tikel *sestien*, sub-artikel (2) van artikel *negentien* en artikel *twintig*) aan hom verleen, aan die Kommissaris deleger.

(2) Die Kommissaris kan enige van die bevoegdhede by hierdie Wet aan hom verleen, aan enige lid van die Gevangenisdiens of ander persoon wat in die Departement van Gevangenis in diens is, deleger.

(3) Die Kommissaris kan enige van die bevoegdhede kragtens sub-artikel (1) aan hom gedelegeer, aan die Adjunk-kommissaris van Gevangenis deleger.

94. (1) Die Goewerneur-generaal kan regulasies wat nie met hierdie Wet teenstrydig is nie, uitvaardig betreffende—

- (a) die pligte en bevoegdhede van lede van die Gevangenisdiens;
- (b) die wyse van aanstelling, die diensvoorwaardes, die soldyskale, die behoud van rang na aftrede, die verskaffing van uniforms, die verbod op die beskikking oor enige uniform- of uitrustingsstuk, die bewoning van amptelike wonings en die gedrag van lede van die Gevangenisdiens met inbegrip van spesiale bewaarders, en die skale van besoldiging of toelaes, indien enige, betaalbaar aan predikante aangestel ingevolge artikel *sewe*;
- (c) die algemene beheer en bestuur van gevangenis, die handhawing van die goeie orde en tug daarin, en die dade of versuime wat as misdrywe teen die tug geag word;
- (d) die werksaamhede en pligte van gevangenisrade, kworum en prosedure by vergaderings en die vorm van verslae van sodanige rade;
- (e) die wyse van verskaffing van voedsel en die rantsoenskale en die hoeveelheid klere en benodigdhede vir gevangenes;
- (f) die veilige bewaring van gevangenes tydens die verrigting van arbeid of andersins, met inbegrip van die doen van sodanige stappe as wat die geneeskundige beampte nodig mag ag vir die handhawing van die gesondheid van gevangenes;
- (g) die ontvangs en veilige bewaring deur lede van die Gevangenisdiens by gevangenis van geld, kosbaarhede of ander artikels behorende aan 'n gevangene en die voorwaardes en omstandighede waaronder betaling, inbewaringneming, of afgifte van sodanige geld, kosbaarhede of ander artikels gedurende die tydperk van die aanhouding van 'n gevangene moet geskied;
- (h) die inbring in of die uitneem uit 'n gevangenis van voedsel, drank, beddegoed, klere, boeke, koerante, briewe, dokumente of enige ander artikels;
- (i) die visentering van gevangenes en van lede van die Gevangenisdiens wat nie offisiere is nie en van spesiale bewaarders en van alle wonings en ander plekke binne 'n gevangenis wat deur sodanige lede en spesiale bewaarders bewoon of dikwels besoek word en die in beslag neem en ondersoek van enige brief of skrywe geadresseer aan of ontvang deur so 'n lid of spesiale bewaarder;
- (j) die verbeurdverklaring of vernietiging van alle artikels wat wederregtelik in 'n gevangenis ingebring word of wat in of naby 'n gevangenis geïntroduseer word en van alle kledingstukke wat aan gevangenes behoort en wat dit weens die toestand daarvan of om enige ander geldige rede, onwenslik is om te bewaar;
- (k) die toelating tot 'n gevangenis van ander persone as lede van die Gevangenisdiens, spesiale bewaarders en persone wat daarin aangehou word of mag word;
- (l) die reg om aansoek te doen om en die prosedure vir die verkryging van versagting of afslag of kwytskelding van vonnis of die voorwaardelike vrylating van gevangenes, die verlening van afslag of kwytskelding van vonnis in bepaalde klasse van gevalle, die verkryging en optekening van gegewens omtrent die gedrag van gevangenes by hul ontslag en hul herindiensneming, en die verskaf-

