Republic of Namibia
Annotated Statutes
REGULATIONS

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

Regulations consolidating and amending the Regulations for
the Control of the Prisons Branch of the Administration of
South West Africa
Government Notice 185 of 1960
(OG 2275)
came into force on date of publication: 14 September 1960

The Regulations consolidating and amending the Regulations for the Control of the Prisons Branch of the Administration of South West Africa were originally made in terms of section 94 of the Prisons Act 8 of 1959, which was repealed by the Prisons Act 17 of 1998 and subsequently repealed by the Correctional Service Act 9 of 2012. Pursuant to section 127 of the Correctional Service Act 9 of 2012, the Regulations consolidating and amending the Regulations for the Control of the Prisons Branch of the Administration of South West Africa are deemed to have been made under that Act. Please note that in terms of these regulations, 1 British Pound (£1) is equivalent to 2 Namibian Dollars (N$2). Additionally, there are 20 shillings in a pound and there are also 240 pence in a pound of British currency. The abbreviation “s” refers to shillings and the abbreviation “d” refers to pence.

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ANNEXURE B
FURTHER NOTICE TO UNDERGO PERIODICAL IMPRISONMENT

REGULATIONS FOR THE CONTROL OF THE PRISONS BRANCH OF THE ADMINISTRATION OF SOUTH WEST AFRICA

PRELIMINARY PROVISIONS

Interpretation of Terms

1. In these regulations, unless inconsistent with the context, an expression defined in the Act has the same meaning and-

“accommodation” means lodging, bedding, board, liquid refreshment and laundering of washing (excluding alcoholic liquor and dry cleaning) or any combination of these items;

“command” means the territory under the command of an officer commanding and which may consist of more than one prison and office;

“cycle” means a period of three years reckoned from the 1st of January, 1959, and every succeeding period of three years;

“Commissioner” means the Secretary for South West Africa;

“day of rest” means -

(a) a Sunday or public holiday mentioned in sub-regulation (5) of regulation 105 in the case of a member or special warder who does not work on such a day;

(b) in the case of a member or special warder who is on duty on a Sunday or public holiday mentioned in sub-regulation (5) of regulation 105, any other day whereon he may be exempted from duty in lieu thereof;

“foreign country” means any country or territory beyond the borders of the Union and South West Africa;

“headquarters” means the city, town or place where the principal duties of a member or a special warder are or have to be performed or which the Secretary for South West Africa has indicated as his headquarters;

“household” means -
(a) the wife of a member and a child (including an adopted child) who is permanently resident with and of necessity dependent upon him;

(b) a relative of a member who is permanently resident with him and necessarily dependent upon him and whose income does not exceed the maximum amount laid down in terms of section six of the Old Age Pensions Ordinance 1942 (Ord No. 13 of 1942) as amended, or any increase thereof; and

(c) not more than two servants (including nursemaids), employed in a whole-time capacity by the member;

“increments” means the approved amount by which a salary may be increased in accordance with the applicable rates of progression;

“incremental month” means the month in which the salary of a member or special warder may be increased in accordance with the salary scale applicable to him;

“incremental period” means a period of twelve calendar months or any other approved period pertaining to a member or special warder that must elapse before his salary may be increased in accordance with the salary scale applicable to him;

“member” means a member of the Prisons Branch;

“member in charge of a prison or office” means a member in charge of a prison or office who is directly responsible to the officer commanding for the management thereof;

“officer commanding” means any officer appointed as such with command over all the members on the establishment of a command or office or who have been attached thereto for duty or discipline and all special warders in the command or office;

“pay” means the salary or wages usually payable to a member or special warder and includes any allowances which are not included in salary or wages with due regard to these regulations and instructions issued by the Administrator in connection with such allowances;

“personal effects” means the movable property of a member and of his household, including vehicles, but excluding livestock, domestic animals and pets;

“protectorates” means the protectorates of Swaziland, Bechuanaland and Basutoland;

“salary scale” means the salary scale including the rates of progression that is applicable to a member or special warder in terms of section twenty-one of the Public Service Act, 1957 (Act No. 54 of 1957), and also includes a wage scale;

“sessional officer” means a member whose presence is required in Cape Town for the duration of a parliamentary session;

“special warder” means a person appointed as such in terms of section nine of the Act;

“subsistence allowance” means a payment designed to recompense a member or special warder for reasonable expenses necessarily incurred by him on accommodation over and above his normal living expenses at his home whilst absent from his headquarters on official duty;

“the act” means the Prisons Act 8 of 1959.
2. (a) Any expression appearing in Part I of these regulations and which has not been defined in this regulation, has, unless inconsistent with the context, the same meaning as ascribed thereto by the Public Service Act, 1957 (Act No. 54 of 1957,) and the Public Service Regulations.

(b) The provisions of the Public Service Act and Regulations shall be applicable to any aspect pertaining to personnel which has not been dealt with by Part I of these regulations.

PART I
PERSONNEL REGULATIONS

(A) Determination of Establishment

Determination of Establishment

2. (1) The establishment of the Prisons Branch shall be fixed by the Commissioner from time to time on the recommendation of the Public Service Commission and the approval of the Administrator.

Determination of Commands and Distribution of the Prisons Branch

(2) The Commissioner shall from time to time as may be necessary, with the approval of the Administrator, determine and alter commands and the Commissioner shall determine the distribution of the Prisons Branch therein.

Member Liable for Service Anywhere in Union or South West Africa

(3) A member is liable to serve in any part of the Union or South West Africa and may be transferred from one prison to another, or from a prison to an office or from an office to a prison or from one office to another or from one branch of the Prisons Branch to another.

(B) Ranks and Designations

Ranks and Designations in Order of Precedence

3. (1) The ranks and designations of the Prisons Branch are as follows and in the order of precedence indicated -

(a) Whites - Officers
   The Commissioner of Prisons:
   Deputy-Commissioner:
   Assistant Commissioner: Captain.
   Lieutenant.

(b) Whites - Other Ranks.
   Males.
   Chief Warder, Grade I.
   Chief Warder, Grade II.
Head Warder.
Warder: Warder.
    Probationary Warder.
    Special Warder.

Females.
Matron, Senior Grade.
Matron, Grade I.
Matron, Grade II.
Wardress: Wardress.
    Probationary Wardress.
    Special Wardress.

(c) Non-whites.

Males.
Chief Warder, Grade I.
Chief Warder, Grade II.
Head Warder.
Warder: Warder.
    Probationary Warder.
    Special Warder.

Females.
Matron, Grade I.
Matron, Grade II.
Sister.
Staff Nurse.
Midwife.
Wardress: Wardress.
    Probationary Wardress.
    Special Wardress.

Use of Designation: Commissioner, Deputy and Assistant Commissioner

(2) An Assistant Commissioner may at any time use either one or both the designations laid down for his rank.

Precedence of Members

(3) Members of the same rank shall take precedence according to the respective dates of their appointment to such rank: Provided that an officer commanding or the member in charge of a prison or office shall have command over all other members and special warders in that command or prison or office, irrespective of date of appointment.

Determination of Precedence by Considering Lower Ranks

(4) If two or more members of the same rank have been appointed on the same date, their precedence shall, subject to the proviso in the preceding sub-regulation, be determined by the date of their appointment to the next lower rank or ranks.
White Precedence

(5) White members of any rank shall have precedence over all non-white members.

Retention of Rank on Retirement

(6) On retirement or resignation of a commissioned officer whose official duties have throughout been satisfactorily performed, the Administrator may permit him to retain his rank, and in a specially deserving case, may grant him a higher rank subject to the following provisions: -

A lieutenant the rank of captain, provided he has completed not less than five years’ service as a commissioned officer:

Provided that in exceptional circumstances the Administrator may, at his discretion, grant the next higher rank to such a commissioned officer if he has rendered outstanding or exemplary service, although he has not complied with the requirements as set out above.

DUTIES

(A) Deputy and Assistant Commissioner

Duties of Deputy and Assistant Commissioner

4. (a) A Deputy-Commissioner shall, subject to the direction of the Commissioner, perform such duties and exercise such powers and functions as are delegated or assigned to him by the Commissioner under section ninety-three of the Act or otherwise.

(b) An Assistant Commissioner shall perform such duties as are delegated or assigned to him by the Commissioner or the Deputy-Commissioner.

(B) Accountant

Duties of the Accountant

5. The Accountant is directly responsible to the Commissioner for all financial affairs of the Prisons Branch, and he shall perform his duties in accordance with the provisions of the financial regulations as published from time to time under section twenty-six of the Finance and Audit Ordinance, 1926 (Ordinance No. 1 of 1926).

(C) Medical Officer

Duties of a Resident Medical Officer

6. (1) (a) (i) A resident medical officer is responsible for the general treatment and health of a member, a special warder as referred to in paragraph (a) of sub-regulation (1) of regulation 9, and a prisoner.

(ii) He shall attend a member, special warder as referred to in sub-paragraph (i) of this paragraph and the wife and dependant child of a white member as described in regulation 19, subject to such conditions as are prescribed by the Commissioner.
(b) He shall comply with the provisions of the Act as well as the instructions issued by the Commissioner.

Duties of District Surgeon or Other Medical Practitioner

(2) A district surgeon or other medical practitioner, approved of by the Director for Health Services for this purpose, shall in the absence or incapacity of a resident medical officer, or if no resident medical officer has been appointed for a prison, pay such visits and hold such inspections at such times and as often as may be stipulated in his conditions of appointment or as are expected by the Commissioner or as required by circumstances, and he shall generally perform the duties of the resident medical officer as set out in sub-regulation (1).

(D) Members

Member’s Time at All times at the Disposal of the Administration

7. (1) (a) The whole time of every member shall be at the disposal of the Administration.

(b) No member shall do remunerative work except his work for the Prisons Branch, undertake to do such work without the written permission of the Administrator.

Only Duties for the State to be Performed

(2) No member or special warder shall employ the services of any other member or other person in the Prison’s Branch on work which is not done exclusively for the Administration.

A Member or Special Warder Compelled to Work for State

(3) Any member and special warder is compelled to perform any duties on behalf of the Administration when ordered, with the approval of the Commissioner, to do so.

APPOINTMENT

(A) Appointment of Non-Commissioned Members

Qualifications: White Applicants

8. (1) A white applicant must -

(a) be a South African citizen;

(b) be not less than sixteen and not more than thirty-five years of age on appointment, satisfactory proof of which must be produced;

(c) be not less than 5 feet 6 inches in height;

(d) be free from all mental and physical infirmity, of strong constitution, and equal to the performances of duty in the Prisons Branch;

(e) produce proof of good character;
(f) have attained at least the eighth standard of education or an equivalent thereof;

Provided that the Administrator may at his discretion -

(i) waive any or all of the requirements of paragraphs (b), (c), (d) and (f);

(ii) in a special case accept applicants who have not reached the age of forty-eight years and who have had previous experience in a Prisons Branch, provided that he complies with all other requirements.

Qualifications: Non-white Applicants

(2) The provisions of sub-regulation (1) are applicable to the appointment of a non-white applicant, except that a non-white applicant shall be not less than 18 years and not more than 35 years of age.

Requirements Before Appointment

(3) Before appointment an applicant shall -

(a) complete the prescribed form of application;

(b) by affidavit affirm the correctness of the statements made therein by him;

(c) sign the conditions of service pertaining to his appointment; and

(d) submit to the taking of his fingerprints.

Transport of Applicant

(4) An applicant resident in the Union or South West Africa who is enlisted for appointment -

(a) is entitled to free transport from any station in the Union or South West Africa to a training centre or any other place where he is to be stationed; and

(b) may claim any unforeseen expenses, including the cost of road transportation incurred by him in connection with the journey, which the Commissioner may consider reasonable.

Transport of Unsuccessful Applicant

(5) An applicant rejected either before appointment or during his probationary period may, at the discretion of the Commissioner, be given free transport to the place within the Union or South West Africa whence he came and a reasonable amount of money to cover unforeseen expenses on the journey.

Manner of Appointment

(6) (a) Subject to the provisions of this sub-regulation, a member is appointed for yearly periods reckoned from the date of his assumption of duty.

(b) The first year of a member’s service is regarded as a probationary period.
(c) Such probationary period may for sufficient reasons be extended.

(d) If at any time during the probationary period or extended probationary period it appears that the member on probation is unfit or for any other reason unsuitable for further retention in the service of the Prisons Branch, the Commissioner may terminate his services with twenty-four hours notice: Provided that such member may appeal to the Administrator against such decision.

(e) At the completion of the probationary period or extended probationary period the officer commanding shall submit a report as to the probationer’s suitability, and if the officer commanding certifies that such a member was diligent and his conduct satisfactory throughout the period of his probation or extended probation and that he is in all respects suitable for further retention in the service of the Prisons Branch, the appointment shall be confirmed by the Commissioner.

(f) After confirmation of appointment in terms of paragraph (e) the appointment is deemed to be tacitly renewed annually, unless the Commissioner or the member concerned gives written notice of termination of service one month before the expiration of the second or any subsequent period of one year.

Oath of Office

(7) On appointment the applicant shall take the Oath of Office in the form as set out in Annexure A.

(B) Appointment of Special Warders

Special Warders

9. (1) The Commissioner may appoint a person as a special warder in terms of section nine of the Act -

(a) in a vacancy on the fixed establishment;

(b) additional to the fixed establishment -

(i) under a special contract, either in a full-time or in a part-time capacity;

(ii) for the transport of prisoners; or

(iii) for the safe custody of prisoners, excluding the persons mentioned in paragraph (c);

(c) additional to the fixed establishment -

(i) where he is the lessee of prison labour and also acts as guard; or

(ii) where he is the employee of the lessee of prison labour and acts as guard.

(2) The conditions for the appointment of special warders in terms of sub-section (1) shall be as contained in the form as set out in Annexure A.
TRAINING, UNIFORM AND PROMOTIONS

(A) Training Course

Training Course at Training College or a Depot

10. The Commissioner may at his discretion direct that -

(a) a member attend a training course at a training college or depot; and

(b) after such course, a member attend any further course or courses at a training college, depot or any other place.

(B) Uniform

Uniform on Appointment

11. (1) On appointment on probation a member is issued, from Public Funds, with such uniform and other equipment as are prescribed for his rank by the Commissioner.

Uniform

(2) All members and special warders shall wear a uniform of such material and pattern, as well as buttons and badges of such design, as are prescribed by the Commissioner.

Uniform Allowance

(3) The Commissioner, with approval of the Administrator, from time to time prescribes -

(a) what amount may be paid a commissioned officer for the provision of uniform and personal equipment on first appointment; and

(b) what amount shall be paid as uniform allowance to non-commissioned members, after such members have completed service of one year.

Damage or Wear of Uniform, etc

(4) The Commissioner may at his discretion approve of the payment of compensation in full or in part for the repair or replacement of any article of a member’s or special warder’s uniform or private property which has been inevitably damaged or lost during the performance of such a member’s or special warder’s duty, or which has been subjected to exceptional wear due to special service.

Additional Articles Required for Work

(5) Members employed as tradesmen, chauffeurs and the like may be supplied with a free issue of such additional articles necessitated by their duties as the Commissioner directs.

Wearing of Uniform After Retirement
(6) Commissioned officers who on retirement are permitted to retain their rank, or who are granted a higher rank in terms of sub-regulation (6) of regulation 3, may wear the uniform of their rank on state and other appropriate occasions.

(C) Promotions

Requirements for Promotion

12. (1) The Commissioner promotes warders and noncommissioned officers by virtue of merit, having regard to seniority and qualifications.

Passing of Examinations and Medical Examination

(2) Before being promoted a non-commissioned member -

(a) shall undergo an examination as may from time to time be prescribed by the Commissioner; Provided that a member with technical or other qualifications or who is highly efficient in his duties or who is otherwise specially deserving of consideration may be exempted from undergoing the examination and be promoted;

(b) may be required by the Commissioner to submit himself to a medical examination.

Method of Promotion

(3) Promotion takes place in the branch where the member is employed: Provided that if a member complies with the requirements applicable to another branch, he may be considered for promotion in that branch: Provided further that the Commissioner may at his discretion transfer a member from one branch to another, whether on promotion or not.

EMOLUMENTS

(A) Salary

Salary Scales

13. (1) The salary scales applicable to members and the special warders referred to in paragraphs (a) and (b) of sub-regulation (1) of regulation 9 are from time to time recommended by the Public Service Commission.

