

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
CORRECTIONAL SERVICES
AMENDMENT BILL**

[B 32B—2007]

*(As agreed to by the Portfolio Committee on Correctional Services
(National Assembly))*

[B 32C—2007]

ISBN 978-1-77037-189-7

No. of copies printed 800

AMENDMENTS AGREED TO

CORRECTIONAL SERVICES AMENDMENT BILL
[B 32B—2007]

CLAUSE 1

1. On page 2, from line 13, to omit paragraph *(b)*.
2. On page 3 , from line 31, to omit paragraph *(h)* and to substitute the following:

“*(h)* by the substitution for the definition of “**disability**” of the following definition:
 “**disability** means a physical, mental, intellectual or sensory impairment which prevents a person having such an impairment from operating in an environment developed for persons without such an impairment;”
3. On page 3, in line 39, after “[**Prison**]”, to insert “the”.
4. On page 3, after line 52, to insert the following paragraph:

“*(m)* by the insertion after the definition of “**management area**” of the following definition:
 “**mechanical restraints**” means a device which limits or prevents freedom of physical movement”.
5. On page 4, from line 6, to omit paragraph *(t)*.
6. On page 4, in line 11, to omit “sentenced prisoners” and to substitute “**sentenced prisoner**”.
7. On page 4, in line 13, to omit “offenders” and to substitute “offender”.

CLAUSE 4

1. Clause rejected.

CLAUSE 5

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 5 of Act 111 of 1998, as amended by section 4 of Act 32 of 2001

4. Section 5 of the principal Act is hereby amended—
 (a) by the substitution in subsection (1) for paragraphs *(a)*, *(b)* and *(c)* of the following paragraphs, respectively:
 “*(a)* the detention and treatment of [**prisoners**] inmates;
 (b) particular purposes in relation to [**prisoners**] inmates;
 or

- (c) particular categories of **[prisoners]** inmates.”.
- (b) by the substitution in subsection (2) for paragraph (b) of the following paragraph:
 “(b) If there is no **[prison]** correctional centre in a district **[a prisoner]** an inmate may be detained in a police cell but not for a period longer than one month unless a longer period is authorised by the National Commissioner.”.

CLAUSE 6

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 6 of Act 111 of 1998, as amended by section 5 of Act 32 of 2001

- 5.** Section 6 of the principal Act is hereby amended—
- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 ‘On admission, **[a prisoner]** an inmate must be informed promptly of his or her right to—’
- (b) by the substitution in subsection (4) for paragraphs (a) and (b), respectively, of the following paragraphs:
 “(a) On admission **[a prisoner]** an inmate must be provided with written information in a language which he or she understands about the rules governing the treatment of the **[prisoners]** inmates in his or her category, the disciplinary requirements, the authorised channels of communication for complaints and requests and all such other matters as are necessary to enable him or her to understand his or her rights and obligations.
 (b) If **[a prisoner]** an inmate is illiterate, a correctional official must explain this written information to the **[prisoner]** inmate if necessary through an interpreter.”.

CLAUSE 7

1. On page 5, in line 11, after “The”, to insert “National”.
2. On page 5, in line 13, after “The”, to insert “National”.

CLAUSE 8

1. Clause rejected.

NEW CLAUSE

1. That the following be the new clause:

Amendment of section 8 of Act 111 of 1998

7. Section 8 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The medical officer may order a variation in the prescribed diet for **[a prisoner]** an inmate and the intervals at which the food is served, when such a variation is required for medical reasons.”.

CLAUSE 9

1. Clause rejected.

CLAUSE 10

1. Clause rejected.

CLAUSE 11

1. Clause rejected.

CLAUSE 12

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 12 of Act 111 of 1998, as amended by section 8 of Act 32 of 2001

8. Section 12 of the principal Act is hereby amended by the substitution in subsection (4) for paragraph (c) of the following paragraph:

“(c) Except as provided in paragraph (d), no surgery may be performed on **[a prisoner]** an inmate without his or her informed consent, or, in the case of a minor, **[with]** without the written consent of his or her legal guardian.”.

