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THE PRESIDENCY

No. 323

1 June 2021

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

Act No. 7 of 2021: Correctional Services Amendment Act, 2021

DIE PRESIDENSIE

No. 323

1 Junie 2021

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

Wet No. 7 van 2021: Wysigingswet op Korrektiewe Dienste, 2021

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 26 May 2021)

ACT

To amend the Correctional Services Act, 1998, so as to amend a certain definition; to insert, delete and amend certain provisions related to parole of offenders; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 111 of 1998, as amended by section 1 of Act 32 of 2001, section 1 of Act 25 of 2008 and section 1 of Act 5 of 2011

1. Section 1 of the Correctional Services Act, 1998 (Act No. 111 of 1998) (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “Minister” of the following definition:

“ ‘**Minister**’ means the [**Minister of Correctional Services**] Cabinet member responsible for correctional services;”.

Amendment of section 73 of Act 111 of 1998, as amended by section 27 of Act 32 of 2001 and substituted by section 12 of Act 5 of 2011

2. Section 73 of the principal Act is hereby amended—

(a) by the substitution in subsection (6) for paragraph (a) of the following paragraph:

“(a) Subject to the provisions of paragraph (b), a sentenced offender serving a determinate sentence or cumulative sentences of more than 24 months for an offence committed after the commencement of Chapters IV, VI and this Chapter may not be placed on day parole or parole until such sentenced offender has served either the stipulated non-parole period, or if no non-parole period was stipulated, half of the sentence, but day parole or parole must be considered whenever a sentenced offender has served 25 years of a sentence or cumulative sentences.”; and

(b) by the substitution in subsection (6)(b) for subparagraph (iv) of the following subparagraph:

“(iv) life incarceration for an offence committed after the commencement of Chapters IV, VI and this Chapter may not be placed on day parole or parole until he or she has served at least 25 years of the sentence; or”.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan.

_____ Woorde met volstreep daaronder, dui invoegings in bestaande verordeninge aan.

(Engelse teks deur die President
geteken) (Goedgekeur op 26 Mei 2021)

WET

Tot wysiging van die Wet op Korrektiewe Dienste, 1998, ten einde 'n sekere omskrywing te wysig; sekere bepalings rakende parool van oortreders in te voeg, te skrap en te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DIÉ PARLEMENT van die Republiek van Suid-Afrika verorden, soos volg:—

Wysiging van artikel 1 van Wet 111 van 1998, soos gewysig deur artikel 1 van Wet 32 van 2001, artikel 1 van Wet 25 van 2008 en artikel 1 van Wet 5 van 2011

1. Artikel 1 van die Wet op Korrektiewe Dienste, 1998 (Wet No. 111 van 1998) (hierna die Hoofwet genoem), word hierby gewysig deur die omskrywing van “Minister” deur die volgende omskrywing te vervang: 5
“‘**Minister**’ beteken die [**Minister van Korrektiewe Dienste**] Kabinetslid verantwoordelik vir korrektiewe dienste;”.

Wysiging van artikel 73 van Wet 111 van 1998, soos gewysig deur artikel 27 van Wet 32 van 2001 en vervang deur artikel 12 van Wet 5 van 2011 10

2. Artikel 73 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (6) paragraaf (a) deur die volgende paragraaf te vervang: 15
“(a) Behoudens die bepalings van paragraaf (b) mag ’n gevonniste oortreder wat ’n bepaalde vonnis of kumulatiewe vonnisse van meer as 24 maande uitdien vir ’n misdryf wat gepleeg is nadat Hoofstukke IV, VI en hierdie Hoofstuk in werking getree het, nie op dagparool of parool geplaas word nie totdat sodanige gevonniste oortreder óf die vasgestelde nie-parooltydperk, óf indien geen nie-parooltydperk vasgestel was nie, die helfte van die vonnis, uitgedien het, maar dagparool of parool moet oorweeg word wanneer ’n gevonniste oortreder 25 jaar van ’n vonnis of kumulatiewe vonnisse uitgedien het.”; en 20
- (b) deur in subartikel (6)(b) subparagraaf (iv) deur die volgende paragraaf te vervang: 25
“(iv) lewenslange opsluiting vir ’n misdryf wat gepleeg is nadat Hoofstukke IV, VI en hierdie Hoofstuk in werking getree het, mag nie op dagparool of parool geplaas word totdat hy of sy ten minste 25 jaar van die vonnis uitgedien het nie; of”.

Amendment of section 136 of Act 111 of 1998, as amended by section 42 of Act 32 of 2001**3. Section 136 of the principal Act is hereby amended—****(a) by the substitution for subsection (1) of the following subsection:**

“(1) Any person serving a sentence of incarceration **[immediately]** for an offence committed before the commencement of Chapters IV, VI and VII is subject to the provisions of the Correctional Services Act, 1959 (Act No. 8 of 1959), relating to his or her placement under community corrections, and is to be considered for such release and placement by the Correctional Supervision and Parole Board in terms of the policy and guidelines applied by the former Parole Boards prior to the commencement of those Chapters.”; and

(b) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(a) Any sentenced offender serving a sentence of life incarceration **[immediately]** for an offence committed before the commencement of Chapters IV, VI and VII is entitled to be considered for day parole and parole after he or she has served 20 years of the sentence.”.

Short title and commencement

4. This Act is called the Correctional Services Amendment Act, 2021, and comes into operation on a date determined by the President by proclamation in the *Gazette*.