Increments

(2) (a) Subject to the provisions of paragraph (b), the salary of a member and a special warder referred to in paragraph (a) of sub-regulation (1) of regulation 9 shall be increased by one increment within the limits of the applicable salary scale after the expiration of each incremental period with effect from the first day of such member’s or special warder’s incremental month.

(b) If the officer commanding issues a certificate wherein it is declared that the conduct of a member or special warder referred to in paragraph (a), has not throughout been satisfactory as to industry, discipline, ability and sobriety during an incremental period, or that he has not performed his duties in a satisfactory manner during such incremental period, the
salary of such a member or special warder shall not be increased in terms of sub-regulation (a): Provided that the Commissioner may at his discretion approve that a member’s or special warder’s salary be increased in accordance with the provisions of paragraph (a), notwithstanding that a certificate as described in this paragraph had been issued.

(c) If the salary of a member or special warder is not increased in terms of the provisions of paragraph (a) or by the proviso to paragraph (b), on account of the issue of a certificate as referred to in paragraph (b), such member or special warder is notified in writing by the Commissioner of the reasons therefor, and also that at the expiration of a stipulated continuous period, and which is not longer than an incremental period, an increment may be awarded by the Commissioner on condition that a certificate is issued by the officer commanding certifying that the member’s or special warder’s performance of duty and conduct as to the qualities enumerated in paragraph (b) have been satisfactory during such period.

(d) If the period stipulated in paragraph (c) is shorter than an incremental period, one increment is awarded the member or special warder by the Commissioner with effect from the first day of the month that follows the date whereon the period mentioned has expired: Provided that such increment shall only be awarded if the officer commanding issues a certificate wherein it is declared that the performance of duty and conduct of the member or special warder were satisfactory in respect of the qualities mentioned in paragraph (b), during such period.

(e) If an increment in terms of paragraph (d) is awarded a member or special warder, the Commissioner awards him a further increment at the expiration of an incremental period calculated from the date when his salary would have been increased in terms of paragraph (a) if such increment had not been withheld in terms of paragraph (b): Provided that such increment shall only be awarded if the officer commanding issues a certificate wherein it is declared that the performance of duty and conduct of the member or special warder in terms of the qualities mentioned in paragraph (b) were throughout satisfactory from the date of the award of the increment referred to in paragraph (d) to the date preceding that on which an increment in terms of this paragraph may be awarded: Provided, further, that the provisions of this paragraph are not applicable to a member or special warder if his salary has reached the maximum notch of the applicable scale.

(f) If an increment in terms of paragraph (d) is not awarded a member or special warder -

(i) such member or special warder is again notified by the Commissioner in writing of the reasons therefore and also that at the expiration of a continuous period, that shall be indicated, and that shall be equal to the difference between the period mentioned in paragraph (c) and an incremental period, an increment may be awarded by the Commissioner on condition that a certificate is issued by the officer commanding wherein it is declared that the performance of duty and conduct of a member or special warder as to the qualities mentioned in paragraph (b) were satisfactory during that continuous period;

(ii) two increments are awarded such member or special warder by the Commissioner at the expiration of an incremental period calculated from the date whereon his salary would have been increased in terms of paragraph (a) if such increment had not been withheld in terms of the provisions of paragraph (b): Provided that such increments shall only be awarded if the officer commanding issues a certificate wherein it is declared that the performance of duty and conduct of the member or special warder were satisfactory in regard to the qualities mentioned in paragraph (b) for the continuous period referred to in sub-paragraph (i): Provided further, that
only one increment shall be awarded to such member or special warder if his salary is already equal to the second last notch of the applicable salary scale.

(g) If the period mentioned in paragraph (c) is equal to an incremental period, two increments are awarded to such member or special warder by the Commissioner at the expiration of such period: Provided that such increments shall only be awarded if the officer commanding issues a certificate wherein it is declared that the performance of duty and conduct of the member or special warder as to the qualities mentioned in paragraph (b) were satisfactory during such period: Provided, further, that only one increment shall be awarded a member or special warder if his salary is equal to the second last notch of the applicable salary scale.

(h) If an increment is not awarded a member or special warder, in terms of paragraph (e), sub-paragraph (ii) of paragraph (f) or paragraph (g), the provisions of paragraphs (b), (c), (d), (e), (f) and (g) are again mutatis mutandis applicable.

(i) Subject to the provisions of this regulation, the salary of a member or special warder to whom an increment is awarded in terms of paragraph (e), sub-paragraph (ii) of paragraph (f) or paragraph (g) is increased at the expiration of each further incremental period by one increment within the limits of the scale applicable to him.

Appeal Against Withholding of Increment

(3) A member or special warder whose increment has been withheld may appeal, through the Commissioner, to the Administrator within one month after having been advised of the withholding of such increment.

Salary Adjustment on Promotion

(4) (a) The salary of a member who is promoted shall be adjusted to the minimum of the higher scale in cases where the maximum notch of the lower scale is not higher than the minimum notch of the higher scale, with the date of promotion as the future annual incremental date.

(b) When the maximum notch of the lower scale is equal to or higher than the minimum notch of the higher scale, the principle applies that where the existing salary of a member corresponds with a notch on the higher scale, adjustment is effected to that notch, and the member retains his existing incremental date: Provided that where a member has served on the maximum notch of his existing salary scale for twelve months or longer, his salary is adjusted to the following higher notch of the higher scale with the date of promotion as future annual incremental date.

(c) Where the existing salary does not correspond with a notch on a higher scale the member’s salary is adjusted to the following higher notch of such higher scale with date of promotion as future annual incremental date: Provided that where a member is thereby prejudiced in comparison with his progress on the lower scale, he shall retain his existing incremental date.

Salary Notch on Reduction in Rank

(5) (a) If a member be reduced in rank the Commissioner may decide on which notch of the salary scale of the rank to which he has been reduced, his salary shall be placed: Provided that it shall not be a higher notch than that to which he would have progressed if he had not been promoted to the higher rank: Provided, further, that at his reduction in rank he is
not entitled to a higher salary than that which he received immediately before his reduction in rank.

(b) The date on which such member is reduced in rank will, with due regard to the provisions of sub-regulation (2), be considered his incremental date, whilst he retains the rank to which he has been reduced.

**Notch at Voluntary Reversion in Rank**

(6) A member who voluntarily reverts in rank shall be placed on the notch of the scale of salary of the rank to which he has reverted which corresponds with the notch to which he would have progressed if he had not been promoted to a higher rank: Provided that on reversion he is not entitled to a salary exceeding that drawn immediately prior to reversion.

**Salary and Allowances during Absence Without Leave**

(7) A member or special warder is not entitled to any salary or allowances for any period during which he has been absent without leave.

**Salary and Allowance after Successful Appeal against Discharge**

(8) When an appeal to the Administrator under sub-section (2) of section thirteen of the Act against an order of discharge or an appeal against a conviction which has resulted in discharge, succeeds, the applicant shall be entitled to salary and allowances for the period from the date of discharge to the date immediately thereafter when he resumes duty, and such period shall be regarded as service for all other purposes.

(B) **Allowances**

**Pensionable Allowance**

14. (1) Subject to the provisions of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), a pensionable allowance in respect of the Good Service Medal in the Prisons Branch may be awarded to warders.

**Non-pensionable Allowances**

(2) With the approval of the Commissioner the following non-pensionable allowances may be paid: -

(a) To a non-commissioned member who is employed as a skilled tradesman or who is performing exceptionally responsible duties or duties requiring specialised knowledge, a special service allowance not exceeding 2s. per day.

(b) To a non-commissioned white member or a white special warder, who is certified by a competent and by the Commissioner approved of person -

(i) to be able to speak one or more of the Bantu languages, an allowance of 6d. per day; or

(ii) to be able to speak, read and write one or more of the Bantu languages, an allowance of 1s. per day.
(c) To a non-commissioned member who is employed in a hospital because of his specialised knowledge, an allowance of 6d. per day.

(d) To a non-commissioned female member or special wardress who assists at a confinement, an allowance of 20s. per confinement.

**Climatic Allowance**

(3) Climatic allowance is payable at a scale and on conditions, as recommended by the Public Service Commission and approved of by the Administrator.

**Acting Allowance**

(4) (a) Subject to the provisions of paragraph (b) the Commissioner may pay a member who acts as the member in charge of a prison or office for a period exceeding three months and who is thereby charged with important additional responsibility, an allowance in respect of such acting duties: Provided that this paragraph is not applicable to -

(i) a member of the relieving staff; or

(ii) a member who acts in the place of a member in charge of a prison or office who is absent on leave.

(b) The allowance mentioned in paragraph (a) shall not exceed the difference between the salary of the member so acting and -

(i) the minimum notch of the salary scale attached to the post in which he is acting; or

(ii) the salary attached to the post of a major; whichever be the lesser.

**MEDICAL**

**(A) Medical Examination**

15. (1) (a) The Commissioner may at any time require that a member -

(i) suspected of or claiming to be suffering from indisposition, ill health, disease or injury, shall submit himself to a medical examination by a medical officer or other registered medical practitioner appointed by the Commissioner, or in a military or other hospital;

(ii) shall submit himself to an examination as set out in sub-paragraph (i) for the purpose of obtaining a report on his state of health, or with a view to placing him before a medical board.

(b) The cost of such an examination shall be met from public funds.

**Report**
(2) Whenever a medical officer or other medical practitioner reports that, in his opinion, a member has become or is likely to become medically unfit to remain in the Prisons Branch the report shall be submitted to the Commissioner without delay.

(B) Medical Board

Medical Board

16. (1) The Commissioner may convene a medical board for the purpose of examining a member regarding his fitness to remain in the Prisons Branch.

(2) (a) The proceedings of the board shall be recorded and be signed by the medical practitioners constituting the board and thereafter be transmitted to the Commissioner.

(b) The Commissioner shall decide whether the member concerned shall be -

(i) discharged as medically unfit for further service;

(ii) granted leave of absence;

(iii) re-examined; or

(iv) instructed to resume duty.

(C) Hospital Treatment

Medical and Hospital Treatment

17. (1) Subject to the provisions of this regulation and regulations 18, 19, 20 and 21 -

(a) members are entitled to receive medical and hospital treatment, including drugs and dressings, at Public expense; and

(b) the Commissioner, may at any time order a member suspected of or claiming to be suffering from indisposition, ill-health, disease or injury, to enter any hospital or nursing home to receive such treatment.

Treatment Provided

(2) Medical and hospital treatment provided for in this regulation includes -

(a) medical examination and treatment by a medical officer or other medical practitioner in the service of the State, or in the event of their services not being available, by a private medical practitioner;

(b) admission to, and care and nursing in a military or public hospital as well as any medical or supplementary medical service rendered by such hospital to a member whilst being cared for therein;

(c) admission to, and care and nursing in, a private hospital or nursing home in cases of special urgency or when suitable accommodation is not available in a public
hospital, as well as any medical or supplementary medical service rendered by such private hospital or nursing home to a member whilst being cared for therein;

(d) employment of a registered nurse when, in the opinion of the medical officer or other authorised medical practitioner attending the case, such a course is imperative;

(e) the provision of medical comforts, aids and appliances, the cost of which may, subject to the approval of the Commissioner, be defrayed from Public Funds.

Member shall conform to Rules of Hospital

(3) While being cared for in a military or other hospital or nursing home a member shall conform to the regulations and rules thereof.

(D) Conditions of Payment of Additional Medical Treatment

Conditions of Payment of Additional Medical Treatment

18. (1) The cost of providing any additional medical treatment or assistance (in addition to that prescribed in regulation 17) by any medical practitioner, specialist or person who renders supplementary medical services, and who is registered as such by the Medical and Dental Council of South Africa, shall only be met from Public Funds -

(a) when such treatment or assistance is provided on the written recommendation of the medical officer or other medical practitioner in the service of the State; and

(b) in so far as it does not exceed the amount laid down for the particular service in a scale of fees approved by the Administrator: Provided that in all cases where such additional medical treatment or assistance is occasioned in the circumstances defined in regulation 36, the whole cost thereof shall be defrayed from Public Funds.

Cost Incurred for Dental Treatment

(2) A non-commissioned member may be refunded from Public Funds half the cost incurred by him for such dental treatment as, in the opinion of the Commissioner, was necessary to render him fit for further efficient service in the Prisons Branch.

Free Dental Treatment

(3) A member shall be entitled, free of charge, to dental treatment rendered by a medical officer.

Dental Treatment Necessitated by Accident on Duty

(4) A member may, at the discretion of the Commissioner, be refunded from Public Funds a part or the whole of the cost of dental treatment necessitated by the circumstances defined in regulation 36.

(E) Medical Treatment of Wives and Children

Medical and Hospital Treatment: Wives and Children of White Members
19. (1) (a) The wife and dependent children of a white member shall, subject to the provisions of this regulation and regulations 20 and 21, be entitled to receive medical and hospital treatment, including drugs and dressings, at Public expense.

(b) Medical and hospital treatment provided for under this regulation includes -

(i) medical examination and treatment by a medical officer or other medical practitioner in the service of the State or, in the event of their services not being available, by a private medical practitioner;

(ii) admission to, and care and nursing in, a military or public hospital, other than a leper or mental hospital or institution, as well as any medical or supplementary medical service rendered by such hospital to wives or children of white members whilst being cared for therein;

(iii) admission to, and care and nursing in, a private hospital or nursing home in cases of special urgency or when suitable accommodation is not available in a public hospital, as well as any medical or supplementary medical service rendered by such private hospital or nursing home to wives and children of white members whilst being cared for therein;

(iv) employment of a registered nurse when, in the opinion of the medical officer or other authorised medical practitioner attending the case, such a course is imperative;

(v) the provision of medical comforts, aids and appliances, the cost of which may, subject to the approval of the Commissioner, be defrayed from Public Funds.

Definition of “Child”

(2) In this regulation, as well as in regulation 20, “child” in relation to a member shall mean any child, step-child, or legally adopted child of that member, who is permanently resident with such member and who is -

(a) under the age of 18 years and not in adequate remunerative employment;

(b) 18 years of age or over, is a full-time scholar or student at a school, university or other educational institution and is entirely dependent upon such member for his maintenance; or

(c) over the age of 18 years and entirely dependent upon such member for his maintenance owing to a physical or mental infirmity:

Provided that a child who temporarily resides elsewhere than with the member concerned either for the purpose of attending a school, university or other educational institution or because of the member’s inability, owing to circumstances connected with his employment, to care for the child personally, shall be deemed to be permanently resident with such member: Provided further, that where maintenance is paid or is payable in respect of a child by any person other than the member concerned or where any earnings or income of any nature whatsoever received by or on behalf of a child is, in the opinion of the Commissioner, insufficient to provide that child with adequate food, clothing, lodging and medical treatment, such child shall be deemed to be entirely dependent upon such member for his maintenance.
Additional Medical Treatment or Assistance: Wives and Children of White Members

20. (1) The cost of providing any additional medical treatment or assistance (in addition to that prescribed in regulation 19, in respect of the wife and children of a white member by any medical practitioner, specialist or person who renders supplementary medical services and who is registered as such by the Medical and Dental Council of South Africa, shall only be met from Public Funds -

(a) when such treatment or assistance is provided on a written recommendation of the medical officer or other medical practitioner in the service of the State; and

(b) in so far as it is not in excess of the amount laid down for the particular service in a scale of fees approved of by the Administrator.

Grant-in-Aid in case of Miscarriage or Confinement

(2) A white member shall be entitled to a grant-in-aid not exceeding £5.5s. towards the cost of medical assistance and nursing fees in a case of pregnancy, miscarriage or confinement of his wife: Provided that the Commissioner may at his discretion approve medical and hospital treatment in terms of regulation 19 or sub-regulation (1) of this regulation in cases where, in the opinion of the Commissioner, after consultation with the Director for Health Services, latent diseases or constitutional weaknesses have developed or are aggravated as a result of pregnancy or childbirth, as well as where diseases or disorders which, in the opinion of the Director for Health Services, have arisen therefrom.

Dental Treatment - Wife and Children of a White Member

(3) The wife and children, as defined in regulation 19, of a white member shall be entitled to dental treatment rendered by the medical officer, free of charge.

Definition of Drug

21. In paragraph (a) of sub-regulation (1) of regulation 17 and paragraph (a) of sub-regulation (1) of regulation 19 the term “drug” shall mean any medicinal preparation which is required for the treatment of indisposition, diseases or injuries or the restoration of health and is prescribed by a medical officer or duly authorised medical practitioner but shall not include the following -

(a) Virol, medicinal wines, infant or invalid foods, and similar preparations;

(b) lip salves, toilet powders, cosmetic preparations for the skin or hair, soaps, dental pastes and similar preparations;

(c) alcoholic stimulants; and

(d) drugs required in cases of pregnancy, miscarriage or confinement.