CLAUSE 13

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Substitution of section 13 of Act 111 of 1998

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

“Contact with community

13. (1) The Department must encourage **[prisoners]** inmates to maintain contact with the community and enable them to stay abreast of current affairs.

(2) The Department must give **[prisoners]** inmates the opportunity, under such supervision as may be necessary, of communicating with and being visited by at least their spouses or partners, next of kin, chosen religious counsellors and chosen medical practitioners.

(3) In all circumstances, a minimum of one hour must be allowed for visits each month.

(4) If **[a prisoner]** an inmate is not able to receive visits from his or her spouse, partner or next of kin, the **[prisoner]** inmate is entitled to be visited by any other person each month.

(5) **[A prisoner]** An inmate who is a foreign national must be allowed to communicate with the appropriate diplomatic or consular representative or, where there is no such representative, with a diplomatic representative of the state or international organisation whose task it is to protect the interests of such **[prisoner]** an inmate.

(6) (a) On admission to a **[prison]** correctional centre and after transfer to another **[prison]** correctional centre, **[a prisoner]** an inmate must notify his or her next of kin that he or she is being detained in a particular **[prison]** correctional centre, and if—

- (i) the next of kin **[are]** is unknown, the **[prisoner]** inmate may notify any other relative;
- (ii) the **[prisoner]** inmate does not wish to notify his or her next of kin, the **[prisoner]** inmate must indicate this to the Head of **[Prison]** the Correctional Centre.

(b) The National Commissioner must ensure that all reasonable steps are taken to enable **[a prisoner]** an inmate to notify his or her next of kin in terms of paragraph (a) and, if necessary, steps must be taken to notify his or her next of kin on his or her behalf.

(c) (i) In the case of **[a prisoner]** an inmate who is a child, the National Commissioner must notify the appropriate state authorities who have statutory responsibility for the education and welfare of children as well as the parents of **[the prisoner]** such child when this is required in terms of paragraph (a).

(ii) If no parent is available, the National Commissioner must notify the legal guardian and if the legal guardian is not available the next of kin or other relative must be notified.

(iii) **[A prisoner]** An inmate who is a child may not refuse to allow notification.

(d) If requested by the spouse, partner or next of kin, the National Commissioner must as soon as practicable, with the written consent of the **[prisoner]** inmate, give particulars of the place where the **[prisoner]** inmate is detained.

(7) (a) The National Commissioner may allow community organisations, non-governmental organisations and religious denominations or organisations to interact with sentenced offenders in order to facilitate the rehabilitation and integration of the offenders into the community.

(b) The organisations or denominations referred to in paragraph (a), must be registered with the Department and members thereof may be screened by the National Commissioner before they can be allowed to interact with sentenced offenders.”.

CLAUSE 14

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 14 of Act 111 of 1998

10. Section 14 of the principal Act is hereby amended by the substitution for subsections (1) and (2), respectively, of the following subsections:

“(1) [A **prisoner**] An inmate must be allowed freedom of conscience, religion, thought, belief and opinion.

(2) [A **prisoner**] An inmate may attend religious services and meetings held in the [**prison**] correctional centre freely and voluntarily and may have in his or her possession religious literature.”.

CLAUSE 15

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 15 of Act 111 of 1998

11. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Where [a **prisoner**] an inmate dies and a medical practitioner cannot certify that the death was due to natural causes, the Head of [**Prison**] the Correctional Centre must in terms of section 2 of the Inquests Act, 1959 (Act No. 58 of 1959), report such death.”.

CLAUSE 17

1. On page 6, in line 44, after “[**Prison**]”, to insert “the”.

CLAUSE 18

1. Clause rejected.

CLAUSE 19

1. Clause rejected.

CLAUSE 21

1. Clause rejected.

NEW CLAUSE

1. That the following be the new clause:

Amendment of section 21 of Act 111 of 1998, as amended by section 11 of Act 32 of 2001

14. Section 21 of the principal Act is hereby amended by the substitution for subsections (3),(4), and (5), respectively, of the following subsections:

“(3) If **[a prisoner]** an inmate is not satisfied with the response to his or her complaint or request, the **[prisoner]** inmate may indicate this together with the reasons for the dissatisfaction to the Head of **[Prison]** the Correctional Centre, who must refer the matter to the **[Area Manager]** National Commissioner.

