



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1171.

6 Julie 1973.

No. 1171.

6th July, 1973.

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

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

No. 80 van 1973: Wysigingswet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1973.

No. 80 of 1973: Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1973.

Act No. 80, 1973.

ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
REHABILITATION CENTRES AMENDMENT ACT, 1973.**ACT**

To amend the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, so as to define a rehabilitation centre; so as to effect certain textual changes in sections 2, 8 and 17 of the said Act; so as to prohibit the suspension or postponement of a sentence, or a discharge with a caution or reprimand, in certain cases; so as to authorize the possession, use, import or export of, or the performance of certain acts in relation to, dependence-producing drugs or certain plants for purposes of research; so as to extend the scope of the matters on which the National Advisory Board on Rehabilitation Matters may advise the Minister; so as to provide for the appointment of a Deputy Director of Rehabilitation Services and to determine his powers and duties; and so as to amend the provisions of the said Act relating to the transfer of persons from prisons to rehabilitation centres; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 19th June, 1973.)

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

Amendment of
section 1 of
Act 41 of 1971.

1. Section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "regulation" of the following definition:

"'rehabilitation centre' means a rehabilitation centre established or deemed to have been established under section 18;"

Amendment of
section 2 of
Act 41 of 1971.

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for paragraph (ii) of the following paragraph:

"(ii) in the case of a second or subsequent conviction for a contravention of any provision referred to in paragraph (i), to imprisonment for a period of not less than ten years, but not exceeding twenty-five years;" and

(b) by the substitution for paragraph (iv) of the following paragraph:

"(iv) in the case of a second or subsequent conviction for a contravention of any provision referred to in paragraph (iii), to imprisonment for a period of not less than five years, but not exceeding fifteen years."

Insertion of
section
2A in Act 41
of 1971.

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

WYSIGINGSWET OP DIE MISBRUIK VAN AFHANKLIKHEIDS- Wet No. 80, 1973.
VORMENDE STOWWE EN REHABILITASIESENTRUMS, 1973.

WET

Tot wysiging van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, om 'n rehabilitasiesentrum te omskryf; om sekere tekstuele veranderinge in artikels 2, 8 en 17 van bedoelde Wet aan te bring; om die opskorting of uitstel van 'n vonnis, of 'n ontslag met 'n waarskuwing of berisping, in sekere gevalle te verbied; om die besit, gebruik, invoer of uitvoer van, of die verrigting van sekere handeling met betrekking tot, afhanklikheidsvormende medisyne of sekere plante vir navorsingsdoeleindes te magtig; om die bestek van die aangeleentheidde waaroor die Nasionale Adviserende Raad oor Rehabilitasie-aangeleentheidde die Minister van advies kan dien, uit te brei; om vir die aanstelling van 'n Adjunktdirekteur van Rehabilitasiedienste voorsiening te maak en om sy bevoegdheid en pligte te bepaal; en om die bepalings van bedoelde Wet met betrekking tot die oorpasing van persone van gevangnisse na rehabilitasiesentrums, te wysig; en om vir bykomstige aangeleentheidde voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1973.)

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

1. Artikel 1 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:

„rehabilitasiesentrum’ 'n rehabilitasiesentrum wat kragtens artikel 18 gestig is of geag word aldus gestig te gewees het;”.
2. Artikel 2 van die Hoofwet word hierby gewysig—

(a) deur in die Engelse teks paragraaf (ii) deur die volgende paragraaf te vervang:

„(ii) in the case of a second or subsequent conviction for a contravention of any provision referred to in paragraph (i), to imprisonment for a period of not less than ten years, but not exceeding twenty-five years;” en

(b) deur paragraaf (iv) deur die volgende paragraaf te vervang:

„(iv) in die geval van 'n tweede of latere skuldigbevinding aan 'n oortreding van 'n bepaling in paragraaf (iii) bedoel, met gevangenisstraf vir 'n tydperk van minstens vyf jaar, maar hoogstens vyftien jaar.”.
3. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

Invoeging van artikel 2A in Wet 41 van 1971.

Act No. 80, 1973.

ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
REHABILITATION CENTRES AMENDMENT ACT, 1973.

"Suspend-
sion or
postpone-
ment of
sentence,
or discharge
with caution
or re-
primand,
prohibited
in certain
cases.

2A. (1) Notwithstanding anything to the contrary in any law contained, no person shall on conviction for a contravention of a provision of section 2 (a) or (c) be dealt with under section 352 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or the corresponding provision of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory, if such person was at the time of the commission of that contravention eighteen years of age or older.