- food, clothing, or means of travelling, to prisoners on their discharge;
- (m) the days and hours during which work or labour by prisoners may be suspended;
- (n) the medical examination, measuring, photographing, and taking of finger-print impressions or other records of persons confined in any prison or otherwise detained in custody, including detailed personal statistics and histories, and the requisition of full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories;
- (o) the provision and equipment of the necessary workshops for the training of prisoners and the supply of any plant, tools or material, necessary for that purpose;
- (p) the manner in which sentences of imprisonment, spare diet, corporal punishment, solitary confinement, or any other sentences are to be carried out;
- (q) the application of approved means of mechanical restraint to any prisoner under sentence of death or in the course of removal or while temporarily outside the precincts of a prison;
- (r) the release of persons serving sentences of imprisonment;
- (s) the treatment of persons condemned to death; and the disposal of the bodies of prisoners who have died in prison;
- (t) the disposal by sale or otherwise of the effects of any prisoner who has escaped, died, or failed to claim or receive such effects, or of the private effects of any member of the Prisons Service or special warder who has deserted the service, and the payment into the Consolidated Revenue Fund of any proceeds of any such sale to the extent of any debt owing to the State;
- (u) the temporary detention of any sick prisoner whose sentence has expired but whose discharge or release is certified by the medical officer to be likely to result in his death or in serious injury to his health or to be a source of infection to others;
- (v) the care and maintenance of indigents or destitute persons or any other persons temporarily received into a prison;
- (w) the subsidizing and encouragement of institutions, societies, and individuals approved by the Minister as furthering the objects of this Act;
- (x) the charging of commissioned officers with misconduct and the procedure at investigations by boards of enquiry into charges of misconduct against such officers;
- (y) the attendance of witnesses at trials or enquiries or investigations by commissioned officers and boards of enquiry under this Act and the payment of witness fees and travelling expenses;
- (z) appeals in terms of this Act;
- (aa) the payment of monetary compensation to prisoners whose earning capacity is affected as a result of an accident or injury received in prison;
- (bb) all matters which under this Act are required or permitted to be prescribed by regulation; and
- (cc) generally all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved;
- fing van geld, voedsel, klere, of reisgeleentheid aan gevangenes by hul ontslag;
- (m) die dae en ure gedurende welke werk of arbeid deur gevangenes opgeskort mag word;
- (n) die geneeskundige ondersoek, meet, fotografeer en neem van vingerafdrukke of ander gegewens van persone wat in 'n gevangenis opgesluit of andersins in bewaring aangehou word, met inbegrip van omstandige persoonlike statistieke en geskiedenis, en die verkryging van volledige en ware antwoorde op alle vrae wat aan sodanige persone gestel word met die doel om sodanige statistieke en geskiedenis te bekom;
- (o) die voorsiening en toerusting van die nodige werkwinkels vir die opleiding van gevangenes en die verskaffing van enige masjinerie, gereedskap of materiaal wat vir daardie doel nodig is;
- (p) die wyse waarop vonnisse van gevangenisstraf, skraal, rantsoen, lyfstraf, alleenopsluiting of enige ander vonnisse uitgevoer moet word;
- (q) die toepassing van goedgekeurde dwangmiddels op 'n gevangene onder 'n doodvonnis of in die loop van oorplasing of terwyl hy tydelik buite die mure van 'n gevangenis is;
- (r) die vrylating van persone wat vonnisse van gevangenisstraf uitdien;
- (s) die behandeling van persone wat ter dood veroordeel is; en die beskikking oor die lyke van gevangenes wat in 'n gevangenis gesterf het ;
- (t) die beskikking deur verkoop of andersins oor die besittings van 'n gevangene wat ontvlug of gesterf het of versuim het om sodanige besittings op te eis of in ontvangs te neem, of oor die private besittings van 'n lid van die Gevangenisdiens of spesiale bewaarder wat uit die diens gedros het, en die stort in die Gekonsolideerde Inkomstefonds van die opbrengs van so 'n verkoping tot die bedrag van enige skuld aan die Staat verskuldig;
- (u) die tydelike aanhouding van 'n siek gevangene wie se vonnis verstryk het maar wie se ontslag of vrylating, blykens 'n sertifikaat van die geneeskundige beamppte, waarskynlik sy dood of ernstige benadeling van sy gesondheid tot gevolg sal hê of 'n bron van besmetting van ander persone sal wees;
- (v) die versorging en onderhoud van armes of behoeftige persone of enige ander persone wat tydelik in 'n gevangenis opgeneem word;
- (w) die subsidiëring en aanmoediging van inrigtings, verenigings en persone wat volgens die oordeel van die Minister die oogmerke van hierdie Wet bevorder;
- (x) die aankla van offisiere van wangedrag en die prosedure by ondersoeke deur rade van ondersoek van aanklagtes van wangedrag teen sodanige offisiere;
- (y) die bywoning deur getuies van verhore of ondersoeke deur offisiere en rade van ondersoek kragtens hierdie Wet en die betaling van getuiegeld en reiskoste;
- (z) appèlle ingevolge hierdie Wet;
- (aa) die betaling van geldelike vergoeding aan gevangenes wie se vermoë om loon te verdien geaffekteer is as gevolg van 'n ongeluk of besering in 'n gevangenis opgedoen;
- (bb) alle aangeleenthede wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (cc) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van hierdie Wet verwesenlik kan word;