Medical Treatment at Discharge
Further Medical Treatment at Discharge

22. With the exception of the treatment and nursing provided for in section sixty-eight of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), a member who on his dismissal, resignation or discharge from the Prisons Branch, is in a hospital, other than a leper or mental institution, shall continue to receive medical attendance and hospital treatment at Public expense for a period to be determined by the Commissioner.

(I) Inoculation and Vaccination

Inoculation and Vaccination

23. A member shall at any time when the Commissioner requires, submit himself to inoculation or vaccination.

(J) Applicability to Special Warders

Applicability to Special Warders

24. The provisions of regulations 15, 16, 17, 18, 21, 22 and 23 are applicable to a special warder referred to in paragraph (a) of sub-regulation (1) of regulation 9.

QUARTERS AND MARRIAGE

(A) Official Quarters

Member shall Occupy Official Quarters when Available

25. (1) A member may be compelled to occupy quarters in possession of the Administration or which are hired by the Administration or which have otherwise been placed at the disposal of the Administration, when such quarters are available.

Relatives and Other Persons may not Permanently Reside with a Member Occupying Official Quarters

(2) Except in cases which have been provided for in sub-regulation (5), the quarters assigned to a married member may only be occupied by himself, his wife and children. Another relative of the member or any other person, shall not permanently reside with him unless permission has been obtained from the officer commanding, and he shall only grant such permission if he is convinced that that relative or person is wholly dependent on such member, or that the circumstances are of an exceptional nature.

Liability for Rent

(3) A member to whom quarters have been assigned, is liable for the rent thereof until he has vacated it.

Sub-letting Prohibited

(4) While a member occupies quarters he shall sublet no part thereof to another person without the written consent of the Commissioner.

Liability for Damage
(5) (a) While occupying quarters, a member is liable for all damage caused by himself or a member of his family or his servants and also for the loss of keys or other articles and he must ensure that the premises are kept clean.

(b) He shall not make any alteration to the quarters nor utilise them for any other purpose than that for which they are intended nor remove from them any property of the State.

(c) The cost of repairing and cleaning the quarters that have been vacated and left damaged or dirty, may at the discretion of the Commissioner be recovered from the member concerned.

Rent for Official Quarters Occupied by Single Members

(6) The rent charged for official quarters for single members includes the supply of light in such quarters, communal mess-rooms, libraries and recreation halls, as well as ordinary furniture and bedding at the discretion of the Commissioner.

Water and Sanitary Services

(7) Charges for water, rubbish removal and other sanitary services supplied and rendered to official quarters occupied by married and single members are covered by the rents charged.

Supply of Free Prison Labour

(8) The Commissioner may approve of the supply of prison labour for -

(a) cleaning of official quarters for single members, and communal messes;

(b) the cooking and serving of food to members having their meals in a mess;

(c) the laundering of bedding, towels and other articles belonging to the Administration.

Meaning of “Child”

(9) Where a “child” is referred to in this regulation, it means a child as defined in sub-regulation (2) of regulation 19.

(B) Marriage

Notice of Date of Marriage

26. (1) Before a member marries, he shall notify the Commissioner in writing of the date on which he intends to marry.

Wife and Family of a Member shall Reside in the Union or South West Africa

(2) For the purpose of allowances and privileges, a member is not deemed to be married, unless his wife and family reside within the Union or South West Africa. Should the wife and family of a married member leave the Union or South West Africa and reside in a foreign country, the allowances and privileges ordinarily applicable to such a member shall
cease six months after the said wife and dependants have left the Union or South West Africa, save in circumstances which the Commissioner considers exceptional.

**LEAVE**

**(A) Applicability of Regulations**

**Applicability of Leave Regulations**

27. (1) (a) The provisions of the regulations in respect of leave of absence are applicable to all members as well as to the special warders referred to in paragraph (a) of sub-regulation (1) of regulation 9.

(b) The provisions of the leave regulations framed in terms of the Public Service Act, 1957 (Act No. 54 of 1957), are applicable to employees of the Prisons Branch for whom no other leave provision has been made in these or any other regulations.

**Leave of Absence a Privilege**

(2) (a) Leave of absence provided for in these regulations is a privilege and is granted only with due regard to the exigencies of the service.

(b) Leave cannot be claimed as of right, and when a member leaves the Prisons Branch for any reason whatsoever, he cannot claim payment in respect of the cash value of leave not utilised.

(c) The provisions of these regulations do not preclude the payment of leave gratuities on conditions recommended by the Public Service Commission and approved of by the Administrator.

**Granting and Withdrawal of Leave and Leave Application Forms**

(3) (a) (i) The granting of all leave of absence is subject to the approval of the Commissioner: Provided that the granting of leave of absence to the Commissioner is subject to such approval as the Administrator may direct.

(ii) Leave already granted may at any time be withdrawn by the Commissioner, or in the case of the Commissioner, by the Administrator.

(b) Except in the case where a member is suspended from duty or where a member is prevented by sudden illness, or by other circumstances which are acceptable to the Commissioner, from remaining at his work or reporting for duty, he may not leave his work or stay away from duty until he has applied for leave in writing and has been advised that the leave application has been approved.

(c) (i) An application for leave shall be made in writing.

(ii) An application for sick leave must be supported by a medical certificate.

**Lapse of Leave**

(4) (a) Immediately a member gives notice of resignation or a female member gives notice of her contemplation of marriage, any leave with pay granted shall lapse with effect from
the date of such notice, or if the notice is undated, from the date the notification is received by
the member in charge of the prison or office, and any leave applied for or absence from duty
subsequent to that date shall be regarded as vacation leave without pay: Provided that the
provisions of this paragraph shall -

(i) apply only in respect of absence during the last thirty days of service of a member;
and

(ii) not apply to -

(aa) sick leave;

(bb) special leave granted in terms of paragraph (b) or (c) of sub-regulation (1) of
regulation 37; and

(cc) vacation leave granted in terms of sub-regulation (5) of regulation 34.

(b) (i) When a member leaves the service, any leave of absence granted to him
shall lapse on the day immediately preceding that on which such retirement becomes effective
or on the date determined in terms of paragraph (a) if that paragraph is applicable to him.

(ii) The period of service of a member shall not be extended in order to enable him to
utilise leave which may have been granted to him.

*Payment of Allowances, etc., during Leave*

(5) The continuance or cessation of the payment to a member of allowances or
remuneration other than salary and the liability of a member for payments due to the
Administration in respect of goods or services rendered by the Administration during periods of
leave are subject to the provisions of the regulations applicable thereto and directions issued by
the Public Service Commission or the Administrator, by the Administrator on the
recommendation of the Public Service Commission in connection therewith.

(B) *Classification of Leave*

**Classification of Leave of Absence**

28. (1) All absences from duty with leave are classified under one or more of the
following headings -

(a) Vacation leave (accumulative) with full pay.

(b) Vacation leave without pay.

(c) Sick leave with full pay.

(d) Sick leave with half pay.

(e) Sick leave without pay.

(f) Special sick leave with full or reduced pay.

(g) Special leave with full pay.
(h) Special leave with pay conditions as recommended by the Public Service Commission.

(2) The granting of leave under any one of the headings mentioned in sub-regulation (1) shall not affect the granting of leave under any of the other headings mentioned, except in so far as is specifically provided elsewhere in these regulations.

Unauthorised Absences are Regarded as Vacation Leave Without Pay

(3) (a) Except as provided in paragraph (c) of sub-regulation (1) of regulation 37, all unauthorised absences from duty shall, apart from any disciplinary steps which may be taken against a member, be regarded as being vacation leave without pay unless the Public Service Commission recommends otherwise.

(b) The submission of a written application for leave, referred to in sub-paragraph (i) of paragraph (c) of sub-regulation (3) of regulation 27, is not a requirement in the case of unauthorised absences.

(C) Leave Provision

Leave Provision

29. (1) Having regard to the provisions of regulation 27, leave may be granted according to the following scale -

(a) To a member who has -

(i) completed fifteen years’ service or longer - Vacation leave (accumulative) - 38 days per annum with full pay.

Sick leave - 120 days with full pay and 120 days with half pay in each cycle;

(ii) completed ten years or longer, but less than fifteen years’ service -

Vacation leave (accumulative) - 34 days per annum with full pay.

Sick leave - 120 days with full pay and 120 days with half pay in each cycle;

(iii) completed less than ten years’ service - Vacation leave (accumulative) - 30 days per annum with full pay.

Sick leave - 120 days with full pay and 120 days with half pay in each cycle.

(b) To a white special warder who has -

(i) completed fifteen years’ service or longer - Vacation leave (accumulative) - 34 days per annum with full pay.

Sick leave - 90 days with full pay and 90 days with half pay in each cycle;

(ii) completed ten years or longer, but less than fifteen years’ service -

Vacation leave (accumulative) - 30 days per annum with full pay.
Sick leave - 70 day with full pay and 70 days with half pay in each cycle;

(iii) completed five years or longer but less than ten years’ service -

Vacation leave (accumulative) - 26 days per annum with full pay.

Sick leave - 50 days with full pay and 50 days with half pay in each cycle;

(iv) completed less than five years’ service - Vacation leave (accumulative) - 22 days per annum with full pay.

Sick leave - 30 days with full pay and 30 days with half pay in each cycle;

(c) To a non-white special warder who has -

(i) completed twenty years’ service or longer - Vacation leave (accumulative) - 30 days per annum with full pay.

Sick leave - 80 days with full pay and 80 days with half pay in each cycle;

(ii) completed fifteen years or longer, but less than twenty years’ service -

Vacation leave (accumulative) - 26 days per annum with full pay.

Sick leave - 60 days with full pay and 60 days with half pay in each cycle;

(iii) completed ten years or longer but less than fifteen years’ service: -

Vacation leave (accumulative) - 22 days per annum with full pay.

Sick leave - 40 days with full pay and 40 days with half pay in each cycle;

(iv) completed five years or longer but less than ten years’ service: -

Vacation leave (accumulative) - 18 days per annum with full pay.

Sick leave - 30 days with full pay and 30 days with half pay in each cycle;

(v) completed less than five years’ service - Vacation leave (accumulative) - 14 days per annum with full pay.

Sick leave - 15 days with full pay and 15 days with half pay in each cycle;

Leave at Reappointment in Temporary Capacity after Relinquishment of Permanent Post

(2) Where a member who has retired from a permanent post or who has relinquished a permanent post for any reason whatsoever, is reappointed in a temporary capacity, with or without a break in service, such reappointment shall be regarded as a new appointment for all purposes of these regulations and previous permanent service does not count as service for leave purposes and accumulated leave shall lapse when the permanent appointment terminates.

Leave at Appointment of Special Warder as Member
(3) When a special warder is appointed as a member without any break in service, accumulative vacation leave shall remain to his credit.

Overgrant of Leave

(4) In the event of a member being granted leave with full pay in excess of that provided for in these regulations, such overgrant may be deducted from leave which subsequently accrues to him, should the Commissioner be satisfied that the overgrant was made in good faith: Provided that, in the event of a member resigning or his services being terminated before sufficient leave has accrued to him for the purpose of such deduction, the portion of the overgrant which has not yet been set off against his leave accrual on his last day of service shall be regarded, as an overpayment of salary which shall be either recovered or written off under competent authority.

(D) Days of Rest

Days of Rest

30. (1) A member who renders service on a day of rest, may -

(a) on a later suitable date within one month thereafter, be exempted from duty for one day;

(b) if the day of rest on which he rendered services is a Sunday, on later suitable dates within one month thereafter be exempted from duty for a half a day once per week for two consecutive weeks, instead of one day.

Concession Only to be Granted if the Efficiency is not Jeopardised

(2) The granting of the concession provided for in this regulation rests with the member in charge of the prison but the exigencies of the service shall always be considered and in no case shall the concession be granted if efficiency is jeopardised.

Days of Rest Not Deemed to be Leave

(3) A day of rest shall not be regarded as leave and shall not be recorded as such in the leave register: Provided that -

(a) a day of rest, or two more consecutive days of rest, falling within a period of leave shall be regarded as leave falling under the same heading of sub-regulation (1) of regulation 28 as the leave which precedes and succeeds such day or days of rest;

(b) a day of rest, or two or more consecutive days of rest, falling between a period of vacation leave and a period of sick leave (or vice versa) shall be regarded as vacation leave unless the member concerned produces proof that he was actually ill on such day or days of rest;

(c) in the case of a member who is called upon to report for duty on a day of rest and who fails to do so, such day of rest shall be regarded as vacation leave without pay, unless he is prevented from reporting for duty by circumstances which are acceptable to the Commissioner.
No Salary in Respect of Days of Rest within Period of Leave Without Pay

(4) A member shall not be paid salary in respect of days of rest which fall in a period of leave without pay.

(E) Leave in Terms of Repealed Regulations.

Vacation Leave in Terms of Repealed Regulations

31. (1) The promulgation of these regulations and the repeal of the regulations which were in force immediately prior to such promulgation in no way affect the continuity of the accumulative vacation leave privileges of a member who was in the service immediately prior to the coming into force of these regulations, and accumulated vacation leave shall remain to the credit of such member subject to the provisions of sub-regulation (3).

Retention of Accumulative Vacation Leave on Transfer from one Department to Another

(2) A person in the full-time employment of the South African Railways, an educational institution under the control of the Department of Education, Arts and Science, the State Diggings, a provincial education department or a recognised university within the Union, a person appointed under a provincial ordinance in the service of a provincial administration and who is transferred without a break in service or appointed, in a post or position in which these leave regulations become applicable to him, shall retain the accumulative vacation leave standing to his credit on the day before his transfer or appointment, subject to the provisions of sub-regulation (3), and the previous service in respect of which the leave credit is carried forward shall count as service for leave purposes. If such leave would have become available for utilisation only after the completion of a specified period of service and such period of service is uncompleted on the date these regulations become applicable to the member, the credit may be calculated in proportion to the portion of the relative period of service which he has completed on the last-mentioned date, and the leave concerned may be granted forthwith.

Application of Regulations in the Calculation of Accumulated Vacation Leave

(3) In the application of the provisions of these regulations any portion of a day shall be regarded as one day when the accumulated vacation leave is placed to the credit of a member on the date these regulations become effective or become applicable to him.

(F) Leave Registers

Leave Registers

32. (1) The Prisons Branch shall keep a leave register in respect of each member in which all absences from duty shall be recorded in accordance with the classification contained in sub-regulation (1) of regulation 28.

Leave Application shall be Filed

(2) All applications for leave shall be filed for audit and other purposes in the office where the leave register is kept for such period as the Public Service Commission may direct.

(G) Vacation Leave. - General Provisions

General Provisions - Vacation Leave - Manner of Accrueing
33. (1) Accumulative vacation leave shall accrue in respect of each completed month of service at the rate of one-twelfth of the provisions applicable to a member in terms of sub-regulation (1) of regulation 29.

**Vacation Leave - Passing from One Scale to Another**

(2) If a member passes from one vacation leave scale to another -

(a) he retains the accumulative vacation leave credit which accrued during his previous period of service; and

(b) the new accumulative vacation leave scale shall become applicable to him from the first day of the month during which such transfer becomes effective, unless the provisions of sub-regulation (2) of regulation 29 are applicable to him.

**Commissioner may Require Member to Take Leave**

(3) The Commissioner may at any time require a member to take the whole or a portion of the vacation leave due to him: Provided that the maximum period of leave prescribed in sub-regulation (4) of this regulation is not exceeded.

**Maximum Vacation Leave which may be Taken**

(4) Except on the recommendation of the Public Service Commission a member shall not be granted vacation leave in excess of 184 days in any period of eighteen months and any absence from duty above this limit shall be covered by the grant of vacation leave without pay with due regard to the provisions of regulation 38. For the purpose of this sub-regulation no account shall be taken of vacation leave granted in terms of sub-regulation (5) of regulation 34.

**Recording of Accumulative Vacation Leave**

(5) The accumulative vacation leave standing to the credit on the 1st January of each year shall be recorded in the leave register, and in recording such credit any portion of a day shall be regarded as one day.