(2) The provisions of subsection (1) shall apply in respect of any person who is convicted of a contravention of a provision referred to in subsection (1) on or after the date of commencement of the Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1973, irrespective of whether or not the contravention in question was committed before such date."

Insertion of
section 4A in
Act 41 of 1971.

4. The following section is hereby inserted in the principal Act after section 4:

"Minister
may
authorize
possession,
use, import
or export
of, or
performance
of certain
acts relating
to, depen-
dence-
producing
drugs or
certain
plants for
purposes of
research.

4A. (1) Notwithstanding anything to the contrary in this Act or any other law contained, the Minister of Social Welfare and Pensions (in this section referred to as the Minister) may, after consultation with the Board and the South African Medical Research Council established by section 2 of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), and if he deems it in the public interest, authorize any person in writing to possess, use, import or export any dependence-producing drug specified in such authority, or any plant so specified from which any dependence-producing drug can be manufactured, for the purposes of research so specified, or to perform for such purposes any act so specified, in relation to such drug or plant, at such place, during such period, on such conditions and in such circumstances as may be so specified.

(2) No person shall be convicted for a contravention of any provision of section 2 if he proves that the act alleged against him in the charge was authorized by and was performed in accordance with the terms of an authority issued to him under subsection (1).

(3) The Minister may at any time by notice under his hand, sent by registered post to the person concerned, withdraw any authority issued to such person under subsection (1) and may in such notice direct that person to deal with or dispose of any dependence-producing drug or plant from which such drug can be manufactured and which is in the possession or under the control of such person, in the manner specified in such notice.

(4) Any person who fails to comply with a notice referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment."

Amendment of
section 8 of
Act 41 of 1971.

5. Section 8 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

WYSIGINGSWET OP DIE MISBRUIK VAN AFHANKLIKHEIDS- Wet No. 80, 1973.
VORMENDE STOWWE EN REHABILITASIESENTRUMS, 1973.

„Op-
skor-
ting
of
uitstel van
vonnis, of
ontslag met
waarsku-
wing of
berisping,
in sekere
gevalle
verbied.

2A. (1) Ondanks andersluidende wetsbepalings word daar met geen persoon by skuldigbevinding aan 'n oortreding van 'n bepaling van artikel 2 (a) of (c) kragtens artikel 352 van die Strafproseswet, 1955 (Wet No. 56 van 1955), of die ooreenstemmende bepaling van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van die gebied, gehandel nie, indien bedoelde persoon tydens die pleging van daardie oortreding agtien jaar oud of ouer was.

(2) Die bepaling van subartikel (1) geld ten opsigte van enigiemand wat op of na die datum van inwerkingtreding van die Wysigingswet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1973, aan 'n oortreding van 'n bepaling in subartikel (1) vermeld, skuldig bevind word, ongeag of die betrokke oortreding voor bedoelde datum gepleeg is of nie.”.

4. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

„Minister
kan besit,
gebruik,
invoer of
uitvoer van,
of ver-
rigting van
sekere
handelinge
met be-
trekking
tot, af-
hanklik-
heids-
vormende
medisyne of
sekere
plante vir
doeleindes
van navor-
sing magtig.

4A. (1) Ondanks andersluidende bepaling van hierdie Wet of van 'n ander wet kan die Minister van Volkswelsyn en Pensioene (in hierdie artikel die Minister genoem), na oorlegpleging met die Raad en die Suid-Afrikaanse Mediese Navorsingsraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), en indien hy dit in die openbare belang ag, enige persoon skriftelik magtig om, vir die doeleindes van navorsing in sodanige magtiging bepaal, enige afhanklikheidsvormende medisyne aldus bepaal, of enige plant aldus bepaal waaruit enige afhanklikheidsvormende medisyne vervaardig kan word, te besit, te gebruik, in te voer of uit te voer of om vir sodanige doeleindes enige handeling aldus bepaal met betrekking tot sodanige medisyne of plant te verrig op die plek, gedurende die tydperk, op die voorwaardes en in die omstandighede wat aldus bepaal word.

(2) Niemand word aan 'n oortreding van 'n bepaling van artikel 2 skuldig bevind nie indien hy bewys dat die daad wat hom in die klagskrif ten laste gelê is, gemagtig is deur en verrig is ooreenkomstig die bepaling van 'n magtiging kragtens subartikel (1) aan hom uitgereik.