and such regulations may prescribe the powers of the Commissioner to issue Prisons Service orders which shall not be inconsistent with this Act and which shall be obeyed by all members of the Prisons Service and other

en sodanige regulasies kan die bevoegdhede van die Kommissaris voorskryf om Gevangenisdiensorders uit te reik wat nie met hierdie Wet teenstrydig mag wees nie en wat gehoorsaam moet word deur alle lede van die Gevangenisdiens en ander persone in die diens van die De-

persons in the service of the Prisons Department to whom such Prison Service Orders are applicable.

(2) Any such regulation may provide penalties for any contravention thereof or failure to comply therewith and different penalties in case of any second or subsequent contravention or non-compliance, but no such penalty shall exceed—

- (a) for a contravention or non-compliance by a member of the Prisons Service or a special warder, a fine of fifty pounds or, in default of payment, imprisonment for a period of six months, or such imprisonment without the option of a fine, or both such fine and such imprisonment;
- (b) for a contravention or non-compliance by a prisoner, any one of the penalties set out in sub-section (2) of section *fifty-one* and *fifty-four*;
- (c) for a contravention or non-compliance by any person other than a person referred to in paragraph (a) or (b), a fine of fifty pounds or, in default of payment, imprisonment for a period of six months.

(3) If, in the opinion of the Minister, any regulation is not suited to the circumstances of any particular prison, the Minister may apply in respect of that prison such modification of the regulation as he may think fit.

95. The laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the fourth column of that Schedule: Provided that notwithstanding the repeal of the said laws—

- (a) every person who immediately prior to the commencement of this Act held any office or post under any such law shall be deemed to have been appointed under this Act, and to hold the office or post corresponding with the first-mentioned office or post notwithstanding that the name thereof is altered by this Act;
- (b) every proclamation, regulation, rule, or order issued, made or given under any such law shall, in the area in which it was in force immediately prior to the commencement of this Act and so far as it is not inconsistent with the provisions thereof, continue in force until rescinded under this Act by the proper authority;
- (c) every convict prison, gaol, farm colony or other institution established under any provision of any such law shall be deemed to have been established as a prison under the corresponding provision of this Act, notwithstanding that the name thereof is altered by this Act.

96. The Governor-General may, by proclamation in the *Gazette* and subject to such conditions, modifications and exceptions as he may specify in such proclamation, apply the provisions of this Act to the Territory of South-West Africa including that portion of the said Territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the said Territory and also that portion of the said Territory known as the "Eastern Caprivi Zipfel" referred to in section *three* of the South-West Africa Amendment Act of 1951 (Act No. 55 of 1951).

97. (1) This Act shall be called the Prisons Act, 1959, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that the Governor-General may from time to time by proclamation in the *Gazette* bring into operation only such portions of this Act as he may specify in such proclamation.

(2) This Act or any portion thereof as may be specified in any proclamation issued in terms of sub-section (1) shall apply also to all sentences passed before the date on which this Act or the said portion thereof comes into operation.

partement van Gevangenis op wie sodanige Gevangenisdiensorders van toepassing is.

(2) So 'n regulasie kan strawwe bepaal vir 'n oortreding daarvan of versuim om daaraan te voldoen en verskillende strawwe in geval van 'n tweede of verdere oortreding of versuim, maar geen sodanige straf mag—

- (a) vir 'n oortreding of versuim deur 'n lid van die Gevangenisdiens of 'n spesiale bewaarder, 'n boete van vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van ses maande of sodanige straf sonder die keuse van 'n boete of beide sodanige boete en sodanige gevangenisstraf te bowe gaan nie;
- (b) vir 'n oortreding of versuim deur 'n gevangene, enige een van die in sub-artikel (2) van artikels *een-en-vyftig* en *vier-en-vyftig* vermelde strawwe te bowe gaan nie;
- (c) vir 'n oortreding of versuim deur 'n ander as 'n in paragraaf (a) of (b) bedoelde persoon, 'n boete van vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van ses maande te bowe gaan nie.

(3) Wanneer volgens die oordeel van die Minister 'n regulasie nie by die omstandighede van 'n bepaalde gevangenis pas nie, kan die Minister ten opsigte van daardie gevangenis so 'n wysiging van die regulasie toepas as wat hy goedvind.