(4) The response of the **[Area Manager]** National Commissioner must be conveyed to the **[prisoner]** inmate.

(5) If not satisfied with the response of the **[Area Manager]** National Commissioner, the **[prisoner]** inmate may refer the matter to the **[Independant Prison]** Independent Correctional Centre Visitor, who must deal with it in terms of the procedures laid down in section 93.”.

CLAUSE 22

1. Clause rejected.

NEW CLAUSE

1. That the following be the new clause:

Amendment of section 22 of Act 111 of 1998

15. Section 22 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) In case of any conviction in a court of law for an offence committed by a person whilst **[a prisoner]** an inmate, the Department, on the strength of such conviction, may without any further inquiry take disciplinary action in terms of this Act.”.

CLAUSE 23

1. Clause rejected.

NEW CLAUSE

1. That the following be the new clause:

Amendment of section 23 of Act 111 of 1998

- 16.** Section 23 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
“**[A prisoner]** An inmate commits a disciplinary infringement if he or she—”
 - (b) by the substitution for subsection (2) of the following subsection:
“(2) **[A prisoner]** An inmate who assists, conspires with or incites another person to contravene a provision of subsection (1) commits a disciplinary infringement.”.

CLAUSE 24

1. On page 7, from line 39, to omit paragraph (a).
2. On page 7, in line 43, after “**[Prison]**”, to insert “the”.
3. On page 7, after line 45, to insert the following paragraph:
 - (b) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:
“At a hearing before a disciplinary official **[a prisoner]** an inmate—”.
4. On page 8, from line 5, after “**[solitary confinement]**”, to omit “detention in a single cell” and to substitute “a penalty contemplated in subsection 5(d)”.

CLAUSE 26

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 26 of Act 111 of 1998, as amended by section 13 of Act 32 of 2001

- 19.** Section 26 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:
“(a) search the person of **[a prisoner]** an inmate, his or her property and the place where he or she is in custody and seize any object or substance which may pose a threat to the security of the **[prison]** correctional centre or of any person, or which could be used as evidence in a criminal trial or disciplinary proceedings;”.

CLAUSE 27

1. On page 8, after line 17, to insert the following paragraphs:
 - (a) by the substitution for subsection (1) of the following subsection:

“(1) The person of **[a prisoner]** an inmate may be searched by a manual search, or search by technical means, of the clothed body.”.
 - (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“Upon reasonable grounds, the person of **[a prisoner]** an inmate may be searched in the following ways:”.
 - (c) by the substitution in subsection (2) for paragraphs (d) and (e) of the following paragraphs:

“(d) a search by the use of an X-ray machine or technical device, by a qualified technician, if there are reasonable grounds for believing that **[a prisoner]** an inmate has swallowed or excreted any object or substance that may be needed as an exhibit in a hearing or may pose a danger to himself or herself or to correctional officials or to the security of the **[prison]** correctional centre; and

(e) by detaining **[a prisoner]** an inmate for the recovery by the normal excretory process of an object that may pose a danger to that **[prisoner]** inmate, to any correctional official, to any other person or to the security of the **[prison]** correctional centre.”.
 - (d) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“A search of the person of **[a prisoner]** an inmate contemplated in subsection (2) is subject to the following restrictions:”.
2. On page 8, in line 25, to omit “; and” and to substitute “.”.
3. On page 8, from line 26, to omit paragraph (b).