(3) Die Minister kan te eniger tyd by 'n deur hom ondertekende kennisgewing, per aangetekende pos aan die betrokke persoon gestuur, 'n magtiging kragtens subartikel (1) aan sodanige persoon uitgereik, intrek en kan in sodanige kennisgewing sodanige persoon gelas om met enige afhanklikheidsvormende medisyne of plant waaruit sodanige medisyne vervaardig kan word en wat in die besit of onder die beheer van sodanige persoon is, te handel of daarvoor te beskik op die wyse in sodanige kennisgewing bepaal.

(4) Iemand wat versuim om aan 'n kennisgewing vermeld in subartikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.”.

5. Artikel 8 van die Hoofwet word hierby gewysig deur para- graaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

Invoeging van
artikel 4A in
Wet 41 van 1971.

Wysiging van
artikel 8 van
Wet 41 van 1971.

Act No. 80, 1973.

ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND REHABILITATION CENTRES AMENDMENT ACT, 1973.

“(d) if it is a second or subsequent conviction under section 2 (a) or (c), any money found in the possession of the convicted person or which the court is satisfied is standing to his credit in any account with any banking institution, building society or financial institution as defined, respectively, in the Banks Act, 1965 (Act No. 23 of 1965), the Building Societies Act, 1965 (Act No. 24 of 1965), or the Financial Institutions (Investment of Funds) Act, 1964 (Act No. 56 of 1964), or which is standing to his credit in any other savings account established by law.”.

Amendment of section 17 of Act 41 of 1971.

6. Section 17 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) shall advise the Minister in regard to any matter affecting the abuse of dependence-producing substances which the Minister may refer to it for its advice and may advise the Minister in regard to any matter upon which the Board considers it necessary to advise the Minister;” and

(b) by the substitution for paragraph (c) of the following paragraph:

“(c) may plan and recommend to the Minister any research relating to dependence-producing substances or the abuse thereof and may give guidance to other bodies conducting such research;”.

Amendment of section 21 of Act 41 of 1971.

7. Section 21 of the principal Act is hereby amended by the substitution for subsections (3) and (4) of the following subsections, respectively:

“(3) The Director may, after consideration of such application and such other information as he may obtain, and if he is satisfied that such institution or place is so managed and conducted or will probably be so managed and conducted that the reception, maintenance, treatment and training of persons referred to in section 29 (1) and the powers conferred by or in terms of this Act upon the management of a registered rehabilitation centre, may properly be entrusted to or conferred upon the management of that institution or place and that the institution or place complies with the prescribed requirements, in his discretion grant the application on such conditions as he may deem fit and issue a registration certificate specifying those conditions to the applicant in the prescribed form.

(4) If the Director is after consideration of such application not so satisfied, he shall refuse the application or, if he is satisfied that such institution or place is managed or conducted or will probably be managed or conducted as contemplated in subsection (3), but that such institution or place does not comply with the prescribed requirements, the Director may on such conditions as he may deem fit, authorize the applicant to manage such institution or place for such period, but not exceeding eighteen months, as the Director may determine and may issue to the applicant a temporary registration certificate, specifying those conditions, in the prescribed form for the period so determined and may after expiration of the said period, or after notice by the applicant in the prescribed manner that the conditions so specified have been complied with, whichever may occur earlier, reconsider the application.”.

WYSIGINGSWET OP DIE MISBRUIK VAN AFHANKLIKHEIDS- Wet No. 80, 1973.
VORMENDE STOWWE EN REHABILITASIESENTRUMS, 1973.

„(d) indien dit 'n tweede of latere skuldigebevinding ingevolge artikel 2 (a) of (c) is, enige geld wat in die besit van die veroordeelde gevind word of na die hof oortuig is tot sy kredit staan in 'n rekening by 'n bankinstelling, bouvereniging of finansiële instelling soos onderskeidelik in die Bankwet, 1965 (Wet No. 23 van 1965), die Bouverenigingswet, 1965 (Wet No. 24 van 1965), of die Wet op Finansiële Instellings (Belegging van Fondse), 1964 (Wet No. 56 van 1964), omskryf of wat tot sy kredit in 'n ander by wet ingestelde spaarrekening staan.”

6. Artikel 17 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 17 van
Wet 41 van 1971.

(a) deur in die Engelse teks paragraaf (a) deur die volgende paragraaf te vervang:

„(a) shall advise the Minister in regard to any matter affecting the abuse of dependence-producing substances which the Minister may refer to it for its advice and may advise the Minister in regard to any matter upon which the Board considers it necessary to advise the Minister;” en

(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) kan navorsing met betrekking tot afhanklikheidsvormende stowwe of die misbruik daarvan beplan en by die Minister aanbeveel en aan ander liggame wat sodanige navorsing doen, leiding gee;”.