95. Die wette in die Bylae by hierdie Wet genoem, word, in die mate in die vierde kolom van daardie Bylae uiteengesit, hierby herroep: Met dien verstande dat ondanks die herroeping van bedoelde wette—

- (a) elke persoon wat onmiddellik voor die inwerking-treding van hierdie Wet 'n betrekking of pos kragtens so 'n wet beklee het, geag word kragtens hierdie Wet aangestel te gewees het en om die betrekking of pos te beklee wat ooreenstem met eersbedoelde betrekking of pos nieteenstaande dat die naam daarvan deur hierdie Wet verander word;
- (b) elke proklamasie, regulasie, reël of order kragtens so 'n wet uitgereik, uitgevaardig of gegee, in die gebied waarin dit onmiddellik voor die inwerking-treding van hierdie Wet van krag was en vir sover dit nie met die bepalings van hierdie Wet teenstrydig is nie, van krag bly totdat dit kragtens hierdie Wet deur die bevoegde gesag herroep word;
- (c) elke bandietetrunk, tronk, boerderykolonie of ander inrigting kragtens 'n bepaling van so 'n wet ingestel, geag word as 'n gevangenis kragtens die ooreenstemmende bepaling van hierdie Wet ingestel te gewees het, nieteenstaande dat die naam daarvan deur hierdie Wet verander word.

96. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* en onderworpe aan die voorwaardes, wysigings en uitsonderings wat hy in die proklamasie vermeld, die bepalings van hierdie Wet op die Gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van genoemde Gebied bekend as die „Rehoboth Gebiet" soos in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie Gebied omskryf en ook daardie gedeelte van genoemde Gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word, van toepassing maak.

97. (1) Hierdie Wet heet die Wet op Gevangenis, 1959, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word: Met dien verstande dat die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* net sodanige gedeeltes van hierdie Wet in werking kan laat tree as wat hy in bedoelde proklamasie vermeld.

(2) Hierdie Wet of enige gedeelte daarvan wat vermeld word in 'n proklamasie wat ingevolge sub-artikel (1) uitgereik is, is ook van toepassing op alle vonnisgevel voor die datum waarop hierdie Wet of bedoelde gedeelte daarvan in werking tree.

SCHEDULE.
Laws Repealed.

Province or Territory	Number and Year of Law.	Short Title of Law	Extent of Repeal
Cape of Good Hope.	Act No. 24 of 1886.	Native Territories Penal Code.	Chapter VIII.
Union.	Act No. 13 of 1911.	Prisons and Reformatories Act, 1911.	The whole.
"	Act No. 46 of 1920.	Prisons and Reformatories Act Amendment Act, 1920.	The whole.
"	Act No. 38 of 1922.	Financial Adjustments Act, 1922.	Section <i>fourteen</i> .
"	Act No. 8 of 1924.	Prisons and Reformatories Act Further Amendment Act, 1924.	The whole.
"	Act No. 26 of 1935.	Prisons and Reformatories Amendment Act, 1935.	The whole.
"	Act No. 31 of 1937.	Childrens Act, 1937	Section <i>eighty-nine</i> .
"	Act No. 18 of 1953.	Prisons and Reformatories Amendment Act, 1953.	The whole.
"	Act No. 11 of 1955.	Prisons and Reformatories Amendment Act, 1955.	The whole.
"	Act No. 56 of 1955.	The Criminal Procedure Act 1955.	Section <i>three hundred and seventy-five</i>
"	Act No. 50 of 1956.	General Law Amendment Act, 1956.	Sections <i>nine and thirty</i> .
"	Act No. 4 of 1957.	Prisons and Reformatories Amendment Act, 1957.	The whole.

BYLAE.
Wette Herroep.