CLAUSE 28

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 28 of Act 111 of 1998, as amended by section 15 of Act 32 of 2001

- 21.** Section 28 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“To ensure safe custody the following steps may be taken to identify **[a prisoner]** an inmate:”.
 - (b) by the substitution for subsection (3) of the following subsection:

“(3) If as a result of ascertaining the age of **[a prisoner]** an inmate in terms of subsection (1)(e) or for any other reason it appears to the Head of **[Prison]** the Correctional Centre that the court’s determination of the age of the said **[prisoner]** inmate is incorrect, the Head of **[Prison]** the

Correctional Centre may remit the case to the court concerned for a reappraisal of the **[prisoner's]** inmate's age.”.

CLAUSE 30

1. On page 8, after line 41, to insert the following paragraph:
 - (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Segregation of **[a prisoner]** an inmate for a period of time, which may be for part of or the whole day and which may include detention in a single cell, other than normal accommodation in a single cell as contemplated in section 7 (2) (e), is permissible—”.
2. On page 8, from line 42, to omit “paragraph (b) of the following paragraph” and to substitute “paragraphs (a), (b), (d) and (e) of the following paragraphs, respectively”.
3. On page 8, after line 43, to insert:

“(a) upon the written request of **[a prisoner]** an inmate;”.
4. On page 8, in line 46, to omit “. ”.
5. On page 8, after line 46, to insert:
 - (d) when **[a prisoner]** an inmate displays violence or is threatened with violence;
 - (e) if **[a prisoner]** an inmate has been recaptured after escape and there is a reasonable suspicion that such **[prisoner]** inmate will again escape or attempt to escape; and”.
6. On page 8, from line 47, to omit paragraph (b) and to substitute the following paragraphs:
 - (c) by the substitution in subsection (2) (a) for the words preceding subparagraph (i) of the following words:

“**[A prisoner]** An inmate who is segregated in terms of subsection (1) (b) to (f)—”
 - (d) by the substitution for subsection (7) of the following subsection:

“(7) **[A prisoner]** An inmate who is subjected to segregation may refer the matter to the Inspecting Judge who must decide thereon within 72 hours after receipt thereof.”.

CLAUSE 31

1. On page 9, after line 3, to insert the following:
 - (a) by the substitution for subsection (1) of the following subsection:

“(1) If it is necessary for the safety of **[a prisoner]** an inmate or any other person, or the prevention of damage to any property, or if a reasonable suspicion exists that **[a prisoner]** an inmate may escape, or if requested by a court, a correctional official may restrain **[a prisoner]** an inmate by mechanical restraints as prescribed by regulation.”.

2. On page 9, from line 20, to omit paragraph (e) and to substitute the following:
 - (f) by the substitution for subsections (5) and (7) of the following subsections:
 - “(5) **[A prisoner]** An inmate who is subjected to such restraints may appeal against the decision to the Inspecting Judge who must decide thereon within 72 hours after receipt thereof.
 - (7) Mechanical restraints in addition to handcuffs or leg-irons may only be used on **[prisoners]** inmates when outside their cells.”.

CLAUSE 32

1. On page 9, in line 28, to omit “minimum” and to substitute” minimum”.

CLAUSE 35

1. On page 10, in line 13, to omit “[**sentenced prisoner**]” and to substitute “sentenced **[prisoner]**”.
2. On page 10, in line 15, after “furnish” to insert “sentenced”.
3. On page 10, in line 23, to omit “inmates” and to substitute “sentenced offenders”.
4. On page 10, in line 24, after “programmes”, to insert “for sentenced offenders”.
5. On page 10, in line 28, to omit “inmates” and to substitute “sentenced offenders”.
6. On page 10, after line 30, to insert the following paragraph:
 - (c) by the substitution for subsection (4) of the following subsection:
 - “(4) In addition to the general purpose stated in section 22, the disciplinary system for sentenced **[prisoners]** offenders shall have the particular aim of promoting self-respect and responsibility on the part of **[the prisoner]** such offenders.”.

CLAUSE 36

1. On page 10, in line 36, to omit “sentenced offender” and to substitute “offender”.

CLAUSE 37

1. On page 11, from line 8, to omit “by the substitution in subsection (6) for paragraph (a) of the following paragraph” and to substitute “—”.