(H) **Sick Leave. - General Provisions.**

**General Provisions in respect of Sick Leave - Granting of Sick Leave**

34. (1) Sick leave accrues to a member on the first day of a cycle and with effect from that day the full provisions of the relative cycle may be granted to him if the other provisions of this regulation are complied with: Provided that no member shall be granted sick leave with full or half pay until he has completed thirty days’ service which counts as service for leave purposes and then only in respect of absences subsequent to the completion of such service.

**Granting of Sick Leave - Passing from one Scale to Another**

(2) If a member during a cycle and without a break in service -
(a) passes to a scale in which the sick leave provision is less favourable than that formerly applicable to him he shall, for the duration of the relative cycle, retain the sick leave provision formerly applicable to him; or

(b) passes to a scale in which the sick leave provision is more favourable than previously he shall immediately acquire the sick leave provision of the new scale less any paid sick leave already used by him during the relative cycle.

Lapse of Unused Sick Leave

(3) Unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and may not be carried forward to the next cycle.

Grant of Sick Leave More than Maximum

(4) If a member, who has been granted the maximum amount of sick leave provided for in regulation 29, is not yet able, for health reasons, to resume his duties, the Commissioner -

(a) on the presentation to him of a satisfactory certificate by a medical officer or other registered medical practitioner; and

(b) if he is satisfied that the member at that particular time is not permanently unfit to resume his normal duties; and

(c) if the member has no vacation leave to his credit; may, at his discretion, grant the member further sick leave with half-pay not exceeding 92 days in any particular cycle. This grant may be made in respect of separate periods of absence and in respect of different kinds of illnesses.

Vacation Leave in lieu of Sick Leave with Half-pay or Without Pay

(5) (a) A member may, on his written application, be granted any vacation leave which he may have to his credit in lieu of sick leave with half-pay or without pay, provided such application is submitted not later than thirty days after he has resumed duty.

(b) Once the vacation leave referred to has been granted to a member and he has received payment in respect thereof, such leave shall not be reconverted into sick leave with half-pay or without pay.

Conversion of Vacation Leave into Sick Leave

(6) (a) In the event of a member, to whom vacation leave has been granted, becoming ill after he has left his duties to proceed on vacation leave, that portion of vacation leave during which he was indisposed, may be converted into sick leave if -

(i) the member presents to the Commissioner a certificate by a medical officer or other registered medical practitioner [or a registered dentist if paragraph (a) of sub-regulation (4) of regulation 35 is applicable to him] which complies with the requirements stipulated in sub-regulation (3) of regulation 35; and

(ii) in terms of the regulations the necessary sick leave is available.

(b) Vacation leave without pay may not be converted into sick leave.
Granting of Sick Leave

35. (1) Sick leave shall be granted only in respect of the absence from duty of a member owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.

Conditions of Granting of Sick Leave for Certain Specific Indispositions

(2) Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar illdefined illnesses or indispositions only if the Commissioner is convinced that the applicant’s health condition -

(a) incapacitates him for duty; and

(b) does not arise from his failure to take vacation leave.

Sick Leave only Granted on Production of Medical Certificate

(3) (a) If a member is absent from duty owing to illness, he shall be granted sick leave only if he furnishes the Commissioner with a certificate by a medical officer or other registered medical practitioner [or a registered dentist if paragraph (a) of sub-regulation (4) is applicable to him] which clearly describes the nature of the illness, which states that he is not capable of performing his official duties, and in which is indicated the period necessary for his recuperation.

(b) If the Commissioner is convinced that the absence of the member is bona fide due to illness, and that there are good reasons for the non-presentation of a medical certificate he may waive the presentation of a medical certificate by the member in respect of sick leave for a continuous period not exceeding 14 days. Such exemption shall be endorsed on the leave application.

Certificate by Registered Dentist

(4) (a) If a member’s absence is attributable to a dental abscess, a fracture of the jaw, acute Vincent infection of the mouth or complications following dental extractions, such as osteomyelitis, osteitis and secondary haemorrhage, a certificate as defined in paragraph (a) of sub-regulation (3) and issued by a registered dentist may be accepted for the purpose of that paragraph.

(b) A similar certificate issued by a registered dentist in respect of other conditions may be accepted only with the concurrence of the Director for Health Services.

(c) Notwithstanding the provisions of this sub-regulation, the Commissioner may require that a certificate by a registered medical practitioner be presented before sick leave is granted by him.

Commissioner may Refuse Sick Leave With Pay

(5) Notwithstanding the presentation of a certificate as defined in paragraph (a) of sub-regulation (3) and paragraph (a) of sub-regulation (4) the Commissioner may, at his discretion,
refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, and in such case the absence shall be regarded as unauthorised and the provisions of sub-regulation (3) of regulation 28 shall apply.

(J) Special Sick Leave

Special Sick Leave Owing to Injury or Accident in the Course of Duty

36. (1) A member who is absent from duty owing to an injury resulting from an accident sustained during and in the course of his duties or owing to a disease contracted in the course of and as a result of his duties, may be granted special sick leave with full pay for the period he is unfit to perform his normal duties, or, if the case falls within the scope of the Workmen’s Compensation Act, 1941 (Act No. 30 of 1941), as amended and applied to the territory of South West Africa by Act 51 of 1956, special sick leave with remuneration equal to the difference between full pay and the compensation payable to him in terms of that Act, in periodic payment of his monthly earnings.

No Special Sick Leave for Accident Due to Misconduct

(2) Special sick leave in terms of this sub-regulation is not granted if the Commissioner is of opinion that the accident is attributable to the serious and willful misconduct of the member.

Presentation of Certificate

(3) The provisions of sub-regulations (3) and (4) of regulation 35 are mutatis mutandis applicable to the granting of special sick leave.

(K) Special Leave with Full Pay

Special Leave with Full Pay

37. (1) Special leave with full pay may be granted to a member -

(a) when he participates in any examination prescribed by the Public Service Act, 1957 (Act No. 54 of 1957), an examination of a recognised university within the Union, any law examination of the Public Service and any other examination which the Public Service Commission may indicate;

(b) when he is absent from duty as a result of segregation or isolation on medical instructions where he was in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease: The granting of special leave under this paragraph is subject to the presentation of a certificate by a medical officer or other registered medical practitioner indicating the period of and reason for isolation; or

(c) when he is arrested or appears before court on a criminal charge and he is subsequently acquitted or the charge withdrawn.

Special Leave May Include Journeys

(2) Special leave granted in terms of sub-regulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.
(L) Vacation Leave Without Pay

Vacation Leave Without Pay

38. If sound reasons exist, the Commissioner may, at his discretion, but subject to the limits imposed by paragraph (c) of sub-regulation (1) of regulation 39, grant a member, who has no vacation leave with pay to his credit, vacation leave without pay but not exceeding 184 days in the aggregate in any period of eighteen months. In exceptional cases the limitation prescribed by this regulation may be waived on the recommendation of the Public Service Commission.

(M) Sick Leave Without Pay

Sick Leave Without Pay

39. (1) (a) A member who has utilised all his sick leave with pay, provided for in sub-regulation (1) of regulation 29, may, notwithstanding the provisions of sub-regulation (5) of regulation 34, be granted sick leave without pay not exceeding 365 days in any particular cycle.

(b) The grant in terms of paragraph (a) may be made irrespective of whether additional sick leave with half pay in terms of sub-regulation (4) of regulation 34 has been granted the member.

(c) If a member has been granted the sick leave without pay provided for in this sub-regulation, he shall not, during that particular cycle, be granted any further leave, of whatever nature, to cover his absence from duty owing to illness, except on the recommendation of the Public Service Commission.

Medical Certificate in Respect of each Absence

(2) The granting of sick leave without pay in terms of sub-regulation (1) to a member is subject to the presentation by him to the Commissioner of a satisfactory medical certificate in respect of each absence.

(N) Leave Which Counts for Leave and Salary Purposes

Leave Which Counts for Leave Purposes

40. (1) All leave, of whatever nature, with full or part pay, and vacation and sick leave without pay not exceeding 15 days in the aggregate in a month, shall count for the purpose of leave accrual. If the leave without pay exceeds the number of days mentioned herein -

(a) such excess shall not be regarded as service for the purposes of sub-regulation (1) of regulation 33; and

(b) the provision in respect of sick leave with full pay and sick leave with half pay which is applicable to a member in terms of paragraph (b) of sub-regulation (1) of regulation 29, shall be reduced by one thirty-sixth in respect of each such excess, and such reduction shall be made from the provision of the cycle in which the excess occurs, or, if the available sick leave for the relative cycle has already been taken, from the provision for the next succeeding cycle.

Leave that Counts as Service for Purpose of Determining Leave Scale
(2) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining a member’s leave scale in terms of sub-regulation (1) of regulation 29.

Leave in Terms of Sub-regulation (1) Granted Only After Duties are Resumed and is not Retrospective

(3) Vacation leave which in terms of sub-regulation (1) accrues during a period of vacation leave without pay or sick leave without pay shall not be granted to a member until he has resumed his duties after his absence with vacation or sick leave without pay, and shall also not be granted with retrospective effect.

Leave Counts for Purpose of Salary Increments

41. All leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments.

(O) Exceptional Cases

Exceptional Cases

42. In the event of circumstances arising which justify a departure from the provisions of these regulations, the Commissioner may grant leave to a member or class of members on such conditions as the Public Service Commission recommends. The Public Service Commission may also, at its discretion, prescribe special leave privileges for a member or class of members and also make recommendations in connection with leave matters which are not covered by these regulations or which result in a departure from the provisions of the regulations.

SUBSISTENCE ALLOWANCE

(A) Rates

Rates of Subsistence Allowance

43. (1) Subject to the provisions of regulation 44 and save where other special provision is made in these regulations or unless accommodation or subsistence allowance is otherwise provided or paid for by the State, or where a member during his absence from his headquarters, stays in his quarters, the Commissioner may pay a member who is necessarily absent from his headquarters for a period of 24 hours or longer, on official duty in the Union, South West Africa, Southern Rhodesia or in the protectorates, including travelling time, subsistence allowance at the following rates -

(a) In the case of a white member, if his annual salary, including pensionable allowances and the cash value of pensionable privileges that are supplied in natura

  (i) is higher than the salary scale attached to a post of major: Not exceeding 35s. per day.
(ii) is equal to or higher than the minimum notch of the salary scale attached to a post of lieutenant but not higher than the salary scale applicable to a post of major: Not exceeding 31s. per day;

(iii) is equal to or higher than the minimum notch of the salary scale attached to a post of head warder but not higher than the salary scale attached to a post of lieutenant: Not exceeding 27s. per day;

(iv) is lower than the minimum notch of the salary scale attached to a post of head warder: Not exceeding 23s. per day.

(b) In the case of a non-white member: Not exceeding 14s. per day.

Rates for Periods Less than 24 Hours

(2) Save where other special provision is made in these regulations or except where accommodation or subsistence allowance is otherwise provided or paid for by the State, the Commissioner may -

(a) reimburse a member who is necessarily absent from his headquarters for a period of less than 24 hours on official duty in the Union, South West Africa, Southern Rhodesia or the protectorates for reasonable expenditure actually and necessarily incurred by him on accommodation; and

(b) pay a white member who is necessarily absent on official duty from his ordinary place of work in the Union or South West Africa, and in connection therewith remains more than 3 miles away from such place of work or his home during the meal hour, an amount not exceeding 3s. 6d. per day to defray expenses incurred for accommodation: Provided that the Commissioner is satisfied that the member actually and necessarily incurred such expenses.

Subsistence Allowance on Official Duties Outside the Union, etc.

(3) The Commissioner may pay a member who is absent from his headquarters on official duty and in connection therewith has to sojourn outside the Union, South West Africa, Southern Rhodesia and the protectorates, subsistence allowance or reimburse him for expenditure on accommodation at rates and according to directions approved by the Administrator on the recommendation of the Public Service Commission.

(B) Payment of Subsistence Allowance.

Payment of Subsistence Allowance

44. (1) Except in circumstances where other special provision is made in these regulations, the subsistence allowance prescribed in regulation 43, may be paid to a member during periods of absence from his headquarters but for a continuous period not exceeding six months at the same town or place. The time occupied by a member’s journey to and from his destination shall be disregarded for the purpose of the calculation of the period of six months and for the purposes of this sub-regulation, the continuity of any period of sojourn at the same town or place shall not be regarded as having been interrupted by an absence, for any reason whatsoever, of less than one month.

Rates for Hours is Excess of 24 Hours or Multiples thereof
(2) For every full hour in excess of 24 hours, or a multiple of 24 hours, the Commissioner may pay a member -

(a) the subsistence allowance referred to in regulation 43 at the following rates -

(i) If the daily rate of subsistence allowance is not in excess of 35s. - Not exceeding 1s. 6d. per hour;

(ii) if the daily rate of subsistence allowance is not in excess of 31s. - Not exceeding 1s. 4d. per hour;

(iii) if the daily rate of subsistence allowance is not in excess of 27s. - Not exceeding 1s. 2d. per hour;

(iv) if the daily rate of subsistence allowance is not in excess of 23s. - Not exceeding 1s. per hour;

(v) if the daily rate of subsistence allowance is not in excess of 14s. - Not exceeding 7d. per hour;

(b) the subsistence, camp or special allowance is prescribed by or in terms of these regulations excluding the subsistence allowance referred to in paragraph (a), at the rate of one twenty-fourth of the daily rate of such allowance.

(C) Air Journeys.

Air Journeys

45. (1) The Commissioner may pay a member who travels by air on official duty in the area embracing the Union, South West Africa and the protectorates, or within the territory or country in which he is stationed in a foreign country, subsistence allowance as prescribed in terms of these regulations, for the time occupied by such air journey.

Subsistence Allowance not Payable in Respect of Other Air Journeys

(2) Subsistence allowance is not payable in respect of air journeys other than those referred to in sub-regulation (1), but the Commissioner may reimburse the member reasonable expenses which are actually and necessarily incurred on accommodation during such journey.

(D) Voyages

Voyages: No Subsistence Allowance

46. (1) Subject to the provisions of sub-regulation (2), subsistence allowance shall not be paid in respect of a period spent on board ship, and expenditure in respect of extras or liquor shall not be refunded.

Reasonable Expenses may be Refunded

(2) Notwithstanding the provisions of sub-regulation (1), the Commissioner may reimburse a member who undertakes a voyage on official duty, the reasonable expenses -
(a) which he actually incurred for accommodation and stewards’ fees, excluding fees to wine stewards, in respect of a voyage -

(i) on a waterway of a continent;

(ii) between the continent of Europe and the United Kingdom or Ireland; or

(iii) between the United Kingdom and Ireland;

(b) which he actually incurred for stewards’ fees, excluding fees for wine stewards, in respect of voyages other than that referred to in paragraph (a), if the following amounts are not exceeded -

(i) In respect of the member: £7. 10s. per voyage;

(ii) in respect of the member and members of his household who travel with him at State cost: £10 per voyage;

(iii) in respect of the member and members of his household who travel at State cost but because of circumstances beyond their control do not travel with him: £15 per voyage;

(iv) in respect of the member and members of his household who travel at State cost but by free choice do not travel with him: £10 per voyage: Provided that where members of the household do not travel with him such separate voyage for the purpose of sub-paragraphs (ii) and (iv) is deemed a joint voyage.

(E) Camp Allowance

Camp Allowance

47. Where a member is provided with complete camping equipment by the State, subsistence allowance shall not be paid to him in respect of the period during which he stays in a camp, but in lieu thereof the Commissioner may pay camp allowance at the following rates -

(a) To a white member: Not exceeding 7s. per day.

(b) To a Non-white member: Not exceeding 3s. per day.

(F) Sojourn at a State Institution

Sojourn at a State Institution

48. (1) If a member stays at a State institution during a period of absence on official duty from his headquarters, subsistence allowance shall not be paid to him in respect of the period of his sojourn there; instead thereof -

(a) the fees generally levied in respect of visitors by the institution may, by the Commissioner -

(i) be refunded the member if he has paid such fees; or
(ii) be paid to the institution if the member has not paid such fees; and

(b) the Commissioner may pay a special allowance of 2s. 6d. per day to the member to cover further expenses:

Provided that if accommodation is partly provided by a private person or by a member of the staff of the institution, the fees levied by the host may also be refunded the member by the Commissioner.

(2) The provisions of sub-regulation (1) are not applicable to a member who -

(a) stays at a State institution, but is absent from his headquarters for a period less than 24 hours; or

(b) visits a State institution but receives no accommodation or part accommodation from the institution;

in which case the provisions of regulation 43 are applicable.