Provinsie of Gebied.	Nommer en Jaar van Wet	Kort Titel van Wet	In hoeverre herroep.
Kaap die Goeie Hoop.	Wet No. 24 van 1886.	"The Native Territories Penal Code."	Hoofstuk VIII.
Unie.	Wet No. 13 van 1911.	"De Wet op Gevangenis en Verbetergestichten 1911".	Die geheel.
"	Wet No. 46 van 1920.	"De Wet tot Wijziging van de Wet op Gevangenis en Verbetergestichten, 1920".	Die geheel.
"	Wet No. 38 van 1922.	"De Finansiële Regulings Wet, 1922".	Artikel <i>veertien</i> .
"	Wet No. 8 van 1924.	"De Wet op Gevangenis en Verbetergestichten Verdere Wijzigings Wet, 1924".	Die geheel.
"	Wet No. 26 van 1935.	Die Wysigingswet op Gevangenis en Verbetergestigte, 1935.	Die geheel.
"	Wet No. 31 van 1937.	Die Kinderwet, 1937.	Artikel <i>nege-en-tagtig</i> .
"	Wet No. 18 van 1953	Die Wysigingswet op Gevangenis en Verbeteringsgestigte, 1953.	Die geheel.
"	Wet No. 11 van 1955.	Die Wysigingswet op Gevangenis en Verbeteringsgestigte, 1955.	Die geheel.
"	Wet No. 56 van 1955.	Die Strafproseswet, 1955.	Artikel <i>driehonderd vyf-en-sewentig</i> .
"	Wet No. 50 van 1956.	Die Algemene Regswysigingswet, 1956.	Artikels <i>nege en dertig</i> .
"	Wet No. 4 van 1957.	Die Wysigingswet op Gevangenis en Verbeteringsgestigte, 1957.	Die geheel.

PROCLAMATION

BY HIS EXCELLENCY THE HONOURABLE ERNEST GEORGE JANSEN, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. 271, 1959 (Union).]

APPLICATION OF THE PROVISIONS OF THE PRISONS ACT, 1959 (ACT NO. 8 OF 1959), TO THE TERRITORY OF SOUTH WEST AFRICA.

Under the power vested in me by section *ninety-six* of the Prisons Act, 1959 (Act No. 8 of 1959), I do hereby declare that, subject to the conditions, modifications and exceptions as set out in the Schedule hereto, the provisions of the said Act shall apply to the Territory of South West Africa including that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the

PROKLAMASIE

VAN SY EKSELLENSIE DIE EDELE ERNEST GEORGE JANSEN, DOKTOR IN DIE REGTE, GOEWERNEUR GENERAAL VAN DIE UNIE VAN SUID AFRIKA.

No. 271, 1959. (Unie)]

TOEPASSING VAN DIE WET OP GEVANGENISSE, 1959 (WET NO. 8 VAN 1959), OP DIE GEBIED SUIDWES-AFRIKA.

Kragtens die bevoegdheid my verleen by artikel *ses-en-negentig* van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), verklaar ek hierby dat die bepalings van genoemde Wet, met die voorwaardes, wysigings en uitsonderings soos in die Bylae hiervan uiteengesit, met ingang van die eerste dag van Desember 1959, van toepassing is op die Gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van genoemde gebied, bekend as die

said territory and also that portion of the said territory known as the "Eastern Caprivi Zipfel" referred to in section *three* of the South West Africa Amendment Act of 1951 (Act No. 55 of 1951), with effect from the first day of December, 1959.

GOD SAVE THE QUEEN.

Given under my Hand and Great Seal at Pretoria on this Eleventh day of November, One thousand Nine hundred and Fifty-nine.

E. G. JANSEN,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

C. R. SWART.

SCHEDULE.

CONDITIONS, MODIFICATIONS AND EXCEPTIONS
TO THE PRISONS ACT, 1959, (ACT NO. 8 OF 1959).

Unless the context otherwise indicates the following modifications shall apply:—

1. Any reference to "Commissioner" or "Deputy Commissioner" shall mean a reference to the Secretary or the Under Secretary for South West Africa respectively.

2. Any reference to "Prisons Department" or "Department" shall be construed as a reference to the Prison Branch of the Administration of South West Africa.

3. Any reference to "Governor-General", "Minister of Finance", "Secretary to the Treasury" or "Minister" shall be a reference to the Administrator of the Territory of South West Africa.

4. Section *three* shall be construed as if sub-sections (2) and (3) thereof have been deleted.

5. Sub-section (1) of section *four* shall be construed to read as follows:—

"4. (1) The Governor-General may from time to time appoint an officer to be styled Deputy Commissioner of Prisons, one or more commissioned officers to be styled Assistant Commissioners of Prisons and such other commissioned officers as he may deem necessary subject to the provisions of this Act."

6. Any reference to "Secretary for Health" shall mean a reference to the Director of Health Services of the Administration of South West Africa.

7. Any reference to the "Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945)" shall mean a reference to the Natives (Urban Areas) Proclamation, 1951 (Proclamation No. 56 of 1951).

8. (a) Any reference to "Union" in section *twenty-five* and section *eighty-one* shall be construed as a reference to the Territory of South West Africa.

(b) Any reference to "Union" where it occurs for the first time in sub-section (2) of section *sixty-seven* shall be construed as a reference to the Territory of South West Africa and the sub-section shall further be construed as if the proviso has been deleted.