2. On page 11, after line 9, to insert the following paragraphs:
 - (a) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) In the case of the imposition of more than one period of **[imprisonment]** incarceration, the non-parole period or periods, fixed by the court must be served consecutively before a **[prisoner]** sentenced offender becomes eligible for parole.”.
 - (b) by the substitution for subsection (3) of the following subsection:

“(3) The date of expiry of any sentence of **[imprisonment]** incarceration being served by a **[prisoner]** sentenced offender who escapes from lawful custody extradited in terms of the Extradition Act, 1962 (Act No. 67 of 1962), and returns to the Republic or who is unlawfully discharged is postponed by the period by which such sentence was interrupted.”.
 - (c) by the substitution in subsection (5) for paragraphs (d), (e) and (f) of the following paragraphs, respectively:

“(d) If a person sentenced to correctional supervision or **[parolee]** a person under community corrections is sentenced to periodical imprisonment, the sentence of periodical imprisonment and the correctional supervision or parole, as the case may be, must be served simultaneously, unless the court directs otherwise.

(e) If a person sentenced to correctional supervision or **[parolee]** a person under community corrections is served with a warrant of detention for contempt of court, the correctional supervision or parole, as the case may be, must be postponed for the period specified in the warrant of detention.

(f) If a **[parolee]** person under community corrections is sentenced to imprisonment for an offence committed before the commencement of the parole, the parole must be regarded as cancelled and the matter be referred to the Correctional Supervision and Parole Board concerned for consideration.”.
 - (d) by the substitution in subsection (6) for paragraph (a) of the following paragraph:”.

CLAUSE 38

1. On page 11, from line 21, after “providing” to omit “the offender” and to substitute “such offenders”.

CLAUSE 39

1. On page 11, in line 48, after “**Act**”, to insert “**111 of**”.
2. On page 12, in line 4, to omit “must” and to substitute “**[may]** must”.

CLAUSE 40

1. On page 12, in line 31, to omit “**[sentenced prisoner]**” and to substitute “sentenced [prisoner]”.
2. On page 12, in line 35, to omit “twelve” and to substitute “**[twelve]** 24”.
3. On page 12, in line 36, to omit “sentenced”.

4. On page 12, in line 48, to omit “sentenced”.
5. On page 12, from line 51, to omit “sentenced”.
6. On page 12, in line 57, to omit “the **[prisoner]**” and to substitute “[**the prisoner**]”.
7. On page 12, in line 58, to omit “sentenced” and to substitute “such an”.
8. On page 13, in line 1, to omit “the **[prisoner]** sentenced” and to substitute and “[**the prisoner**] such an”.
9. On page 13, from line 3, to omit “the **[prisoner]** sentenced” and to substitute “[**the prisoner**] such an”.
10. On page 13, in line 9, to omit “sentenced” and to substitute “an”.
11. On page 13, in line 25, to omit “Commission” and to substitute “Commissioner”.

CLAUSE 41

1. On page 13, in line 30, to omit “and (3)” and to substitute “, (3) and (4)”.
2. On page 13 in line 30, to omit “subsection” and to substitute “subsections”.
3. On page 13, in line 39, to omit “a sentenced” and to substitute “an”.
4. On page 13, in line 40, to omit “the **[prisoner]** sentenced” and to substitute “[**the prisoner**] such an”.
5. On page 13, in line 43, before “Correctional Centre”, to insert “the”.
6. On page 13, in line 43, to omit “ ”.
7. On page 13, after line 43, to insert:

“(4) The National Commissioner may, in consultation with the Director-General of the Department of [**Welfare**] Social Development, transfer a [**sentenced child**] a sentenced offender who is a child to a reform school as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983), and from the date of such transfer, the provisions of section 290 of the Criminal Procedure Act will apply.”.

CLAUSE 43

1. On page 14, in line 14, to omit “the **[prisoner]** sentenced” and to substitute “[**the prisoner**] such an”.

CLAUSE 44

1. On page 14, in line 22, to omit “[**prison**] correctional centre clothes” and to substitute “[**prison clothes**] prescribed sentenced offenders’ dress”.

