REGULATIONS SURVIVING IN TERMS OF
Correctional Service Act 9 of 2012
section 127

Regulations Governing Farm Colonies and Inebriate Reformatories
Government Notice 1781 of 1911
(SA GG 164A)
came into force on date of publication: 27 October 1911

The Regulations Governing Farm Colonies and Inebriate Reformatories were originally made in terms of sections 50 and 86 of the Prisons and Reformatories Act 13 of 1911, which was repealed by the Prisons Act 8 of 1959, which was then repealed by the Prisons Act 17 of 1998, which was subsequently repealed by the Correctional Service Act 9 of 2012. Pursuant to section 127 of the Correctional Service Act 9 of 2012, the Regulations Governing Farm Colonies and Inebriate Reformatories are deemed to have been made under that Act

as amended by

Government Notice 1113 of 1944 (SA GG 3366)
came into force on date of publication: 7 July 1944

Government Notice 125 of 1957 (OG 2061)
came into force on date of publication: 1 March 1957

ARRANGEMENT OF REGULATIONS
[Most of the individual regulations have no headings.]

Objects and control

1. The object of the Farm Colony is to afford an easier transition from the rigours of prison discipline to complete liberty on release of a convict, while qualifying for absolute
release, or to allow of vagrants being sent there to learn habits of labour and industry, or to secure treatment or discipline in substitution for prison treatment or discipline.

The object of the Inebriate Reformatory is by time and treatment to cure persons sentenced to such reformatory by court for excessive indulgence in alcohol or narcotics.

2. The above institutions may be combined in one joint institution. Such institution will be controlled by the Director of Prisons under the Minister of Justice.

3. The institution is administered by a Warden, a medical officer, and such other officers as may be approved by the Minister appointed from outside or seconded from the Prisons Department.

4. The institution is regularly visited by the Inspector of Prisons.

Board of visitors

5. In addition a Board of Visitors is constituted, consisting of not more than seven members, of whom the substantive magistrate of the district shall be ex officio member and chairman, the members being appointed by the Minister, the Minister in the absence of sufficient reason to the contrary being required to appoint one new member annually in place of the oldest member, or such member as he may think fit. Their duties shall be to watch over the conduct of the establishment and all branches of the same, and the carrying out of the regulations and orders and to advise the Minister through the Director on any matters either on their own motion or which may be referred to them. They shall be paid a sum to cover out-of-pocket expenses in connection with their duties.

6. (a) The Board shall meet at least once a month and, as often as circumstances may require, shall sit at the institution and shall be convened by the chairman. The quorum shall be three. Resolutions are taken by majority of votes. In case of equality the chairman has, in addition, a casting vote. The minutes of meetings shall be kept in a book and signed by the chairman. Immediately after the holding of a meeting, a copy of the minutes of that meeting shall be forwarded to the Director of Prisons for the Minister’s information. At each meeting the Board delegates one of its number to visit the institution between that meeting and the following. This member reports his observations at the next meeting. The Board adds such remarks as it thinks fit to the Warden’s annual report to the Director of Prisons, which shall be timely submitted by the Warden for the purpose.

(b) They shall co-operate with the South African Prisoners’ Aid Association in using every endeavour to secure employment on release for such of the inmates as shall require it.

Warden

7. The Warden is head of the institution. All other members of the staff are subordinated to him. He is responsible for the security of his institution and its inmates and the strict observance by officers and inmates of all regulations and orders which may be constituted by superior authority. He shall see that Europeans are rigidly separated from coloured persons, and males from females, unless and to the extent authorized by the Director.

8. The Warden assures himself daily of the regular working of the various departments of the institution. He daily meets his subordinate officers and gives them such instruction in their duties as the circumstances may require.
9. The Warden furnishes the Director of Prisons with the following regular reports -
   (a) Monthly report on the movements of inmates and any events which have occurred.
   (b) Annual report in detail up to 31st December on the position of the institution indicating any changes or improvements which he has been able to introduce. This must be accompanied by a report by the medical officer and schoolmaster.

