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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF CORRECTIONAL SERVICES**

NO. 803

24 JULY 2020

**INVITATION FOR COMMENTS ON THE CORRECTIONAL MATTERS  
AMENDMENT BILL, 2020**

The Department of Justice and Correctional Services call all stakeholders and interested parties to submit their comments on the Correctional Matters Amendment Bill within 30 days from the date of the publication of this notice in the *Government Gazette*. The Bill seeks to amend the Correctional Services Act, 1998 (Act No 111 of 1998) ("principal Act") in order to align the definition of 'Minister' with the amended portfolios as assigned by the President. The Bill further proposes amendments to the principle Act to align it with the Constitution and the Constitutional Court judgment in ***OC Phaahla v Minister of Justice and Correctional Services and Another*** CCT 44/18 [2019] ZACC 18 with regards to the placement of sentenced offenders under day parole, parole and correctional supervision and to provide for the minimum periods to be served before becoming eligible for consideration for such release and placement in terms of the parole regime applicable at the date of commissioning of an offence.

The Correctional Matters Amendment Bill can be downloaded from the Department of Correctional Services Website: [www.dcs.gov.za](http://www.dcs.gov.za). Written comments and inputs can be submitted to:

National Commissioner: Department of Correctional Services

Private Bag X136

PRETORIA

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Email: [jacques.vanwyk@dcs.gov.za](mailto:jacques.vanwyk@dcs.gov.za)

For further enquiries: Mr. Jacques Van Wyk (012) 305 8480

**REPUBLIC OF SOUTH AFRICA**

**CORRECTIONAL MATTERS AMENDMENT BILL**

—————  
*(As introduced in the National Assembly (proposed section 75); explanatory  
summary of Bill published in Government Gazette  
No. 43542 of 24 July 2020)  
(The English text is the official text of the Bill)*  
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**(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)**

**[B —2020]**

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**GENERAL EXPLANATORY NOTE:**

- [            ]        Words in bold type and in square brackets indicate omissions (proposed deletions) from existing enactments.
- \_\_\_\_\_        Words underlined with a solid line indicate insertions in existing enactments.

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**BILL**

**To amend the Correctional Services Act, 1998, so as to amend certain definitions; 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 therefore 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 Service 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 justice and 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 paragraphs (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.”.

(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”

**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 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."

(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 Matters Amendment Act, 2020, and comes into operation on a date determined by the President by Proclamation in the *Gazette*.