CLAUSE 46

1. On page 14, in line 45, after “centre,”, to insert “[**prisoners**]”.

CLAUSE 48

1. Clause rejected.

CLAUSE 51

1. On page 15, in line 47, to omit “medical officer” and to substitute “correctional medical [officer] practitioner”.

CLAUSE 55

1. On page 16, in line 36, to omit “[**a sentenced prisoner**] a sentenced” and to substitute “a sentenced [**prisoner**]”.
2. On page 17, from line 8, to omit “National Council after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “Minister.”
3. On page 17, in line 15, to omit “sentenced” and to substitute “an”.
4. On page 17, from line 19, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
5. On page 17, from line 28, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
6. On page 17, from line 34, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
7. On page 17, from line 41, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
8. On page 17, from line 51, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
9. On page 17, from line 57, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
10. On page 18, from line 4, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
11. On page 18, from line 15, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.
12. On page 18, from line 28, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.

CLAUSE 56

1. On page 18 from line 40, to omit “(1) The National Council must, in the manner prescribed by regulations made in terms of section 134(1)(kk1), and in consultation with the National Commissioner, determine minimum periods for which offenders must be incarcerated before being considered for placement under community corrections, in this Act referred to as ‘the incarceration framework’ and after having been ratified by the Minister.”, and to substitute the following:

“(1) The National Council must, in consultation with the National Commissioner—

- (a) determine minimum periods for which sentenced offenders must be incarcerated before being considered for placement under community corrections; and
- (b) develop a framework (hereinafter referred to as ‘the incarceration framework’) in terms of which such minimum periods will be determined.”.

2. On page 18, in line 59, to omit “ ”.
3. On page 18, after line 59, to insert the following:

“(4) The incarceration framework must be ratified by the Minister.

(5) If the Minister ratifies the incarceration framework, he or she must submit it to the relevant Parliamentary Committees on Correctional Services for approval.

(6) After the Parliamentary Committees contemplated in subsection (5) have approved the incarceration framework, the Minister must make regulations enacting such framework into law.”.

CLAUSE 58

1. On page 19, in line 30, to omit “the [prisoner] sentenced” and to substitute “[the prisoner] such an”.
2. On page 19, after line 47, to insert the following paragraph:

- (e) by the substitution for subsection (5) of the following subsection:

“(5) If, after the Board has approved a [prisoner] sentenced offender being placed under correctional supervision or be granted day parole or parole, and, prior to the implementation of the decision of the Board, the Case Management Committee reports to the Board that the circumstances of [the prisoner] such an offender have changed to such an extent that it is not advisable to implement the decision, the implementation shall be deferred until the Board authorises it.”.

3. On page 19, in line 60, to omit “ ”; and ”
4. On page 20, from line 1, to omit paragraph (g).

CLAUSE 61

1. On page 20, in line 24, to omit the second “or” and to substitute “[or] and”.

CLAUSE 63

1. On page 21, in line 6, after “[a **prisoner**] a”, to omit “sentenced offender” and substitute “person”.
2. On page 21, from line 13, to omit “after taking into consideration the incarceration framework contemplated in section 73A and after having been ratified by the Minister” and to substitute “in terms of section 73A”.

CLAUSE 64

1. On page 21, in line 20, after “or”, to insert “a”.

CLAUSE 65

1. On page 21, from line 28, to omit “by the substitution in subsection (1) for paragraphs (a) and (b), respectively, of the following paragraphs:” and to substitute “—”.
2. On page 21, after line 29, to insert the following:

“(a) by the substitution in subsection (1) for paragraphs (a) and (b), respectively, of the following paragraphs:”.
3. On page 21, after line 35, to insert:

(b) by the substitution for subsection (2) of the following subsection:

“(2) Nothing in this Act affects the power of the President to pardon or reprieve sentenced offenders.”.