10. The Warden further furnishes an annual report on the conduct, aptitude, zeal, and devotion of each officer on form prescribed and recommends those whom he considers fit for promotion.

11. He keeps such accounting and other books and forms as may be prescribed. He keeps an active control and interest in any industrial and farm work carried on and constantly confers with the subordinate officers in charge. It shall be one of the chief duties to see that all inmates are at all times usefully employed, and that no loafing habits are contracted, and that a regular timetable is maintained.

12. He resides on the premises and shall not absent himself for a night without the Director’s consent. In his absence the next senior official or officer deputed by the Director takes charge.

13. In consultation with the medical officer he keeps complete and detailed case books on model prescribed, recording the previous history of each inmate, unless already recorded officially, and all subsequent facts. He shall endeavour to keep in touch with his inmates by correspondence or otherwise after release, and shall record in his case book all cases of success and of failure.

14. He shall communicate freely with the South African Prisoners’ Aid Association and others with a view to securing employment for such inmates as may require it on release.

15. He shall take every precaution to prevent the escape of inmates, and shall see that all officers are well instructed in their duties and responsibilities and vigilant in fulfilling them. He shall immediately report all lapses to the Director.

16. He shall communicate all rules and orders in force which affect their conduct to the inmates, showing the consequence of misconduct.

17. He shall direct the attention of the medical officer to the case of any inmate whose state of mind or body appears to require attention and shall carry out the written directions of the medical officer as to medical treatment.

18. If any inmate admitted shall be found to be insane he shall immediately take the steps required by law and report to the Director.

19. In the case of the death of any inmate he shall immediately report to the Resident Magistrate of the district in which the institution is situated in order that the law may be complied with and report in detail to the Director.

20. He may examine all persons and vehicles going in or out of the institution and exclude any person from entering then or at another time who refuses to be examined.
21. He may remove any visitor whose conduct is objectionable from the institution, recording the fact in his book.

22. He may scrutinize and censor any outgoing letter and, in the presence of the inmate concerned, open any incoming letter or parcel should he have reason to believe that they relate to or contain any prohibited matter or article.

23. He shall see that no money or any means by which it can be obtained, any intoxicating liquor, any sedative, narcotic, or stimulant, drug or preparation, or any instrument, or means designed or to be issued for the administration of any of these things is sent to or received by or retained by any inmate.

24. He frequently inspects buildings, walls, and movable property of the institution and reports any necessary repairs. He guards against accident, fire, and escape, and sees that all fire appliances are frequently overhauled and are ready for use on emergency and instructs his subordinates in their use.

Officers, generally

25. (1) They are responsible for the carrying out of all orders, give orders to those placed under them, and report to their superiors all cases of negligence and all matters appearing grave to them.

(2) They conform strictly to the regulations and orders and obey without remark the orders of their superiors.

(3) They are charged generally with maintaining discipline, order, and propriety, and generally to carry out all duties assigned to them, whether disciplinary or otherwise.

(4) They must be found constantly vigilant at their posts during the hours fixed and cannot on any pretext absent themselves from the institution without previously obtaining permission.

(5) They are responsible for loss or deterioration to the movable and immovable property at the institution which they have not anticipated or prevented by default of watchfulness or which they have not reported through forgetfulness or negligence.

(6) They must without delay report to a superior officer any attempt at escape or mutiny, any outbreak of fire, or any mischance, and generally any fact of any gravity and take all measures which the circumstances require.

(7) They must without delay report to their immediate chief all irregularities, neglects, transgressions, and infractions of every kind which come to their notice and which it must be their business to prevent by active and intelligent surveillance.

(8) They must show respect to their superiors and to any chaplains.

(9) They must see that the inmates keep themselves properly clad, clean, and neat.

(10) They must see that inmates put to work work steadfastly and regularly, and must prevent them from quitting or abandoning the work assigned to them without leave.
[The word “work” is repeated in the SA Government Gazette, as reproduced above.]

