

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 232 OF 2024

by the

President of the Republic of South Africa

**COMMENCEMENT OF THE CORRECTIONAL SERVICES AMENDMENT ACT,
2023 (ACT NO. 14 OF 2023).**

In terms of section 8 of the Correctional Services Amendment Act, 2023 (Act No. 14 of 2023), I hereby determine the **1st of December 2024** as the date on which the said Amendment Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this 25 day of November Two Thousand and Twenty-Four.

PRESIDENT
By order of the President-in-Cabinet


DR PJ GROENEWALD
MINISTER OF CORRECTIONAL SERVICES



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 706

Cape Town
Kaapstad

3 April 2024

No. 50429

THE PRESIDENCY

No. 4596 **3 April 2024**

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

Act No. 14 of 2023: Correctional Services Amendment, Act 2023

DIE PRESIDENSIE

No. 4596 **3 April 2024**

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

Wet No. 14 van 2023: Wysigingswet op Korrektiewe Dienste, 2023

ISSN 1682-5845



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“(7) (a) An inmate who is subjected to segregation must be informed of the right to appeal and may refer the matter to the Inspecting Judge who must decide thereon within 72 hours after receipt thereof.

(b) The Head of the Correctional Centre or the Head of the Remand Detention Facility must, upon request, provide all relevant information relating to the matter contemplated in paragraph (a) to the Inspecting Judge within 24 hours of receiving the request.” 5

Amendment of section 31 of Act 111 of 1998, as amended by section 25 of Act 25 of 2008

3. Section 31 of the principal Act is hereby amended by the substitution for subsection 10 (5) of the following subsection:

“(5) (a) An inmate who is subjected to such restraints must be informed of the right to appeal and may appeal against the decision to the Inspecting Judge who must decide thereon within 72 hours after receipt thereof.

(b) The Head of the Correctional Centre or the Head of the Remand Detention Facility must, upon request, provide all relevant information relating to the matter contemplated in paragraph (a) to the Inspecting Judge within 24 hours of receiving the request.” 15

Amendment of section 88A of Act 111 of 1998

4. Section 88A of the principal Act is hereby amended— 20

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) is responsible for all administrative, financial and clerical functions of the Judicial Inspectorate; and”;

(b) by the deletion in subsection (1) of paragraph (b); 25

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

“(2) The person contemplated in subsection (1) must be appointed by the [National Commissioner] Minister.”;

(d) by the substitution for subsection (3) of the following subsection:

“(3) The appointment, career incidents and other conditions of service, including salary and allowances of the Chief Executive Officer are regulated by the Public Service Act.”; and 30

(e) by the substitution for subsection (4) of the following subsection:

“(4) Any matters relating to misconduct and incapacity of the Chief Executive Officer [must be referred to the National Commissioner by] vests in the Inspecting Judge who shall refer his or her decision to the Minister for implementation.” 35

Substitution of section 91 of Act 111 of 1998

5. The following section is hereby substituted for section 91 of the principal Act:

“**Expenses of Judicial Inspectorate** 40

91. (1) The [Department is responsible for all] expenses [of the Judicial Inspectorate] incurred in connection with—

(a) the exercise of the powers, the carrying out of the duties and the performance of the functions of the Judicial Inspectorate; and 45
(b) the remuneration and other conditions of service of members of the Judicial Inspectorate,

shall be defrayed from monies appropriated by Parliament for this purpose to the departmental vote in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The Chief Executive Officer, in consultation with the Inspecting Judge, shall prepare and provide National Treasury with the necessary estimate of revenue and expenditure of the Judicial Inspectorate. 50

(3) The Chief Executive Officer, as the accounting officer of the Judicial Inspectorate, must, subject to the Public Finance Management Act, 1999, and subsection (2)— 55

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- (a) be charged with the responsibility of accounting for State monies received or paid out for or on account of the Judicial Inspectorate; and
 (b) cause the necessary accounting and other records to be kept.”

Insertion of section 95D in Act 111 of 1998

6. The following section is hereby inserted in the principal Act after section 95C: 5

“Mandatory reporting obligations of Department to Inspecting Judge

95D. (1) The Head of the Correctional Centre or the Head of the Remand Detention Facility, or any official of the Department must immediately, after becoming aware, report all instances and notify the Inspecting Judge of—

- (a) any deaths of inmates in correctional centres in terms of section 15(2);
 (b) segregation and extended segregation of inmates in terms of section 30(6);
 (c) the use of mechanical restraints in terms of section 31(3)(d);
 (d) the use of force in correctional centres and remand detention facilities in terms of section 32(6);
 (e) assault of an inmate by a correctional official;
 (f) assault of a correctional official by an inmate;
 (g) any act constituting torture or cruel, inhuman or degrading treatment or punishment;
 (h) any sexual violations;
 (i) any hunger strikes;
 (j) any attempted suicides;
 (k) any escape of an inmate; and
 (l) matters related to dishonest practices or corrupt activities in correctional centres or remand detention facilities.

(2) The Head of the Correctional Centre or the Head of the Remand Detention Facility, or any official of the Department must within 24 hours after notifying the Inspecting Judge in terms of subsection (1), submit a written report to the Inspecting Judge in the prescribed form and manner on the matters contemplated in subsection (1)(a) to (l).

(3) The Inspecting Judge may investigate or instruct the National Commissioner or request any appropriate authority to investigate any matter contemplated in subsection (1).”

Amendment of Table of Content in Act 111 of 1998

7. The Table of Content after the Preamble to the principal Act is hereby amended by the insertion after “95C. Report of Commissioner” of the following:

“95D. Mandatory reporting obligations of Department to Inspecting Judge”.

Short title and commencement

8. This Act is called the Correctional Services Amendment Act, 2023, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065