CLAUSE 66

1. On page 21, in line 46, to omit “(i)” and to substitute “(i)”.

CLAUSE 68

1. On page 22, from line 13, to omit “sentenced offenders” and to substitute “inmates”.

CLAUSE 70

1. On page 22, from line 21, to omit “The National Commissioner must, on the recommendation of the Inspecting Judge and in consultation with the Director-General of the department of Public Service and Administration, appoint”, and to substitute the following:

“The Inspecting Judge must identify”.
2. On page 22, in line 27, to omit “of the Department”.
3. On page 22, after line 29, to insert the following:

“(2) The person contemplated in subsection (1) must be appointed by the National Commissioner.”.
4. On page 22, in line 30, to omit “(2)” and to substitute “(3)”.

5. On page 22, in line 30, after “The”, to insert “appointment and other”.
6. On page 22, in line 32, to omit, “(3)” and to substitute “(4)”.
7. On page 22, in line 32, to omit “the work performance” and to substitute “misconduct and incapacity”.

CLAUSE 71

1. On page 22, after line 41, to insert the following:

“(2) The staff component must be established in accordance with the Public Service Act”.
2. On page 22, from line 45, to omit “as may be” and to substitute “when”.
3. On page 22, in line 46, to omit “from time to time”.

CLAUSE 72

1. On page 23, in line 10, to omit “and”. ”
2. On page 23, after line 10, to insert the following paragraph:

(b) by the substitution for subsection (7) of the following subsection:
 “(7) The Inspecting Judge may [**delegate**] assign any of his or her functions to inspectors, except where a hearing is to be conducted by the Inspecting Judge.”.
3. On page 23, in line 11, to omit “subsections (7) and” and to substitute “subsection”.

CLAUSE 73

1. On page 23, from line 22, to omit “Inspector-General for Correctional Services” and to substitute “Inspecting Judge”.
2. On page 23, from line 24, to omit “(3) The [**Inspecting Judge**] Chief Executive Officer may [**at any time, if valid grounds exist,**] suspend or terminate the service of an [**Independant Prison**] Independent Correctional Centre Visitor in terms of a law regulating his or her conditions of employment.”, and to substitute the following:

“(3) The [**Inspecting Judge**] Chief Executive Officer may at any time, if valid grounds exist, suspend or terminate the service of an [**Independant Prison**] Independent Correctional Centre Visitor.”.

CLAUSE 80

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 99 of Act 111 of 1998

80. Section 99 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The National Commissioner may permit any person other than those mentioned in subsections (1) to (4) to visit **[a prisoner]** an inmate, a [prison] correctional centre or any specific section of a [prison] correctional centre for any special or general purpose.”.

CLAUSE 82

1. Clause rejected.

CLAUSE 83

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 106 of Act 111 of 1998

83. Section 83 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (c) of the following paragraph:

“(c) apply approved mechanical means of restraint contemplated in section 31 to a **[prisoner]** sentenced offender detained in [a single cell] segregation for a period not exceeding 30 days;”.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 113 of Act 111 of 1998

84. Section 113 of the principal Act is hereby amended by the substitution for paragraph (e) of the following paragraph:

“(e) incites or induces **[a prisoner]** an inmate to contravene a lawful rule, order, a regulation or a provision of this Act,”.

CLAUSE 84

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 115 of Act 111 of 1998

84. Section 115 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c), respectively, of the following paragraphs:

- “(b) assists [**a prisoner**] an inmate in escaping or attempting to escape from any **prison** or from any place where he or she may be in custody;
- (c) for the purpose of facilitating the escape of any [**prisoner**] inmate, supplies or agrees to supply or assists, incites or induces any other person to supply [**a prisoner**] an inmate with any document, disguise or any other article;”.

CLAUSE 85

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Substitution of section 116 of Act 111 of 1998

85. The following section is hereby substituted for section 116 of the principal Act:

“Unauthorised removal of [prisoner**] inmate from [**prison**] correctional centre**

116. Any person who, without lawful authority, removes [**a prisoner**] an inmate or allows him or her to leave the [**prison**] correctional centre, or place where such [**prisoner**] inmate is in custody, is guilty of an offence and liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding eight years or to imprisonment without the option of a fine or both.”.