(11) They must prevent inmates from communicating with unauthorized strangers.

(12) They must repress immediately all infractions of order, every act against discipline, and interpose their authority with tact in cases of disorder, quarrels, brawls, or outbreaks.

(13) All violence is expressly forbidden them except the constraint necessary to reduce recalcitrant inmates to order. The use of handcuffs or restraints is not authorized, otherwise than in case of necessity and urgency, without the express order of the Warden.

(14) The use of arms is limited to the cases of legitimate defence and imminent danger.

(15) They must specially observe the inmates placed under their care and draw the attention of their superiors both to cases of extra good conduct and of misconduct.

26. The Warden and Medical Officer are appointed by the Governor-General; all subordinate officers by the Director of Prisons with the approval of the Minister. All officers not otherwise determined are subordinate officers as defined by section two of the Act, except such as may be specially exempted by the Minister.

27. All officers on being attached to the institution shall immediately familiarize themselves with the regulations and orders of the institution, which they shall observe and which shall be binding on them at all times.

28. Failing provision in these regulations the Prison Regulations and Orders apply, save in so far as the limitations governing the enrolment or appointment of officers are concerned.

29. It is strictly forbidden to officers

[The hyphen is missing after the word “officers” in the SA Government Gazette, as reproduced above.]

(1) to communicate with inmates or ex-inmates otherwise than in course of duty;

(2) to enter into relations with the family of inmates without authority;

(3) to undertake any commission for inmates;

(4) to buy, sell, borrow from, or lend to, inmates;

(5) to facilitate inmates’ correspondence either incoming or outgoing;

(6) to receive from inmates, their relatives or friends, gifts or promises on any pretext;

(7) to introduce alcoholic drinks or any prohibited articles into the institution, or to make use of such drinks or narcotics themselves while in the institution;

(8) to use for themselves without leave any object belonging to the institution;
(9) to employ, without the Minister’s special authority, any inmates for their own purposes or for their own profit;

(10) to employ ex-inmates without the authority of the Minister.

30. All subordinate officers may be required to wear such uniform, insignia, and arms at all times while in the exercise of their duties as may be prescribed.

The medical officer

31. (1) The Medical Officer examines all inmates on entry and ascertains from them all facts as to their medical history and aids the warden in framing his case book record.

(2) He keeps all other records which the Director may prescribe or which he may deem necessary, and sends such reports on the sick and at such intervals as may be prescribed.

(3) He shall pay particular attention to the cases of inebriates and inmates committed for abuse of drugs, and shall treat them in accordance with the latest prescripts of medical science.

(4) He shall examine all inmates reporting sick in the morning before the hour of commencing work, and on Sundays and holidays at 9 a.m. He thereupon visits all inmates in hospital and prescribes their treatment and régime and proceeds to prepare their drugs.

(5) He daily visits all inmates confined in isolation cells or under restraint and those noted for observation.

(6) Apart from his regular prescribed visit he comes whenever summoned by the Warden.

(7) Whenever required by the Warden he tests supplies which may not be up to standard or have deteriorated or have been adulterated.

(8) He regulates all matters relating to the treatment of the sick and decides if they are to be treated in their dormitories or in the hospital.

(9) He indicates to the Warden in writing any inmates showing signs of mental alienation and those who malinger and devises measures for satisfactorily dealing with the latter.

(10) The mode of alimentation of the sick and convalescents shall be in accordance with diets framed by the Director.

(11) No inmates shall leave the hospital other than on the Medical Officer’s orders.

(12) Should an epidemic or a contagious disease break out in the institution the medical officer shall take such urgent measures in consultation with the Warden as are necessary for isolating infected inmates and preventing the evil from spreading. He further immediately reports through the warden to the Director.

(13) As often as he deems necessary he vaccinates and revaccinates inmates and officers who have not been recently vaccinated successfully.
(14) When an inmate is in danger of death, he immediately informs the Warden, who shall advise the Chaplain and Director.

In a case of grave illness or of death the Warden also informs the inmate’s family.