7. Artikel 21 van die Hoofwet word hierby gewysig deur subartikels (3) en (4) deur onderskeidelik die volgende subartikels te vervang:

Wysiging van
artikel 21 van
Wet 41 van 1971.

„(3) Die Direkteur kan na oorweging van so 'n aansoek en die ander inligting wat hy mag inwin en indien hy oortuig is dat dié inrigting of woonplek so bestuur en gedryf word of waarskynlik so bestuur en gedryf sal word dat die opname, onderhoud, behandeling en opleiding van persone in artikel 29 (1) bedoel en die bevoegdhede wat by of ingevolge hierdie Wet aan die bestuur van 'n geregistreerde rehabilitasiesentrum verleen word, gevoeglik aan die bestuur van dié inrigting of woonplek toevertrou of verleen kan word en dat die inrigting of woonplek aan die voorgeskrewe vereistes voldoen, na goeddunke die aansoek toestaan op die voorwaardes wat hy goedvind en 'n registrasiesertifikaat waarin daardie voorwaardes vermeld word aan die aansoeker in die voorgeskrewe vorm uitreik.

(4) Indien die Direkteur na oorweging van sodanige aansoek nie aldus oortuig is nie, wys hy die aansoek van die hand of, indien hy oortuig is dat dié inrigting of woonplek bestuur of gedryf word of waarskynlik bestuur of gedryf sal word soos in subartikel (3) beoog, maar dat die inrigting of woonplek nie aan die voorgeskrewe vereistes voldoen nie, kan die Direkteur op die voorwaardes wat hy goedvind, aan die aansoeker magtiging verleen om dié inrigting of woonplek te bestuur vir dié tydperk, maar hoogstens agtien maande, wat die Direkteur bepaal en 'n tydelike registrasiesertifikaat waarin daardie voorwaardes vermeld word aan die aansoeker in die voorgeskrewe vorm vir die aldus bepaalde tydperk uitreik en kan na verloop van dié tydperk, of na kennisgewing deur die aansoeker op die voorgeskrewe wyse dat aan die aldus vermelde voorwaardes voldoen is, watter ook al die eerste geskied, die aansoek heroorweeg.”.

Act No. 80, 1973.**ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND REHABILITATION CENTRES AMENDMENT ACT, 1973.**

Amendment of section 26 of Act 41 of 1971.

8. Section 26 of the principal Act is hereby amended by the addition of the following subsection:**“(3) Subject to the laws governing the public service, the Minister may appoint a Deputy Director of Rehabilitation Services, who—****(a) shall have the same powers and duties as the Director has under this Act, except those specified by the Minister or the Director; and****(b) in the absence of the Director, shall be deemed to be a member of the Board and shall act generally in the place of the Director, unless the Minister otherwise directs.”.**

Amendment of section 36 of Act 41 of 1971.

9. Section 36 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:**“(2) No person serving a sentence of imprisonment for a period exceeding six months shall be transferred to a rehabilitation centre in terms of subsection (1) if the period between the date contemplated for his transfer and the latest date until which he could, but for the transfer, have been detained in prison is less than six months.”.**

Short title.

10. This Act shall be called the Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1973.

WYSIGINGSWET OP DIE MISBRUIK VAN AFHANKLIKHEIDS- Wet No. 80, 1973.
VORMENDE STOWWE EN REHABILITASIESENTRUMS, 1973.

8. Artikel 26 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van
artikel 26 van
Wet 41 van 1971.

„(3) Behoudens die wetsbepalings op die Staatsdiens, kan die Minister 'n Adjunk-direkteur van Rehabilitasiedienste aanstel, wat—

- (a) dieselfde bevoegdhede en pligte het as wat die Direkteur kragtens hierdie Wet het, behalwe dié wat deur die Minister of die Direkteur bepaal word; en
- (b) in die afwesigheid van die Direkteur, geag word 'n lid van die Raad te wees en in die algemeen in die plek van die Direkteur optree, tensy die Minister anders gelas.”.

9. Artikel 36 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van
artikel 36 van
Wet 41 van 1971.

„(2) Niemand wat 'n vonnis van gevangenisstraf vir 'n tydperk van meer as ses maande uitdien, word ingevolge subartikel (1) na 'n rehabilitasiesentrum oorgeplaas nie as die tydperk tussen die datum wat vir sy oorplasing beoog word, en die laatste datum tot wanneer hy in die gevangenis aangehou sou kon gewees het, as die oorplasing nie plaasgevind het nie, minder as ses maande is.”.

10. Hierdie Wet heet die Wysigingswet op die Misbruik van Kort titel. Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1973.