CLAUSE 86

1. Clause rejected.

CLAUSE 87

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 118 of Act 111 of 1998

87. Section 118 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) except for the purposes of the execution of official duties, have any pecuniary dealing with [a prisoner] an inmate or with any other person relating to [a prisoner] an inmate; or”.

CLAUSE 88

1. Clause rejected.

CLAUSE 89

1. Clause rejected.

CLAUSE 90

1. Clause rejected.

CLAUSE 91

1. On page 26, after line 36, to insert the following paragraph:

(a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) No person may without the permission of the National Commissioner publish any account of an offence for which [a prisoner] an inmate or person subject to community corrections is serving a sentence.”.

2. On page 27, from line 1, to omit paragraph (b) and to substitute the following:

(c) by the substitution for subsection (7) of the following subsection:

“(7) A Court convicting [a prisoner] an inmate or any other person of an offence in terms of this section may declare any reward or remuneration received by or on behalf of such [prisoner] inmate or person, forfeit to the State.”.

CLAUSE 92

1. On page 27, in line 6, before “offender”, to insert “sentenced”.

CLAUSE 94

1. On page 27, from line 25, to omit paragraph (a).
2. On page 27, from line 33, to omit paragraphs (c) to (g).

3. On page 27, from line 50, to omit paragraph (i).
4. On page 27, from line 53, to omit paragraph (j) and to substitute the following:
 - “(j) by the substitution in subsection (2) for paragraphs (m) and (n), respectively, of the following paragraphs:
 - “(m) the recording of identification particulars of **[a prisoner] an inmate**;
 - (n) the taking of the fingerprints and photographs of **[a prisoner] an inmate** for identification purposes;”.
5. On page 28, from line 1, to omit paragraphs (k) and (l).
6. On page 28, from line 9, to omit paragraph (n).

CLAUSE 95

1. On page 28, in line 19, to omit “—”.
2. On page 28, from line 20, to omit paragraphs (a) and (b).
3. On page 28, in line 24, to omit “(c)”.

CLAUSE 97

1. On page 28, from line 38, to omit “by the substitution for the words specified in Column 1, wherever they occur, of the words specified opposite thereto in Column 2” and to substitute “—”.
2. On page 28, after line 39, to insert the following:
 - “(a) by the substitution for the words specified in Column 1, wherever they occur, of the words specified opposite thereto in Column 2.”.
3. On page 28, in line 41 (Column 2), to omit “Area” and to substitute “National”.
4. On page 28, in line 44 (Column 2), after “of”, to insert “the”.
5. On page 28, in line 48, to omit “Inspecting Judge” and “Inspector-General for Correctional Services”.
6. On page 28, in line 51, to omit “Judicial Inspectorate” and “Office of the Inspector-General for Correctional Services”.
7. On page 29, after line 6, to insert the following paragraph:
 - “(b) by the substitution for the words specified in Column 1, wherever they occur in the sections specified in Column 2, of the words specified in Column 3.

Column 1	Column 2	Column 3
“prisoner or prisoners”	Sections 4 to 24, 26 to 34, 99, 101, 115 to 123, 134(1)(a), (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o), (Oa) (Ob), (r), (s), (2)(a), (b), (j), (k), (w) and (y),	“inmate or inmates”
“prisoner or prisoners”	Sections 37 to 45, 54, 73, 75, 80, 81, 82, 104, 106, 133, 134(1)(p), (t), (bb), (cc), (ee), (x), and 136(2) and (3).	“sentenced offender or sentenced offenders”

CLAUSE 98

1. On page 29, in line 8, to omit “2007” and to substitute “2008”.
2. On page 29, in line 13, to omit “134(1)(*kkI*)” and to substitute “73A(6)”.
3. On page 29, from line 13, to omit “, approved by the relevant Parliamentary Committees on Correctional Services”.

Printed by Creda Communications

ISBN 978-1-77037-189-7