(G) Insufficient Allowance

Insufficient Allowance

49. If the subsistence or other allowance which is payable in terms of this regulation is insufficient to cover the expenses that a member incurs in addition to his normal cost of living, when he is absent from his headquarters on official duty, the Commissioner may refund the member the difference between the amount that is payable as subsistence or special allowance in respect of the whole continuous period of such member’s absence from his headquarters and the reasonable expenses he actually and necessarily incurred on accommodation during such period, on condition that -

(a) the Commissioner is convinced that the accommodation that the member utilised was in keeping with his status as a public servant;

(b) the claim concerned is substantiated by receipts or other documents, or in the case where such proof is not available, by a written declaration;

(c) items not covered by the definition of “accommodation” in regulation 1, are excluded from the calculation of the amount that may be refunded; and

(d) the amounts that are allowed in respect of the hire of bedding on a train is limited to the cost of bedding tickets obtainable from ticket and booking offices - the cost of luxury bedding and special mattress is not allowed;

Provided that in terms of the provisions of this regulation the amounts refunded a member who visits different overseas countries during one journey, may be calculated in respect of the period of his sojourn in each different country instead of for the whole period of his absence from his headquarters: Provided further, that the provisions of this regulation are not applicable to camp or permanent allowance or to sessional officers.

(H) Payment During Period of Leave

Payment of Subsistence and Camp Allowance During Periods of Leave
50. (1) Subject to the provisions of sub-regulation (2) a member shall not be paid subsistence, camp or special allowance which may be paid in terms of these regulations, during a period of leave, unless the Administrator approves such payment on the recommendation of the Public Service Commission.

Payment of Subsistence and Camp Allowance During Periods of Sick Leave and to Sessional Officers and fixed Subsistence Allowance

(2) Notwithstanding the provisions of sub-regulation (1) -

(a) the subsistence, camp or special allowance may be paid to a member in respect of a continuous period of sick leave not exceeding fourteen days, including sick leave granted in terms of paragraph (a) of sub-regulation (1) of regulation 36, if the member does not return to his headquarters;

(b) subsistence allowance may be paid to a sessional officer in respect of absence with vacation leave of altogether not exceeding six days during a specific parliamentary session, if the member does not return to his headquarters in respect of the period of vacation referred to; and

(c) fixed subsistence allowance may be paid in respect of altogether not exceeding twelve days leave, excluding sick leave, during a year ending 31st December.

Payment on Appointment

Subsistence allowance is not paid to a person on his first appointment in the Prisons Branch in respect of his journey to the place where he is to assume duty.

Fixed Subsistence Allowance

51. Notwithstanding any provisions to the contrary in these regulations the Administrator may, on the recommendation of the Public Service Commission, approve of the payment by the Commissioner to a member of subsistence allowance on a fixed basis.

Form of Submission of Claims

52. Applications for the payment of the subsistence, camp or special allowance prescribed in terms of these regulations, excluding fixed subsistence allowance, shall be done in a form approved of by the Public Service Commission.

Special Warders and Exceptional Cases
54. (1) The provisions of the regulations regarding subsistence, camp and special allowances are *mutatis mutandis* applicable to the special warders referred to in paragraph (a) of sub-regulation (1) of regulation 9.

(2) If circumstances arise which justify a departure from the provisions of these regulations such subsistence, camp or special allowance may be paid by the Commissioner to a member or class of members as the Administrator approves of on recommendation of the Public Service Commission.

OFFICIAL JOURNEYS AND TRANSPORT

(A) Economy

55. (1) All official journeys shall be approved of by the Commissioner who shall ensure that they are essential and in the interests of the Prisons Branch.

*Travel by Most Economical Means by Shortest Route*

(2) (a) A member shall travel by the most economical means, as expeditiously as circumstances permit and, subject to the provisions of regulation 17, by the shortest route.

(b) The reason for any non-observance of the requirements of paragraph (a) shall be explained by the member in writing and the explanation attached to the form referred to in regulation 62.

(c) If a member has travelled in a manner involving greater expenditure on transport than was necessary, the Commissioner shall limit the amount payable to him in reimbursement of his travelling costs, to what it would have been had he observed the requirements of paragraph (a); and if he has so travelled on a State order or by means of State transport, he shall refund the expenditure unnecessarily incurred.

(B) Expenses

56. Subject to the provisions of these regulations a member required to travel on official duty shall be reimbursed the cost of conveying himself and his necessary personal luggage, and all reasonable expenditure incurred in connection with taxis (where State or contract transport is not available), porters, shipping or landing and other incidental services.

(C) Means of Transport

57. (1) A member required to travel on official duty in the Union or South West Africa shall perform his journey by train or railway bus (including luxury railway bus where more economical transport service is not available). If the journey cannot be performed by train or railway bus, the member shall travel by means of the cheapest public transport available. No official journey shall be performed by aeroplane unless the approval of the Administrator has been obtained: Provided that the Commissioner himself may at his own discretion travel by aeroplane if the public interest will be better served thereby.
Official Journey To, From, Between and In Places Outside the Union and South West Africa

(2) Subject to the provisions of sub-regulation (1) of regulation 55 official journeys to, from, between and in places outside the Union and South West Africa shall be undertaken by the cheapest means of public transport available, including transport by aeroplane.

Official Journeys with Transport from Government Garage or Contractor

(3) If a member is required to travel on duty, and public transport is not available or its use impracticable he shall requisition on the Administration Garage or person having a transport contract with the Administration, for such transport as may be necessary for the performance of the journey, or where neither of these means of transport is available, make the best and most economical arrangements for the hire of the necessary transport.

Official Journeys with Private Transport

(4) In an exceptional case the Commissioner may authorise a member to perform an official journey by means of private transport if the Commissioner is satisfied that the public interest will be better served, whether or not it is possible to perform the journey by means of State, public or contract transport: Provided that in the case of frequent and regular travelling, the prior recommendation of the Head of Administration Transport shall be obtained.

Exceptions

(5) Notwithstanding any provisions to the contrary contained in these regulations -

(a) the Commissioner may, whenever he is able to certify that the public interest is better served, requisition for such transport as he may need for an official journey on the Administration Garage or a person having a transport contract with the Administration or, alternatively, use his privately-owned transport; and

(b) a member or special warder, may at his own discretion, use his private or subsidised motor transport to perform an official journey: Provided that he travels at his own risk with such motor transport in so far as these provisions are not contrary to the provisions of the Workmen’s Compensation Act, 1941 (Act No. 30 of 1941), as amended and applied to the Territory of South West Africa by Act 51 of 1956.

(D) Class Utilised when Travelling by Boat or Train

Class Wherein shall be Travelled by Train or Boat

58. A member or special warder who travels by train or boat on official duty, may travel in the classes indicated hereunder -

By Train in the Union, South West Africa, Protectorates, Northern and Southern Rhodesia and Mozambique

(1) By train in the Union, South West Africa, the protectorates, Northern and Southern Rhodesia and Mozambique -

(a) A white member: First class;
(b) a white special warder, if his annual salary, including pensionable allowance and the cash value of pensionable privileges provided in natura -

(i) is equal to or higher than the minimum notch of the salary scale attached to a post of head warder: First class;

(ii) is lower than the minimum notch of the salary scale attached to a post of head warder: Second class, if available, otherwise first class -

Provided that -

(aa) the Commissioner, at his discretion, may approve that a white special wardress travel first class, notwithstanding that her salary is lower than the minimum notch of the salary scale attached to a post of head warder;

(bb) a person who serves under contract may, unless his service contract provides otherwise, travel in the class prescribed for a comparable member; and

(cc) the Commissioner may, at his own discretion, use any train service provided by the South African Railways. When travelling on official duty, and he is entitled to take his family with him at State expense, his wife and dependent children (including adopted children), but no other members of his household, may use the same train service whether or not the wife and children are accompanied by him, but if the children travel unaccompanied by either, of the parents the expenditure, in respect of the children, which may be met from public funds shall be limited to that which would have been incurred had they travelled first class.

(c) A Coloured member or special warder, if his annual salary including pensionable allowance and the cash value of pensionable allowance provided in natura -

(i) is equal to or higher than the minimum notch of the salary scale attached to a post of Coloured warder, Grade II: First class;

(ii) is lower than the minimum notch of the salary scale attached to a post of Coloured warder, Grade II: Second class, if available, otherwise first class.

(d) A Bantu member or special warder: Third class, if available, otherwise second class: Provided that the Commissioner may approve of the second class travelling by a Buntu member if he is convinced that the status of the member concerned justifies a journey in that class, notwithstanding that third class accommodation is available.
(3) By boat: A white member, if his annual salary included pensionable allowance and the cash value of pensionable privileges which are provided in natura -

(a) is equal to or higher than the minimum notch of the salary scale attached to a post of head warder: First class.

(b) is lower than the minimum notch of the salary scale attached to a post of head warder: Second class:

Provided that -

(i) if accommodation in a class on a boat is divided into various grades the member shall travel in the cheapest accommodation in the class prescribed: Provided, further, that if the circumstances of a case so warrants, the Commissioner may authorise the member to travel in a more expensive grade: Provided, further, that the Commissioner may, at his own discretion, travel in any grade;

(ii) if a member for whom second-class travel by boat is prescribed, is required to travel on a boat which has only first-class and cabin-class or first-class and tourist-class accommodation available, such member shall travel cabin-class or tourist-class as the case may be: Provided, further, that if only first-class accommodation is available, the member may travel first-class.

Official Journey with Senior Member or High-ranking Personage

(4) A member travelling on official duty with a fellow member, or any other official, with a higher rank or a high-ranking personage may be permitted at the discretion of the Commissioner to travel in the same class as the senior member or high-ranking personage.

Class to be Travelled in on Escort Duty

(5) A member, excluding a white female member, who escorts prisoners, travels in the carriage indicated for the prisoners. White female members who escort non-white female prisoners, travel in reserved second-class accommodation.

(E) Subsidised and State Transport

Subsidised and State Transport

59. (1) If he is satisfied that the interests of the State will be best served thereby, the Commissioner may, on the recommendation of the Secretary for Transport, require a member whose duties necessitate frequent or regular travelling -

(a) to utilise such Administration motor transport as may be deemed necessary for the efficient performance of his duties; or

(b) to maintain subsidised motor transport of official purposes if, in the opinion of the Head of Administration Transport, the use of Administration transport is impracticable or undesirable.

Conditions Under Which Subsidised Transport Shall be Acquired and Maintained
(2) The conditions under which subsidised transport shall be acquired and maintained and the allowances which may be paid in respect of the use of such transport, are approved by the Administrator on the recommendation of the Head of Administration Transport.

Drivers at State Expense not Provided

(3) A member who is required to utilise or maintain Administration or subsidised motor transport in terms of sub-regulation (1) shall not be provided at Administration expense with a driver.

Obtaining of Drivers Licence for Operating of Administration Motor Transport

(4) If a member, required to operate Administration transport in terms of paragraph (a) of sub-regulation (1), is not a holder of an appropriate drivers’ licence, the Commissioner may provide him with the necessary tuition at Administration expense and the fees for any examination or for the licence and for any medical examination required and the cost of photos to be attached to the licence, may be met from public funds.

Solution of Dispute Arising Out of Application of Sub-regulation (2)

(5) Any dispute arising out of the application of the provisions of sub-regulation (2) of this regulation between the Commissioner and the Head of Administration Transport shall be referred to the Administrator, who, after consultation with the Public Service Commission, shall decide the question at issue.

(F) Allowance for Private Transport.

Allowance for Use of Privately Owned Transport

60. (1) The Commissioner may pay a member who utilises private transport for the performance of an official journey in terms of the provisions of sub-regulation (4) or (5) of regulation 57, the following -

(a) In the case of motor transport which is utilised in terms of sub-regulation (4) or paragraph (a) of sub-regulation (5) of regulation 57. Such mileage and passenger-allowance as are prescribed by the Administrator on the recommendation of the Head of Administration Transport for the use of such transport.

(b) In the case of motor transport which is utilised in terms of the provisions of paragraph (b) of sub-regulation (5) of regulation 57: An amount equal to what it would have cost at Administration rates if the member and any official passengers who accompanied him over the most economic route -

(i) had been provided with rail warrants; and

(ii) had utilised other means of public transport:

Provided that the expenses for porters’ fees at railway stations and other incidental means of transport are excluded for the purposes of this paragraph.

(c) In the case of other than motor transport: Such allowance as is approved of by the Administrator on the recommendation of the Public Service Commission.
**Fixed Transport Allowance**

(2) Notwithstanding any provisions to the contrary in these regulations, the Administrator may approve, on the recommendation of the Public Service Commission, that the Commissioner pay a member a transport allowance on a fixed basis.

**Payment of Fixed Transport Allowance during Periods of Leave and when the Member Performs Duties Not Requiring Transport**

(3) A member in receipt of a fixed transport allowance in terms of sub-regulation (2), shall continue to be paid the allowance during the periods indicated hereunder whilst he is on leave or employed on duties where the use of transport is not essential -

(a) In the case of motor transport: Fourteen days in the aggregate during a year ending the 31st of December.

(b) In the case of transport other than that referred to in sub-paragraph (a): Any period during which the transport is placed at the disposal of the State whether or not it is used for official purposes.

**(G) Transport to Camp**

**Transport of Personal Requirements to Camp**

61. The Commissioner may grant a member who, for the purpose of carrying out his official duties is required to live in a camp, free conveyance for his personal requirements, including provisions, between the nearest railway station or trading store and the camp: Provided that the most economical transport arrangements are made.

**(H) Claims**

**Form for Submission of Claims**

62. All claims for reimbursement of transport expenses that may be payable in terms of the provisions of these regulations, excluding fixed transport allowance, shall be submitted in a form approved of by the Public Service Commission.

**(I) Special Warders**

**Special Warders and Exceptional Cases**

63. (1) The provisions of the regulations in connection with official journeys and transport are, except where specifically otherwise indicated, *mutatis mutandis* applicable to the special warders referred to in paragraph (a) of sub-regulation (1) of regulation 9.

(2) If circumstances arise which justify a departure from the provisions of these regulations, the Administrator may authorise official travelling in such manner or by such means of transport or the payment of such compensation, expenses or allowance as the Public Service Commission or the Head of Administration Transport, as the case may be, may recommend.

**TRANSFERS**
(A) Transfers within the Union and South West Africa

Transfer of Members Within the Union and South West Africa

64. (1) (a) Subject to the provisions of these regulations a member may be transferred and he and his household and personal effects moved at State expense from any headquarters to another, within the Union and South West Africa.

(b) If a member is transferred at his own request no expenditure in connection therewith shall be met from public funds, and any absence from duty as a result of such transfer shall be covered by the grant of leave in terms of regulations 27 up to and including 42: Provided that the provisions of this sub-paragraph are not applicable to a member who is transferred at his own request if the Commissioner is convinced that such transfer is essential in the interest of the Prisons Branch or of the health of the member or of his wife or child (including an adopted child).

Privileges and Subsistence

(2) If a member is transferred in terms of the provisions of paragraph (a) of sub-regulation (1) he shall be regarded as travelling on official duty and may be -

(a) granted the privileges provided for in these regulations and in regulations 55 to 63 inclusive: Provided that members of the household of such members may be regarded as official passengers for the purpose of paragraph (b) of sub-regulation (1) of regulation 60; and

(b) paid subsistence allowance in accordance with the provisions of regulations 43 to 54 inclusive.

Conditions Applicable on Removal from One Headquarter to Another

(3) The following provisions are applicable to the removal from one headquarters to another of the household and personal effects of a member transferred in terms of the provisions of paragraph (a) of sub-regulation (1) -

(a) The Commissioner may pay a member subsistence allowance at the full rate applicable to him in respect of each member of his household of 12 years of age or older and at half that rate for each other member for the periods necessarily spent in travelling from one headquarters to another, except in regard to a servant in respect of whom the Commissioner may refund reasonable expenses actually and necessarily incurred on subsistence.

(b) (i) A member of the household, other than a servant, may travel in the same class on the railways as that in which the member is travelling.

(ii) On the railways a white, or Coloured servant may travel in the second class, if available, otherwise first class, and a Bantu servant third class, if available, otherwise second class: Provided that a nursemaid in charge of an infant may travel in the same class as the household of the member.