(15) In every case of death of an inmate the Medical Officer, when he is unable to ascertain the cause, holds a post-mortem, and gives a written report to the Warden of the cause of death. If death was the result of disease, the origin thereof shall, if possible, be ascertained and reported. The report and the result of the examination shall in every case be transmitted by the Warden to the Director for the information of the Minister and to the Magistrate of the district.

(16) No grave operation, save in case of urgency duly shown, can be performed by the medical officer without the authorization of the Warden and without the consent of the inmate.

(17) Every month he visits every part of the institution and examines it from a hygienic standpoint, and makes such suggestions in writing as he thinks necessary for the health of the inmates.

(18) He sends in an annual report on the medical service of the institution and any improvements he has been able to effect.

(19) He frequently inspects food, the water, and the sufficiency of clothing and bedding and reports thereon to the Director.

(20) He gives all important directions, instructions, or advice in writing.

(21) In case of sickness or approved absence, the medical officer nominates a substitute, for the approval of the Director, at his own cost.

Classification and treatment

32. (1) Primarily European inmates shall be kept separate from coloured, and males from females. The notice establishing any Farm Colony or Inebriate Reformatory shall define the race or races and sex or sexes for which it is set aside.

(2) The following classes of inmates shall be kept separate as far as practicable and as may be considered necessary in practice -

(a) Convicts transferred on probation.

(b) Persons committed by the courts in lieu of imprisonment.

(c) Inebriates and drug abusers.

(d) Vagrants.

As far as practicable those who are not known to have committed crime previously shall be kept separate from recidivists, and the young from the old.
(3) The Warden may, however, in consultation with the Board of Visitors, arrange that for purposes of work or recreation some or all of the members of certain or all of the above classes should meet on occasion.

(4) The work of the institution shall be so regulated by the Warden as to leave no capable inmate idle at any time.

(5) Every inmate who is sufficiently adept at a trade or occupation which can be worked with advantage at the institution shall be as much as possible employed at it.

(6) Inmates who are not sufficiently adept and are thought capable of acquiring it to their advantage may be taught a trade or employed at agriculture or on domestic work. As far as possible inmates shall be employed on such work as accords with their physical capacity.

(7) Inmates are responsible for the work entrusted to them. They must execute it with care after instruction given them. They are also responsible for the tools and material supplied them and must be prepared to produce them on demand.

(8) The officer in charge of industries and of agriculture must see that his tools and appliances are kept safe and in good order.

(9) All trades and work introduced at the institution must be previously approved by the Director.

(10) The work shall be organized in manner such as not to interfere with order, discipline, or hygiene.

(11) The produce of the institution not required by the State may be disposed of in accordance with the provisions of law obtaining for prison products. The Warden may also, in consultation with the Director, take on contracts for labour to be performed at the institution in so far as such labour is not required by the State.

(12) The days and hours of work shall be fixed from time to time by the Director, and every inmate is bound, unless lawfully excused, to work continuously, actively, and energetically during the hours prescribed for labour.

(13) The food supplied shall be plain and wholesome in accordance with a dietary fixed by the Director. The medical officer may order in writing, departures in individual cases for medical reasons.

(14) No inmate shall aid or abet another, or himself introduce, receive, partake of, or have in his possession any intoxicating liquor or sedative or narcotic or stimulant, drug, or preparation otherwise than by written order of the medical officer.

(15) No inmate shall leave the institution grounds except upon written consent of the Warden and under conditions prescribed by him, which conditions must in all cases be strictly observed.

(16) No inmate shall bet, gamble, or play games for money, or enter any place where liquor is sold.

(17) No money, cheque book, or valuables shall be retained by the inmate without the written consent of the Warden.
(18) All inmates must conform to all rules, regulations, and orders of the institution.

(19) Visits, letters, and the use of books may be accorded in terms of orders established from time to time.

(20) Inmates may personally prefer complaints to the Warden, to the Board of Visitors, and to the Inspector of Prisons. They may also write to the Director on such conditions as may from time to time be laid down.