9. Any reference to the "Childrens Act, 1937 (Act No. 31 of 1937)" shall mean a reference to the Wives and Children and Maintenance Ordinance, 1927 (Ordinance No. 16 of 1927).

10. Section *thirty-five* shall be construed as if sub-section 4(a) has been deleted.

11. Any reference to the "Criminal Procedure Act, 1955 (Act No. 56 of 1955)" shall mean a reference to the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935).

„Rehoboth Gebiet", soos in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf, en ook daardie gedeelte van genoemde gebied bekend as die Oostelike Caprivi Zipfel, waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word.

GOD BEHOEDE DIE KONINGIN.

Gegee onder my Hand en Grootseël te Pretoria, op hede die Elfde dag van November Eenduisend Negehonderd Nege-en-vyftig.

E. G. JANSEN,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

C. R. SWART.

BYLAE.

VOORWAARDES, WYSIGINGS EN UITSONDERINGS
OP DIE WET OP GEVANGENISSE, 1959 (WET
NO. 8 VAN 1959).

Tensy dit uit die samehang anders blyk, is die volgende wysigings van toepassing:—

1. Enige verwysing na „Kommissaris" of „Adjunk-kommissaris" is onderskeidelik 'n verwysing na die Sekretaris of die Ondersekretaris vir Suidwes-Afrika.

2. Enige verwysing na die „Departement van Gevangenis" of „Departement" is 'n verwysing na die Gevangenisafdeling van die Administrasie van Suidwes-Afrika.

3. Enige verwysing na „Goewerneur-generaal", „Minister van Finansies", „Sekretaris van die Tesourie" of „Minister" is 'n verwysing na die Administrateur van die Gebied Suidwes-Afrika.

4. Artikel *drie* word uitgelê asof subartikels (2) en (3) daarvan geskrap is.

5. Subartikel (1) van artikel *vier* word uitgelê om as volg te lui:—

„4. (1) Die Goewerneur-generaal kan van tyd tot tyd 'n offisier, wat as Adjunk-kommissaris van Gevangenis bekend staan, een of meer offisiere, wat as Assistent-kommissarisse van Gevangenis bekend staan, en sodanige ander offisiere as wat hy nodig ag, aanstel onderworpe aan die bepalings van hierdie Wet."

6. Enige verwysing na die „Sekretaris van Gesondheid" is 'n verwysing na die Direkteur van Gesondheidsdienste van die Administrasie van Suidwes-Afrika.

7. Enige verwysing na die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), is 'n verwysing na die Naturelle (Stadsgebiede) Proklamasie, 1951 (Proklamasie No. 56 van 1951).

8. (a) Enige verwysing na „Unie" in artikel *vyf-en-twintig* en artikel *een-en-tagtig* is 'n verwysing na die Gebied Suidwes-Afrika.

(b) Enige verwysing na „Unie" waar dit vir die eerste keer voorkom in subartikel (2) van artikel *sewe-en-sestig* is 'n verwysing na die Gebied Suidwes-Afrika en die subartikel word verder uitgelê asof die voorbehoudsbepaling geskrap is.

9. Enige verwysing na die „Kinderwet, 1937 (Wet No. 31 van 1937)" is 'n verwysing na die Vroue en Kinderen en Onderhoud Ordonnansie, 1927 (Ordonnansie No. 16 van 1927).

10. Artikel *vyf-en-dertig* word uitgelê asof subartikel 4(a) geskrap is.

11. Enige verwysing na die „Strafproseswet, 1955 (Wet No. 56 van 1955)" is 'n verwysing na die Proklamasie op Strafproses en Bewyslewering, 1935 (Proklamasie No. 30 van 1935).

12. Any reference to the "Union Tender and Supplies Board" shall be construed to mean the South West Africa Administration Tender Board.

13. Any reference to the "Consolidated Revenue Fund" shall be construed to mean the Territory Revenue Fund of South West Africa established under section thirty-six of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925).

12. Enige verwysing na die Unieraad vir Tenders en Leweransies is 'n verwysing na die Tenderraad van die Administrasie van Suidwes-Afrika.

13. Enige verwysing na die „Gekonsolideerde Inkomstefonds" is 'n verwysing na die Inkomstefonds van die gebied Suidwes-Afrika, tot stand gebring ooreenkomstig artikel ses-en-dertig van die Zuidwest-Afrika Konstitutie Wet, 1925 (Wet No. 42 van 1925).