(c) (i) Excess luggage not exceeding 450 lb. gross weight, may be transported by passenger train.
(ii) Personal effects not exceeding 14,000 lb., gross weight, may be conveyed by goods train or South African Railways Road Motor Service or other public conveyance or State transport form one headquarters to another and from the dwelling to the railway station and vice versa and to and from a warehouse if warehousing of the personal effects has been authorised in terms of paragraph (e): Provided that if transport by any of the aforementioned conveyances is not possible or feasible or is more expensive, the Commissioner may at his discretion, approve the use of another conveyance. The weight stipulated includes the weight of vehicles.

(d) The cost of packing (including the cost of packing material) and unpacking of personal effects within the weight limit specified may be met from public funds.

(e) In an exceptional instance the Commissioner may authorise that the personal effects of a member, within the specified weight limit, be warehoused at either the old or the new headquarters at State expense for a period not exceeding six months.

(f) Subject to such limitations and conditions as approved by the Administrator, on the recommendation of the Public Service Commission the following expenditure may be met from public funds -

(i) The cost of repairs to or replacement of personal effects damaged in transit.

(ii) The cost of disconnecting and connecting and altering electrical domestic appliances.

(iii) The cost involved in purchasing essential school books for a child or other dependent.

(g) Where a white member who has personally occupied a house or a flat at or in the vicinity of the headquarters from where he is transferred, wholly or partly furnished by himself, removes his personal effects, inclusive of furniture to a place of storage or to a house or a flat at or in the vicinity of the headquarters to which he is transferred, the Commissioner may pay him an amount of twenty-five pounds in respect of depreciation of personal effects and to meet expenses arising from his transfer except those provided for elsewhere in these regulations: Provided that the Commissioner may, at his discretion, pay a lesser amount, if he considers the circumstances do not justify payment of an amount of twenty-five pounds.

Refund of Specific Expenses

(4) The Commissioner may refund a member, transferred in terms of paragraph (a) of sub-paragraph (1), the following -

(a) The amount actually and necessarily expended on rent or lodging and servant’s wages at his old headquarters and forfeited in consequence of short notice of transfer, provided expenditure for rent or lodging and servants’ wages is concurrently incurred at the headquarters to which the member is transferred.

(b) The amount actually and necessarily expended by a member at his old headquarters for not exceeding seven days, through being compelled to reside in a hotel or boarding-house while his furniture and effects are being packed or are in the course of transit to the new headquarters.
(c) The amount actually and necessarily expended for lodging or hotel accommodation at the new headquarters for not exceeding seven days, through the member being compelled to reside in a boarding house or hotel while his furniture and effects are being unpacked, in transit from his old headquarters or while he is in search of a house or flat.

(d) (i) The difference between normal living expenses comprising rent, rates, cost of water, light, fuel, food and servants’ wages and the abnormal expenses actually and necessarily incurred by a member at his new headquarters through being compelled to reside in a boarding-house or hotel for a period exceeding seven days while his furniture and effects are being unpacked, in transit from the old headquarters or while he is in search of a house or flat: Provided that no claim for abnormal living expenses may be considered for a period exceeding two months.

(ii) Claims for a refund of abnormal living expenses shall be submitted in writing in a form approved by the Public Service Commission.

(e) Expenditure necessarily incurred as a result of his transfer in connection with the re-registration of one private and one subsidised motor-vehicle.

(f) Expenditure necessarily incurred as a result of his transfer in connection with the replacement of number plates in respect of one private and one subsidised motor-vehicle: Provided that the maximum amount is one pound per set of number plates.

(g) Telephone rental on a pro rata basis in respect of the period during which he is unable to use the telephone as a result of his transfer: Provided that telephone rental which is recoverable from the Posts and Telegraphs Branch cannot thus be refunded.

Tenders for Packing of Personal Effects, Disposal of Packing Material and Transport of Motor Vehicle

(5) (a) Written tenders shall be obtained for the packing and unpacking and loading and unloading of personal effects and the lowest tender shall be accepted: Provided that the Commissioner may authorise the acceptance of a higher tender if he is convinced that there are adequate reasons for the non-acceptance of the lowest tender.

(b) Packing material paid for from public funds shall be stored at the prison concerned pending instructions from Headquarters.

(c) The conveyance of a motor-vehicle at State expense is subject to the conditions that -

(i) no liability shall devolve upon the State for loss of or damage to a motor-vehicle in transit; and

(ii) it be transported by goods train at a rate which has been approved by the Administrator on the recommendation of the Public Service Commission and that all incidental expenses connected with loading and off-loading of the vehicle be met by the member.
Period During Which Prescribed Privileges are Applicable

6. The benefits prescribed in sub-regulations (3) and (4) are only applicable if the member transfers his household and personal effects within one month from the date on which his transfer takes effect unless prior to the expiry of this period, he shall have obtained permission to defer the removal of his household or his personal effects, which permission may be granted by the Commissioner.

(B) First Appointment

Conveyance on First Appointment

65. (1) The Commissioner may approve that a person resident in the Union or South West Africa and who is appointed to a post on the fixed establishment, be granted free conveyance for himself from the place where he was recruited to the place where he has been instructed to assume duty, on the conditions concerning methods of conveyance and classes of travel corresponding with those prescribed for a member in regulations 55 to 63 inclusive (conveyance includes transport by Government Garage or contract conveyance at the place where he was recruited as well as the place of appointment, or, if such transport is not available, transport by taxi from and to the residence at boarding or descending points of the public conveyance used for the journey).

Conveyance on Recruitment

(2) (a) Subject to the provisions of paragraph (b) the household and personal effects of a person referred to in sub-regulation (1) may, with the approval of the Commissioner, be conveyed from the place where the person was recruited to the place where he has been instructed to assume duty at State cost on the basis laid down for a member in transfer in paragraphs (a) of sub-regulation (1), paragraphs (b), (c) and (d) of sub-regulation (3) and sub-regulations (5) and (6) of regulation 64.

(b) When a person whose household and personal effects have been conveyed in terms of the provisions of paragraph (a), resigns, or if his services are terminated as a result of unsatisfactory service within six months of the date of his assumption of duty, he shall refund the costs incurred in respect of the conveyance of his household and personal effects.

(C) Sessional Officers

Transport Privileges for Sessional Officers

66. (1) Subject to the provisions of sub-regulation (2) a sessional officer may be granted conveyance by rail at Administration expense for himself, his household and excess luggage on the basis laid down for a transferred member. A sessional officer may further be allowed to rail one private motor-car or motor-cycle and bicycle (including three wheelers) to and from Cape Town at Administration expense on such conditions as the Administrator may approve on the recommendation of the Public Service Commission.

Applicability of Regulation

(2) The provisions of paragraph (b) of sub-regulation (5) of regulation 57 are mutatis mutandis applicable to a sessional officer referred to in sub-regulation (1): Provided that the forward and return journey is performed by motor-car: Provided that the members of the
household of such member may be deemed official passengers for the purposes of paragraph (b) of sub-regulation (1) of regulation 60.

(D) Transport on Termination of Service and Death

Transport Privileges on Termination of Service and Death

67. (1) (a) Subject to the provisions of sub-regulation (2) the Commissioner may approve that -

(i) a member who is retired on account of superannuation; and

(ii) a member whose services terminate on grounds approved for the purpose of this regulation by the Administrator on the recommendation of the Public Service Commission;

and who has completed not less than ten year’s service be granted conveyance at Administration expense for himself, his household, and his personal effects to the place in the Union or South West Africa where he wishes to reside, subject to such limitations and conditions as may be approved by the Administrator on the recommendation of the Public Service Commission.

(b) The household and personal effects of a member who has completed not less than ten years’ service and who dies whilst in State employment, may be conveyed to any place within the Union and South West Africa at State expense, subject to the provisions of paragraph (a) which will apply mutatis mutandis to such conveyance.

Applicability of Regulation

(2) The provisions of paragraph (b) of sub-regulation (5) of regulation 57 are mutatis mutandis applicable to a member referred to in sub-regulation (1), or his household: Provided that the members of the household of such member may be deemed official passengers for the purposes of paragraph (b) of sub-regulation (1) of regulation 60.

(E) Exceptional Cases.

Exceptional Cases

68. If circumstances arise which justify a departure from the provisions of these regulations, the Administrator may approve of such conditions regarding transfer costs and transport privileges on first appointment, for sessional officers and on termination of service and death, as the Public Service Commission recommends.

DEBT AND DESERTION

(A) Debt

Submission of a Statement of Assets and Liabilities may be Demanded

69. (1) If it is suspected that a member or special warder referred to in paragraph (a) of sub-regulation (1) of regulation 9, having regard to his salary and other circumstances, is in debt to an unreasonable extent, or if a process for debt or for civil imprisonment or for judgement or insolvency proceedings in which the member or special warder is the respondent,
has been issued, the Commissioner may direct that such a member or special warder submit to
him a detailed statement of his assets and liabilities.

Notice of Services of Process shall be Given

(2) The member or special warder concerned shall inform the Commissioner without
delay when a process as referred to in sub-regulation (1) has been served on him.

Action which may be Taken Against Member and Special Warder

(3) If on further investigation which may be considered expedient, it appears that the
proper performance of the duties of the member or special warder concerned may be impaired
due to the debt or part thereof, the Commissioner may -

(a) in the case of a commissioned officer take such action as he may deem fit;

(b) in the case of a non-commissioned member direct that an inquiry be held in terms
of regulation 77; and

(c) in the case of a special warder discharge him summarily.

(B) Desertion

Disposal of Private Effects, Personal Property and Outstanding Salary of a Deserter

70. (1) If a member or special warder deserts and there be no likelihood of his
immediate arrest, his officer commanding may, on the expiration of one month after the date of
desertion, sell all private effects or personal property left by the deserter. The proceeds of such
sale, together with the salary due to the member or special warder up to the date of desertion,
may be utilised for the liquidation of official claims, mess debts, club and such other debts as
the Commissioner may determine.

Disposal of Balance of Moneys after Liquidation of Depts

(2) After all claims and debts referred to in sub-regulation (1) have been liquidated, the
balance, if any, shall be paid over to the Master of the Division of the Supreme Court
concerned, or in the case of a Bantu member or Bantu special warder, to the Bantu Affairs
Commissioner concerned.

CONTRAVENTIONS AND MISCONDUCT

(A) Members and Special Warders

Contraventions

71. (1) A member or special warder who contravenes or fails to comply with any
provision of the Act or these regulations (other than a contravention or non-compliance which is
expressly declared to be an offence under the Act or these regulations) or who -

(a) absents himself from duty without leave or valid cause or overstays any leave
granted to him; or
(b) is under the influence of intoxicating liquor or stupefying drugs, whether on or off duty; or

(c) while on duty partakes of any intoxicating liquor or stupefying drugs; or

(d) renders himself unfit for duty by the excessive use of intoxicating liquor or stupefying drugs; or

(e) habitually frequents any place at which intoxicating liquor is sold; or

(f) at any time or place swears or uses improper language or conducts himself in a disgraceful, improper or unbecoming manner or, whilst on duty, is grossly discourteous to any person; or

(g) wilfully or unlawfully aims or points a firearm at any person or negligently or recklessly discharges a firearm; or

(h) wilfully or negligently furnishes or tenders false or incorrect information; or

(i) sleeps on duty; or

(j) is negligent or indolent in the discharge of his duties; or

(k) negligently allows a prisoner to escape; or

(l) directly or indirectly requests or demands or accepts or agrees to accept any commission, gift, fee, reward or any other consideration whatsoever, whether pecuniary or otherwise, from any person as an inducement to omit or neglect to perform his duty properly or to do anything in conflict with his duty, or fails or neglects to report immediately in writing to his head of the prison or office, as the case may be, that any such offer has been made to him; or

(m) without first having obtained the written permission of the Commissioner, directly or indirectly requests or demands or accepts or agrees to accept in connection with the execution of his duties, any commission, gift, fee, reward or other consideration whatsoever (other than the pay due to him), or fails or neglects to report immediately in writing to his head of the prison or office, as the case may be, that any such offer has been made to him; or

(n) directly or indirectly borrows money from or through a member of lower rank or from or through a special warder, or places himself under a pecuniary obligation to a junior in rank; or

(o) other than in the course of his duties, without the permission of the Commissioner, knowingly associates in any manner with an ex-prisoner or with a relative or friend of a prisoner; or

(p) admits an unauthorised person into a prison or any portion thereof without the permission of the Commissioner; or

(q) as a result of his negligence or neglect of duty, allows a prisoner under his supervision or control to partake or obtain possession of intoxicating liquor or stupefying drugs; or
(r) directly or indirectly and contrary to any regulation, Prison Service Order or other rule applicable to the prison concerned, causes or requires a prisoner under his supervision or control to perform work or render a service in respect of which he or another person receives or will receive some or other personal benefit or gain or in which he or another person has a personal interest, whether pecuniary or otherwise; or

(s) other than in the performance or in terms of the requirements of his duties, lends, sells, gives or issues any article, implement or other thing to a prisoner or buys or borrows anything from a prisoner; or receives a gift, advantage, gain or other personal consideration from a prisoner or, contrary to his duties, accepts or conspires to obtain a promise, under any pretext whatsoever, from a prisoner or a relative or friend of such prisoner; or

(t) knowingly employs an ex-sentenced prisoner without the permission of the Commissioner; or

(u) uses prison labour in his own service and for his own benefit or for that of another member or special warder without the permission of the Commissioner, whether payment for such labour at prescribed rates is made or tendered to the State or not; or

(v) without the permission of the Commissioner, engages in a trade, business or any commercial or agricultural undertaking or keeps animals, other than pets, or undertakes any private agency or private work in any manner connected with the performance of his official functions or the execution of his official duties; or

(w) commits or causes or permits any act to be committed or connives at any act which is prejudicial to the administration, discipline and efficiency of the Prisons Department or to the authority or position of a member; or

(x) attempts to procure intervention from political or outside sources or through any other than the prescribed official channels in relation to his position and conditions of employment in the Prisons Department: Provided that nothing in this paragraph contained shall preclude a member or special warder from endeavouring to obtain redress of any grievance through National Assembly; or

(y) becomes a member of any political organization or takes active part in political matters; or

(z) malingers or is absent from duty owing to illness and fails to inform the head of a prison or office, as soon as possible, that he is ill; or

(aa) withholds, misapplies, unlawfully uses, loses by neglect or wilfully damages Administration property or property of another member, mess, canteen, library, fund, club or other prison institution or property belonging to a prisoner; or

(bb) fails to comply with any Prisons Service Order or other order issued by authority of the Commissioner or other commissioned officer; or
(cc) disobeys, disregards or wilfully fails to carry out any lawful order given to him by a member or any other person having authority to do so or displays insubordination by word or conduct; or

(dd) becomes insolvent or compromises with his creditors or against whom a decree of civil imprisonment has been issued by any court of law or against whom any other order has been issued by a magistrate’s court in terms of section 65 of the Magistrates’ Courts Act, 1944 (Act 32 of 1944), as amended, unless it is shown by such member or special warder that his insolvency or compromise or the issue of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or

(ee) becomes financially embarrassed, unless it is shown by such member or special warder that his pecuniary embarrassment has not been occasioned by any imprudence or reprehensible action on his part and has no detrimental effect on the faithful performance of his duties; or

(ff) during any absence from service on sick leave, leaves his official or private residential quarters without the permission of the medical officer and the knowledge of the head of the prison or office or fails or neglects to notify such head of his destination and address at such destination; or

(gg) with a view to obtaining any privilege or advantage in relation to his official position or his duties or to causing any prejudice or injury to the Administration or Prisons Branch or to another member or special warder, makes a false or incorrect statement knowing it to be false or incorrect;

shall be guilty of a contravention of the Act or of these regulations, as the case may be.

Penalties

(2) Upon conviction of any contravention referred to in subregulation (1), a member or special warder shall be liable to the penalties prescribed in either section 50 or section 53 of the Act, depending on whether he is tried by a magistrate or a commissioned officer.

[regulation 71 substituted by GN 91/1968]

(B) Suspension

Suspension as a Provisional Measure

72. (1) Suspension for alleged or suspected serious misconduct may as a provisional measure -

(a) in the case of a commissioned officer, be ordered by the Commissioner, pending the result of a reference to the Administrator; and

(b) in the case of a non-commissioned member, be ordered by the officer commanding, pending the result of a reference to the Commissioner.

Duration of Suspension
(2) Unless otherwise directed by the Administrator in the case of a commissioned officer, or the Commissioner in the case of a non-commissioned member, the suspension of a member continues until he is discharged or if it is decided not to discharge him, until he resumes duty after having been ordered to do so.