(21) Inmates shall attend religious services of the persuasion to which they belong. They shall also attend all instructional classes and all drill and exercise ordered.

(22) Facilities shall be allowed to inmates to see lawyers, officers of the law, or other persons in connection with business transactions.

(23) Smoking shall be allowed during recreation hours at such places as may be determined by the Warden.

(24) Inmates shall wear the clothes assigned to them should the Warden not consider their own clothes fit and proper. They shall keep themselves clean and decent, take baths at regular intervals as laid down, unless exempted by the doctor, and keep their clothes, room, utensils, books, and other articles issued or used by them and also their clothing and bedding clean and neat.

(25) No inmate shall receive clothing, bedding, or necessaries other than the allowance, except with the permission of the medical officer.

Offences by inmates

33. An inmate shall be guilty of an offence against discipline

(a) who breaks any regulation, rule, or order of the institution;

(b) who disobeys any order of the Warden or any other officer;

(c) who treats with disrespect any officer, whether a whole time or part time officer of the institution, or any visitor or any person employed in connection with the institution;

(d) is idle, careless, or negligent at work, or refuses to work;

(e) is absent without leave from divine service, work, drill, exercise, or instruction;

(f) behaves irreverently at divine service or is inattentive at instruction or exercise;

(g) swears, curses, or uses any abusive, insolent, threatening, or other improper language;

(h) is indecent in language, act, or gesture;
34. An inmate shall be guilty of a serious offence

(i) makes any objectionable noise or causes unnecessary trouble or makes repeated groundless complaints;

(j) in any way disfigures or damages articles or property;

(k) commits any nuisance or has in his possession any prohibited article;

(l) in any way offends against good order and discipline;

(m) attempts to do any of the foregoing things.

35. Offences against discipline may be tried by the Warden at the institution and punished by

(a) a reprimand;

(b) the deprivation of all or any privileges, gratuities, or indulgences for a period not exceeding one month;

(c) the class degradation of the offender;

(d) extra labour not exceeding three hours per day for a period not exceeding three days;

(e) the deprivation of half the ordinary diet for not exceeding ten days;
(f) solitary confinement in an isolation cell with or without spare diet for a period not exceeding six days in all; provided that if spare diet be ordered for more than three days there shall be an intermission of one day upon full diet after the third day of spare diet.

36. Serious offences may be tried by a magistrate having jurisdiction sitting at the institution, and punished by

[The hyphen is missing after the words “and punished by” in the SA Government Gazette, as reproduced above.]

(a) any of the penalties in the preceding regulation defined.

(b) To undergo imprisonment in a gaol with or without hard labour for a period not exceeding three months, which shall be served in addition to his current sentence of detention.

(c) To receive corporal punishment in any number of strokes not exceeding twelve if the offender be a convicted male prisoner apparently under the age of sixty years.

(d) To be kept in solitary confinement with or without light labour for a period not exceeding forty-two days, twenty-eight days of which may be ordered to be passed on reduced diet; provided that no continued period on reduced diet shall exceed fourteen days, and at least fourteen days shall elapse between one period passed on reduced diet and another such period.

[Inconsistent use of capitalisation and punctuation in the SA Government Gazette, as reproduced above.]

Release and discharge

37. (i) No inmate shall be released or discharged from the institution otherwise than by efflux of time or on the recommendation of the Board of Visitors to the Minister of Justice. Releases may be on licence or conditionally. The non-fulfilment of the conditions of release entails return to the institution for completion of the original period of detention which shall be effected by warrant under the hand of the Minister.

(ii) (a) When an inmate is discharged he must be issued with a rail warrant to the railway station within the Union nearest to his last known place of residence.

(b) In the event of the Court having ordered that the inmate is not to return to his last known place of residence, or that he is not to return to such place within a certain period, and such period has not expired, he must be issued with a rail warrant to the railway station, within the Union, nearest to his place of birth.

[regulation 37 amended by GN 1113/1944 and GN 125/1957]