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Government Notice

Goewermentskennisgewing

DEPARTMENT OF GOVERNMENTAL AFFAIRS

DEPARTEMENT VAN OWERHEIDSAKE

No. 194 1987 No. 194 1987

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

No. 25 of 1987: Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1987.

No. 25 van 1987: Wysigingswet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1987

Act No. 25, 1987

**ABUSE OF DEPENDENCE-PRODUCING
SUBSTANCES AND REHABILITATION
CENTRES AMENDMENT ACT, 1987**

EXPLANATORY NOTE:

_____ Words underlined with solid line indicate insertions proposed.

[] Words in bold typing in square brackets indicate omissions proposed.

ACT

To amend the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, so as to do away with the obligation to impose imprisonment in respect of convictions of certain offences and, in the place thereof, to provide for a discretion to impose a fine or imprisonment or both; to repeal the provisions which prohibit the suspension or postponement of a sentence or a discharge with a caution or a reprimand; to repeal those provisions which permit in the case of mitigating circumstances the imposition of other sentences in lieu of the prescribed compulsory sentences; and, in view of the withdrawal of the obligation to impose imprisonment, to repeal those provisions which permit, in certain circumstances, the imposition of shorter periods of imprisonment; and to provide for incidental matters.

(Afrikaans text signed by the Administrator-General on
3 November 1987)

BE IT ENACTED by the National Assembly, as follows:-

Amendment of section 2 of Act 41 of 1971, as amended by section 2 of Act 80 of 1973.

1. Section 2 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraphs (i), (ii), (iii) and (iv) of the following paragraphs:

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- “(i) in the case of a first conviction for a contravention of any provision of paragraph (a) or (c), to a fine not exceeding R30 000 or to imprisonment for a period [of not less than five years, but] not exceeding [fifteen] 15 years or to both such fine and such imprisonment;
- (ii) in the case of a second or subsequent conviction for a contravention of any provision referred to in paragraph (i), to a fine not exceeding R50 000 or to imprisonment for a period [of not less than ten years, but] not exceeding [twenty-five] 25 years or to both such fine and such imprisonment;
- (iii) in the case of a first conviction for a contravention of any provision referred to in paragraph (b) or (d), to a fine not exceeding R20 000 or to imprisonment for a period [of not less than two years, but] not exceeding [ten] 10 years or to both such fine and such imprisonment;
- (iv) in the case of a second or subsequent conviction for a contravention of any provision referred to in paragraph (iii), to a fine not exceeding R30 000 or to imprisonment for a period [of not less than five years, but] not exceeding [fifteen] 15 years or to both such fine and such imprisonment.”.

Repeal of section 2A of Act 41 of 1971, as inserted by section 3 of Act 80 of 1973.

2. Section 2A of the principal Act is hereby repealed.

Amendment of section 3 of Act 41 of 1971.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraphs (i) and (ii) of the following paragraphs:

- “(i) in the case of a conviction for a contravention of any provision of paragraph (a), to a fine not exceeding R20 000 or to imprisonment for a period not exceeding [ten] 10 years or to both such fine and such imprisonment;
- (ii) in the case of a conviction for a contravention of any provision of paragraph (b), to a fine not ex-

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ceeding R10 000 or to imprisonment for a period not exceeding [five] 5 years or to both such fine and such imprisonment."

Amendment of section 6
of Act 41 of 1971.

4. Section 6 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any person who fails to comply with the provisions of subsection (1), shall be guilty of an offence and liable on conviction -

(a) in the case of a first conviction, to a fine not exceeding R30 000 or to imprisonment for a period [of not less than five years, but] not exceeding [fifteen] 15 years or to both such fine and such imprisonment;

(b) in the case of a second or subsequent conviction, to a fine not exceeding R50 000 or to imprisonment for a period [of not less than ten years, but] not exceeding [twenty-five] 25 years or to both such fine and such imprisonment."

Repeal of section 7 of
Act 41 of 1971.

5. Section 7 of the principal Act is hereby repealed.

Short title and com-
mencement.

6. This Act shall be called the Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1987, and shall be deemed to have come into operation on 1 Januarie 1986.