(C) Alleged Misconduct of Commissioned Officers

Investigation at Alleged Misconduct

73. (1) When it is alleged that a commissioned officer has contravened a provision of the Act, or has omitted to comply therewith, or has committed any other offence, or is suspected thereof, the Commissioner shall cause a preliminary investigation to be made by a commissioned officer of equal rank or a higher rank than the commissioned officer whose conduct it is intended to investigate (hereinafter called the defendant).

Defendant’s Rights at Investigation

(2) The defendant shall be advised of the date and time fixed for the conducting of the investigation and shall, if he desires, be afforded every opportunity of being present at the investigation, of cross-examining any witnesses against him, of making any statement he may wish to make, and of producing any witnesses in his defence.

Duties of Commissioned Officer Conducting Investigation

(3) The evidence adduced before the commissioned officer conducting the investigation shall be taken down by him in writing, and be signed by the witness after having been read over to him: Provided that if, owing to the excessive expense or loss of time involved or other valid reason, in the opinion of the officer conducting the investigation, the attendance of any witness cannot be readily procured, a statement purporting to be signed by such witness may be accepted by the commissioned officer referred to, who shall read it over to the defendant.

Questions by Commissioned Officer Conducting the Investigation

(4) The commissioned officer conducting the investigation may put any question to a witness examined at the investigation as he may deem desirable for the purpose of testing the truth or accuracy of anything the witness has alleged and otherwise to establish the truth; but the defendant may not be cross-examined on any statement he may elect to make.

Warning if Defendant Elects to Make a Statement

(5) Should the defendant elect to make a statement, he shall be given prior warning that anything he says may be used as evidence in the event of his case being subsequently dealt with by a board of inquiry in terms of section fifty-five of the Act, or otherwise.

Proceedings Treated as Confidential

(6) The proceedings shall be treated as confidential and when completed, the minutes thereof shall be submitted to the Commissioner.

Action if Prima Facie Case is Established
(7) If the Commissioner considers that a *prima facie* case against the defendant has been established he may cause the defendant to be charged with any offence against the Act or the regulations disclosed by the investigation and call upon the defendant to admit or deny his guilt.

*Report to Administrator*

(8) (a) On receipt of the defendant’s admission or denial of guilt the Commissioner shall submit a report to the Administrator.

(b) If the defendant has denied guilt and the Commissioner is of opinion that there is sufficient reason to proceed with the case, he may submit the matter to the Administrator with a view to the appointment, in terms of the provisions of section *fifty-five* of the Act, of a board of inquiry into the truth of the charge; or the Commissioner may direct that the documents be submitted to the Attorney-General with a view to a hearing by a court of law on a charge of an offence disclosed at the preliminary investigation.

(c) If the defendant has admitted guilt, the Commissioner submits the documents to the Administrator to decide which action shall be taken in terms of section *fifty-five* of the Act.

(D) *Board of Inquiry Constituted in Terms of Section fifty-five of the Act*

*Chairman of Board of Inquiry*

74. (1) One of the members of a board of inquiry appointed in terms of section *fifty-five* of the Act, shall be designated as chairman and shall preside at all meetings of the Board.

*Appointment of Prosecutor*

(2) When such a Board has been appointed the Commissioner shall detail a commissioned officer of equal rank or a higher rank than the accused to act as prosecutor, and if it should be necessary for him to give evidence at the inquiry held by the board, other than evidence of a merely formal nature, he shall as far as practicable, give it before calling any other witnesses.

*Place of Investigation*

(3) The inquiry shall be held at any prison or at any other place indicated for this purpose by the Commissioner and considered by the chairman to be the most convenient.

*Notification of Particulars of the Inquiry to Members of the Board and Service of Copy of Letter on Accused*

(4) The chairman of the board shall notify the prosecutor as well as the other members of the board of the place where and the date and time when, the inquiry will be held, and shall forward to the prosecutor a copy of the letter appointing the board, for service on the accused.

*Duties of Prosecutor*

(5) (a) The prosecutor shall at least one week before the inquiry commences, ensure that the said copy is handed to the accused and notify him of the place where, and the date and time when the inquiry will be held.
(b) The prosecutor shall ensure that all members who are required as witnesses, whether for the prosecution or the defence, are present at the inquiry and, if necessary, he shall obtain from the chairman of the board subpoenas to secure the attendance of any witnesses who are not members.

**Issue and Service of Subpoenas**

(6) Subpoenas shall be issued in the prescribed form and service thereof shall be effected in the same manner and within the same period as required for the service of subpoenas in a magistrates court.

**Uniform at Inquiry**

(7) At the inquiry the accused shall attend in uniform.

**Who may be Present at Inquiry**

(8) Except with the consent of the chairman, no person other than the prosecutor, the accused and his legal representative, a witness while under examination and an interpreter, if one is required, shall be present during the inquiry.

**Finding and Report to Commissioner**

(9) When all the available evidence has been heard, the board shall record its finding and forward the proceedings with the Board’s recommendation to the Commissioner for transmission, to the Administrator.

**(E) Trials in Terms of Sections 50 and 53 of the Act**

[heading substituted by GN 91/1968]

**Procedure at Trial**

75. (1) A trial under section 50 or 53 of the Act shall be held in terms of sections 58 and 59 of the Act, and the provisions relating to evidence and witnesses in a criminal proceeding in a magistrate’s court shall also be observed at such trial.

**Appointment of Prosecutor**

(2) A member with a rank equal to or higher than that of the accused shall be designated by the trial magistrate or trial commissioned officer, as the case may be, to act as prosecutor, and, in the event of its being necessary for him to give evidence not merely of a formal nature for the prosecution, he shall, as far as possible, give such evidence before any other witnesses are called: Provided that the trial magistrate may, at his discretion, designate a person who has been delegated to prosecute in a magistrate’s court, to act as prosecutor at such trial.

**Attendance of the Accused and Witnesses at Trial**

(3) (a) The prosecutor shall make arrangements for the appearance of the accused member or special warder by serving or caused to be served upon him, a reasonable time before the hour fixed for such trial, a copy of the charge on the prescribed form.
(b) The prosecutor shall also ensure the attendance of members or special warders required to give evidence and shall subpoena any other person needed as witness, whether in support of the charge or on behalf of the accused.

**Issue and Service of a Subpoena**

(4) A subpoena, in the prescribed form, served on a person to give evidence or to produce any book, record, document or thing at the trial shall be signed by a magistrate or commissioned officer, and the service thereof shall be subject to the rules of court applicable to the service of such process in a summary trial on a criminal charge in a magistrate’s court.

**Inspection of Record by Accused**

(5) The accused or his legal representative may, under the supervision of a member designated by the trial magistrate or commissioned officer, as the case may be, inspect and make a copy of the record of the proceedings of the trial and on request may be furnished with a copy thereof on payment of the fees prescribed for the supply of a copy of the record of a summary trial in a magistrate’s court.

**Summary Disposal on Admission of Guilt of a Contravention of a Non-Serious Nature, and Record of a Sentence Imposed**

(6) (a) If the accused, after having been furnished with particulars of the charge, indicates that he intends pleading guilty, the commanding officer may, notwithstanding anything to the contrary contained in this regulation and provided he is of the opinion that the alleged contravention is of a non-serious nature, order the accused to be brought before him or any other commissioned officer, and, if on appearance the accused pleads guilty, the commanding officer or commissioned officer, as the case may be, may on his plea of guilt and without recording evidence in support of the charge convict him and either reprimand him or impose a fine not exceeding two rand.

(b) A reprimand or fine imposed in terms of paragraph (a) shall not be entered on the record of offences or contraventions of the member or special warder concerned and, on any subsequent conviction of a disciplinary contravention, shall also not be proved or accepted as a previous conviction: Provided that the Commissioner may order that the provisions of this paragraph shall also apply in respect of a reprimand or a fine not exceeding R2, imposed other than in terms of paragraph (a), in respect of a conviction of an offence or contravention.

**Power of Stopping Prosecution**

(7) Whenever a member or special warder has pleaded to a charge of a contravention of, or failure to comply with, any provision of these regulations, the prosecution of such charge shall proceed until a verdict is given: Provided that the Commissioner or, with his consent, the member detailed under subregulation (2) to act as prosecutor, may, for good and sufficient reasons, at any time after the accused has pleaded and before a verdict is given, stop the prosecution, in which event the accused member or special warder shall be entitled to a verdict of acquittal in respect of that charge.

[regulation 75 substituted by GN 91/1968]

(F) Record of Offences and Contraventions

**Record of Convictions**
76. (1) (a) Subject to the provisions of paragraph (h) of subregulation (6) of regulation 75, all the convictions of a member who is not a commissioned officer, or of a special warder, in respect of any offence or contravention of this Act, whether by a Supreme Court or a magistrate’s court, or under section 50 or 53 of the Act, shall be entered on a record of offences and contraventions of the member or special warder concerned.

(b) If a member or special warder has not been convicted of a further offence or contravention for a period of five years from the date of his last conviction, all the previous convictions of such member or special warder shall be expunged from his record of offences and contraventions.

Consideration of Previous Convictions before Award of Faithful Service Medal

(2) Notwithstanding the expunction of an entry of any conviction from the record of offences and contraventions of a member or special warder, the Commissioner shall take into account and give full consideration to such conviction before, in terms of subregulation (4) of regulation 81, recommending the award of the “Faithful Service Medal” to such member or special warder.

[regulation 76 substituted by GN 91/1968]

77. (1) (a) Before a non-commissioned member is dismissed from the service of the Prisons Branch in terms of paragraph (d) or (e) of sub-section (4) of section twelve of the Act, on account of his unsuitability or incapacity to discharge his duties in a satisfactory manner, or subject to the provisions of sub-section (1) of section thirteen of the Act, is dismissed or degraded in rank or in seniority in rank, in terms of the said sub-section, the Commissioner shall appoint a commissioned officer to conduct an inquiry as to the question of the suitability of such member to remain in the service of the Prisons Branch, or to retain his rank.

(b) The member concerned shall within a reasonable time before the inquiry be informed in writing of the time, place and nature thereof.

Inquiry into the Question whether a Member is Suitable for Retention in Service, or Retention of Rank

Rights of Members in Respect of Whom an Inquiry is Held

(2) The member concerned may be given the opportunity to -

(a) be present;

(b) make any statement he wishes to make;

(c) cross-examine any witness whose evidence in his opinion, is unfavourable to him;

(d) call witnesses;

(e) produce any evidence in his defence; and
Provided that the failure on the part of the member or his legal adviser to be present at the inquiry will not nullify the proceedings.

**Adduction of Sufficient Evidence and Subpoenaing of Witnesses**

(3) In order to obtain full particulars the commissioned officer conducting the inquiry shall record sufficient evidence. If he is of the opinion that the evidence of a particular person is essential at the inquiry and his presence cannot otherwise be effected he may subpoena such a person. If he is of the opinion that it would be unreasonable to require the attendance of any witnesses, owing to the expense or loss of time involved, or for any other good and sufficient reason, he may accept an affidavit or statement or other documentary evidence.

**Record of Proceedings**

(4) The commissioned officer conducting the inquiry shall submit the proceedings, together with any comments he wishes to make, and his recommendations to the Commissioner.

**Definition of “Misconduct”**

(5) For the purpose of this regulation “misconduct” means -

(a) a contravention of or any failure to comply with any provision of the Act; or

(b) the commission of any other offence.

(H) *Appeal to the Administrator*

**Procedure of Appeal**

78. (1) (a) A member who desires, in terms of sub-section (2) of section thirteen of the Act, to appeal to the Administrator against an order whereby he was dismissed or degraded in rank or seniority in rank, must, within fourteen days of the date on which he was notified of such order, notify the officer commanding in writing for transmission to the Commissioner, of such an appeal, and should therein clearly set out the grounds for the appeal. The Commissioner shall submit the appeal together with the minutes of the case and the documents in connection therewith to the Administrator.

(b) The appeal to the Administrator does not suspend the operation of the order of the Commissioner.

**Decision of Administrator**

(2) The Administrator shall, in terms of the provisions of sub-section (2) of section thirteen of the Act, decide on the appeal after consideration of the case, the relevant documents and any written arguments addressed to him by the appellant or his legal adviser. The Administrator shall not hear *viva voce* arguments.

(I) *Appeal to the Commissioner.*

**Procedure of Appeal**
79.  (1)  (a) A member or special warder who desires, in terms of sub-section (5) of section fifty-three of the Act to appeal to the Commissioner against a conviction and sentence shall give notice in writing of the appeal to his officer commanding within fourteen days of the date of such conviction or sentence, wherein he clearly and in detail sets out the grounds on which the appeal is based.

(b) The commissioned officer presiding at the trial shall upon receipt of the notice of appeal furnish a written statement containing -

(i) the reasons for decision regarding the facts against which are appealed, according to the declarations in the statement of the appellant;

(ii) the facts he found to have been proved; and

(iii) his reasons for a decision regarding the admission or rejection of evidence, which, according to the declarations are appealed against.

(c) If the commissioned officer who has presided at the trial is not the officer commanding, he shall, within seven days after receipt of notice of appeal from the officer commanding, submit the statement referred to in paragraph (b) to him.

(d) The officer commanding shall within fourteen days of receipt of the notice of appeal submit the statement received in terms of paragraph (c), or if the officer commanding himself presided at the trial, furnish the statement referred to in paragraph (b) and submit it together with the proceedings of trial and all relevant documents as well as any comments he wishes to add to the Commissioner.

Commissioner’s Decision

(2) The Commissioner shall in terms of sub-section (5) section fifty-three of the Act, decide the appeal after consideration of the proceedings of trial and relevant documents, without hearing any viva voce arguments from either the appellant, his legal adviser, the prosecutor or the presiding officers.

DISCHARGE, MEDAL AND DEATH

(A) Discharge

Discharge Certificate on Discharge

80.  (1) Every non-commissioned member, and the special warders referred to in paragraph (a) of sub-regulation (1) of regulation 9, who have completed not less than three months’ service, shall on discharge be given a certificate of discharge on the prescribed form, duly completed and countersigned by or on behalf of the Commissioner.

Certificate Must Reflect Facts

(2) No certificate of discharge containing a statement regarding his character, which is not justified by his conduct, diligence and zeal during the period of his service with the Prisons Branch, shall be issued to such a member or special warder.

Copy of Certificate
(3) A copy of a certificate or discharge which has been destroyed or lost shall only in exceptional circumstances be issued with the approval of the Commissioner.

(B) Faithful Service Medal in the Prisons Department

Reasons for the Awarding of Medal

81. (1) (a) On the recommendation of the Commissioner, the Administrator may award a medal which shall be named the “Faithful Service Medal”, to a member, who has -

(i) completed not less than eighteen years’ service and conducted himself irreproachably during that period; or

(ii) performed service of a particularly distinguished or gallant nature.

(b) When an award under sub-paragraph (ii) is made a bar bearing the words “Verdienstelik - Meritorious” shall be added and, similarly bars may be added to any medal already granted, on account of further distinguished service or gallantry.

Shape of and Inscription on Medal

(2) The medal is circular, of silver, and one and seven-sixteenths of an inch in diameter, and shall have on one side the coat of arms of the Union and the words “Departement van Gevangenisse - Prisons Department” and on the reverse side the words “Vir Troue Diens - For Faithful Service”. The medal shall be suspended from a riband of the colours green-white-blue-white-green and one inch and a quarter in width and one inch in length, affixed two inches above the pocket on the left breast.

Service with Other Recognised Prisons Service may be Added to Service with the Prisons Branch

(3) The Administrator may permit the whole service in any recognized prisons service other than the South African Prisons Service, and the Prisons Branch in the Territory, to count toward earning the medal.

Conditions on Which a Medal is Awarded

(4) The recommendation for award of a medal to a member shall only be made to the Administrator by the Commissioner if he can certify that the behaviour of such member was exemplary and that he considers him in every way worthy of such distinction. For this purpose it may be accepted that commendations recorded on the record of service of the member, diminishes the number of entries against him and that a member who has been convicted of a serious offence or contravention or disgraceful behaviour is not considered for the award.

Presentation of Medal

(5) The medal shall be presented on a parade or at a gathering specially convened for the purpose, and shall be worn by the recipient as an honourable testimonial.

Entry of Name of Recipient
(6) The names of the recipients shall be published in the Service orders and be entered in a register to be kept at the Headquarters. In this register the number, rank, and name of the member concerned and particulars regarding the reasons for the award of the medal, shall be recorded.

Forfeiture of Medal Already Received on Account of Misconduct or Desertion

(7) (a) A recipient who is subsequently found guilty of desertion, or of any offence or contravention of a fraudulent or disgraceful nature or who is dismissed on account of misconduct, forfeits his medal.

(b) Such forfeited medal shall be returned to the Commissioner and such member’s name shall be struck off the register mentioned in sub-regulation (6).

(c) The Administrator may restore a forfeited medal on the recommendation of the Commissioner.

Replacement of a Lost or Destroyed Medal

(8) (a) When the medal is lost or destroyed the owner may (if still in the service) apply through the medium of his officer commanding to the Commissioner for a new medal.

(b) Applications for new medals to replace those which have been lost or destroyed shall be accompanied by a sworn declaration as to the circumstances under which the loss or destruction took place. If the Administrator is satisfied as to the reasons put forward, he may instruct that a new medal be issued in the place of the one that was lost or destroyed, either at the expense of the recipient or at Public expense.

Applicability to Special Warders

(9) The provisions of this regulation are mutatis mutandis applicable to a special warder.

Forms on which Recommendations shall be Made

(10) All recommendations for the award of the medal shall be made on the prescribed form.

(C) Death of a Member

Notice to the Commissioner of the Death of a Member or Special Warder

82. (1) The death of a member or a special warder referred to in paragraphs (a) and (b) of sub-regulation (1) of regulation 9 shall, without delay be reported to the Commissioner by the officer commanding.

Expenses in Connection with Funeral of a Member and Special Warder

(2) Reasonable expenses in connection with the funeral of such a member and special warder who dies while in the Service, may, at the discretion of the Commissioner be defrayed by the Administration.

Grant-in-aid at Death of Wife or Child
(3) A grant-in-aid for the defrayal of expenses in connection with the funeral of the wife or child of a member is made from Public Funds at the undermentioned rates: -

For a wife: £5.

For a child referred to in sub-regulation (2) of regulation 19: £2. 10s.

GENERAL

(A) Witness Fees

83. A witness who is summoned to appear at any trial or any inquiry in terms of the provisions of the Act, may -

(a) be reimbursed with subsistence allowance in accordance with the provisions of regulations 43 and 44 if he is a member or special warder;

(b) be paid witness fees and travelling expenses from Public Funds according to the tariffs applicable to witnesses in criminal cases in a magistrate’s court, if he is not a member or special warder:

Provided that the Commissioner may refuse the payment of witness fees to a witness whose evidence, in the opinion of the presiding officer, was unnecessary and of no importance and may recover such fees from the member or special warder responsible for the summonsing of such witness.

(B) Damage to Administration Property

84. If it appears that a deficiency, loss, injury, or damage has occurred with respect to Administration property or property for which the Administration is responsible, or that expense has been occasioned to the Administration by an unlawful act, negligence, or carelessness, and on inquiry, no satisfactory explanation is produced, the member or special warder responsible, may be ordered to make good the value of the deficiency, loss, injury or damage, or the expenses involved.

(C) Nomination for Parliament, etc.

85. (1) If a member accepts a nomination or requisition as candidate for election to Member of Parliament, the Legislative Assembly of any Town Council, Municipal Council, Village Management Board, Local Authority or School Board, he will be regarded as having voluntarily retired from the Prisons Branch with effect from the date on which he has accepted such nomination or requisition.

Consent of Administrator

(2) Notwithstanding the provisions of sub-regulation (1) a member -
(a) who was a member of a Town Council, Municipal Council, Village Management Board, Local Authority or School Board immediately prior to the date of the coming into force of this regulation, may remain a member of such council, board or authority for the unexpired portion of the term for which he was elected;

(b) may, with the consent of the Administrator, accept appointment and serve as member of a Town Council, Municipal Council, Village Management Board, Local Authority or School Board, provided such appointment is not as a result of the acceptance of a nomination or requisition as candidate for election, and provided the Administrator is satisfied that it will not encroach on the official duties of such a member.

Non-participation of a Member in a Dispute

(3) If a dispute arises between the Administration and a council, board, or authority referred to in sub-regulation (2), a member who is a member of such council, board, or authority, shall not participate in the discussions or vote in connection with such dispute.

(D) Unfavourable Remarks

Unfavourable Remarks

86. (1) (a) The officer commanding shall bring any unfavourable remark contained in a report in its full context, in writing, to the notice of the member on whom is being reported. The latter shall sign such written communication and return it, together with any written petition he wishes to submit, to the officer commanding who shall forward it to the Commissioner with his remarks and recommendations.

(b) The foregoing provisions are also applicable to unfavourable remarks made in respect of a member in other written communications.

Unfavourable Remarks which are not Brought to the Notice of Member

(2) Notwithstanding the provisions of sub-regulation (1) the officer commanding may decide that unfavourable remarks should not be brought to the notice of the member if he is of the opinion that it is not in the interests of the Prisons Branch or the member concerned: Provided that an unfavourable remark which has not been brought to the notice of the member, shall be forwarded to the Commissioner for consideration without delay and the Commissioner may instruct that any unfavourable remark, written or verbal, be brought to the notice of the member concerned.

Expunction of Unfavourable Remarks

(3) If the Commissioner finds that there is no justification for an unfavourable remark which appears in a report or other written communication, that unfavourable remark shall be expunged from the report and the member concerned shall be advised, in written, of the expunction, if such unfavourable remark was previously brought to his notice. Such notification of expunction shall then form part of the report.

(E) Official Communication.

Official Channel for Communications
87. (1) A request, communication or complaint in connection with the performance of the activities or the duties of the Prisons Branch, emanating from a member or special warder, shall be addressed to an officer commanding. Such a member or special warder may demand that such request, communication or complaint be submitted to the Commissioner and an officer commanding may also, at his discretion, submit any request, communication or complaint to the Commissioner.

**Officers Commanding shall Address Requests direct to the Commissioner**

(2) An officer commanding shall address his requests or communications to the Commissioner direct.

**PART II**

**PRISONERS. - GENERAL PROVISIONS**

**Applicability of Regulations**

88. The regulations contained in this Part apply to all prisoners, unless inconsistent with the special regulations applicable to the various categories of prisoners.

**RECEPTION, REMOVAL, DEATH AND ESCAPE**

(A) Reception

**Searching**

89. (1) Every prisoner shall be searched on reception into a prison, when he returns from a place of work to a prison and as often as is considered necessary.

_Taking Away of Unauthorised Articles_

(2) All articles in possession of a prisoner and not issued to him by the Administration or which he is not allowed by regulation or order to have in his possession, shall be taken from him.

_Manner and Purpose of Search_

(3) Searching shall be conducted in a seemly manner and as far as possible without injury to self-respect and shall only serve the object of and be sufficiently thorough for, detecting any unauthorised articles.

_Stripping_

(4) A prisoner shall as far as possible not be stripped and searched in the presence and in the sight of other prisoners.

_Who may Search_

(5) A white prisoner shall be searched by a white member or white special warder only and a non-white prisoner by a non-white member or non-white special warder of the same sex as the prisoner. Provided that a non-white prisoner may be searched by a white member or white special warder of the same sex as the prisoner.
Storage of Private Effects

90. (1) All money, clothing and other property in the possession of a prisoner on reception which he is not allowed to retain shall be taken into safekeeping by the member in charge of the prison who shall make an inventory of all such money, clothing and articles, the correctness of which shall be certified by the prisoner.

Disposal of Private Effects

(2) Subject to the provisions of sub-regulations (3) and (4) of regulation 96, the Commissioner shall determine how the private property of a prisoner shall be dealt with: Provided that clothing which it is undesirable to keep owing to its condition or for any other valid reason, may be destroyed, a proper record being kept of such destruction and the reason therefor.

Disposal of Private Money

(3) The Commissioner shall determine under what circumstances a prisoner may use his private money or how it may otherwise be dealt with.

Recording of Particulars

91. (1) The name, age, height, weight, full address, distinctive marks and such other particulars as may be required from time to time shall be recorded in respect of every prisoner in such manner as the Commissioner may determine.

Taking of Fingerprints and Photographs

(2) The fingerprints and photographs of every prisoner of whom they are required shall be taken on reception and thereafter as often as necessary. These documents or copies thereof shall not be shown or given to a person who is not officially authorised thereto and no information emanating from such documents shall be furnished to such person.

Bath on Reception

92. Every prisoner shall, unless the medical officer otherwise determines, bath as soon as possible after reception into a prison and thereafter as often as is necessary.

Medical Examination on Reception

93. Every prisoner shall as soon as possible after reception be examined by the medical officer and the medical officer shall report in detail on the physical and mental condition of every prisoner as well as on such other particulars as may be determined by the Commissioner.

Babies

94. (1) Subject to such conditions as the Commissioner may determine, a female prisoner may have her baby with her in prison during the period of lactation and longer, if necessary.

(2) Whilst such baby remains in the prison, the necessary clothing, food and medical treatment may be supplied from Public Funds.
(B) Removal

Custody During Removal

95. (1) A prisoner transferred on instructions of the Commissioner shall be in custody of a member or special warder: Provided that a prisoner who has to appear before a court in session outside the precincts of a prison may be in the custody of a member of the Police Force.

Protection from Public

(2) A prisoner shall be subjected to a minimum of exposure to the public when removed to or from a prison and the necessary precautions shall be taken to protect him from public insult or curiosity.

Interview with Member in Charge of the Prison

(3) Every prisoner shall be interviewed by the member in charge of a prison before removal to another prison.

Medical Certificate on Removal

(4) Every prisoner shall be examined by the medical officer as short a time as is possible prior to being removed to another prison, and no prisoner shall be removed unless the medical officer has certified, in writing, that he is fit for removal.

(C) Death and Escape

Record of Death

96. (1) Upon the death of a prisoner the medical officer shall record all the particulars regarding the death which shall include \textit{inter alia} the following: -

(a) When the prisoner took ill;

(b) when the illness first came to the notice of the medical officer;

(c) the nature of the illness;

(d) the date of death;

(e) the cause of death; and

(f) if a post mortem examination was held, the result thereof.

Notification of Next-of-kin

(2) Upon the death of a prisoner the member in charge of a prison shall immediately notify the next-of-kin of the deceased, the Commissioner, the magistrate of the district in which the prison is situated, and the Registrar of Births, Marriages and Deaths.

Disposal of Private Effects of a Deceased Prisoner
(3) (a) The private property of a prisoner who has died during his detention, whether from natural causes or not, or as result of judicial execution, may be handed over to his next-of-kin whether an executor has been appointed in his estate or not.

(b) If the private property of such prisoner is not disposed of in terms of the provisions of paragraph (a), it shall be dealt with in accordance with the provisions of sub-regulation (5).

Burial of Deceased Prisoners

(4) When a prisoner dies, other than by judicial execution, the body of such deceased shall be buried by the authorities of the prison where he died, if such body is not being buried by relatives or friends at their own expense.

Disposal of Private Effects of Escapee

(5) The private property of a prisoner who has escaped and has not been recaptured shall, after six months from date of escape, be sold by auction. The proceeds of the sale, together with any money he had in prison, shall be utilised for the settlement of any claims by the Administration, and the balance, if any, shall be handed over to the Master of the Division of the Supreme Court concerned or to the Bantu Affairs Commissioner as the case may be.

Disposal of Unclaimed Private Effects

(6) The private property of a prisoner that has not been claimed shall after a lapse of six months be disposed of in accordance with the provisions of sub-regulation (3).

ACCOMMODATION

Sleeping Accommodation

97. (1) No dormitory or cell shall be used for sleeping purposes unless it complies with the required floor-space, cubic capacity, lighting, ventilation and general health conditions determined by the Commissioner. Such dormitory or cell, if locked, shall be furnished with a communication system to enable the prisoner to communicate with a member or special warder at all times.

Single Cells

(2) Where single cells are available only one prisoner shall be accommodated in a cell: Provided that should it be necessary to accommodate more than one prisoner in a cell, two prisoners shall, as far as possible, not be accommodated in one cell.

Beds and Bedding

(3) Every prisoner shall be provided with a separate bed, as determined by the Commissioner, and separate bedding, adequate for warmth and health.

Accommodation in Combined Prisons

(4) (a) (i) In a prison for both males and females the section for females shall be entirely separate from the section for males.
(ii) The locks of the doors and gates of the male section shall be such that the keys to the doors and gates of the female section do not fit them and vice versa.

(b) The keys of the female section shall be in the care of a female member or special wardress.

(c) When a male person is admitted to the female section, a female member or special wardress shall accompany him.

DISCIPLINE AND CONTROL

(A) General Principles

98. (1) With due regard to the differences in character and reaction to treatment and discipline of the various types of prisoners, the regulations in this sub-division shall be applied in accordance with the following principles:

(a) Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

(b) In controlling a prisoner, a member or special warder shall by personal example and sound leadership endeavour to influence a prisoner favourably.

(c) The aim in the treatment of a prisoner shall at all times be to foster his self-respect and to inculcate a sense of responsibility.

Duties of a Member in Charge of a Prison

(2) The member in charge of a prison shall

(a) ensure that the provisions of the Act are strictly complied with and that the object in view is achieved;

(b) exercise continuous, careful and personal supervision over the whole prison, daily visit all parts of the prison where a prisoner is confined and pay particular attention to a prisoner in hospital and those undergoing punishment or displaying any deviation; and

(c) visit the prison at least twice per week at irregular times during the night and satisfy himself that everything is in order.

Use of Force

(3) (a) A member or special warder shall not strike or assault a prisoner except in self-defence or in the defence of another member or special warder, another prisoner or any other person.

(b) When it is necesary to use force, no more force than is essential shall be used.

(c) A member or special warder shall not by word or deed deliberately act in such a manner as to annoy a prisoner.
A Prisoner shall not Perform Disciplinary Duties

(4) A prisoner shall not be employed in a disciplinary capacity in a prison, but a specially selected prisoner may be granted a position of responsibility and leadership within such limits as the Commissioner may determine.

Cell-labour

(5) Should it at any time appear to be in the interests of good order and discipline of a prison, that a particular prisoner should work alone, the Commissioner may authorise that such prisoner perform secluded labour in his cell, provided that such secluded labour is not or will not be detrimental to his physical and mental well-being.

(B) Disciplinary Contraventions

Specific Contraventions

99. (1) A prisoner who contravenes, or fails to comply with, any provision of these regulations, or who -

(a) wilfully gives false replies to questions put to him by a member or other person employed in a prison; or

(b) disobeys a lawful command or order by a member or special warder or ignores any regulation or order; or

(c) is insolent or disrespectful towards a member or any other person employed in a prison or towards an official or any other visitor to a prison; or

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

(e) swears or makes use of slanderous, insulting, obscene, threatening or other improper language; or

(f) conducts himself indecently by word, act or gesture; or

(g) commits any petty assault; or

(h) converses or communicates in any other manner with another prisoner or any other person at a time or place when he is not permitted to do so; or

(i) sings, whistles or makes unnecessary noise or causes unnecessary trouble or is a nuisance; or

(j) without permission leaves his cell or place of work or any other place to which he is assigned; or

(k) in any manner disfigures or damages any part of the prison or any article therein or any other Administration property; or

(l) has in his cell or possession any unauthorised article or attempts to obtain any such article or commits a petty theft; or
(m) without permission receives from or gives to any person any article or obtains possession thereof in any other manner; or

(n) causes discontent, agitation or insubordination among his fellow-prisoners or participates in any conspiracy; or

(o) lodges false, frivolous or malicious complaints; or

(p) makes false and malicious accusations against a member, a fellow-prisoner or other person; or

(q) in any manner shirks work; or

(r) wilfully loses, destroys, alters, defaces or barters an identification card, document or other article issued to him; or

(s) commits an act with the intention of endangering his life, injuring his health or hampering his work or otherwise conducts himself to the prejudice of good order and discipline; or

(t) in any manner acts contrary to good order and discipline; or

(u) attempts to commit any of the aforementioned acts or incites or instigates or commands or procures a member or special warder or other person or another prisoner to commit any such act;

shall be guilty of a contravention of these regulations.

Venue of Trial

(2) The trial of a prisoner, whether in terms of section 51 or 54 of the Act, on an alleged contravention of or failure to comply with, the provisions of any regulation, shall be held at any prison or other place specially or generally designated by the Commissioner for that purpose.

Designation of Prosecutor

(3) The commanding officer may, in general, detail the head of a prison or one or more additional members of such prison to act as prosecutor at the trial of a prisoner on a charge of a contravention of, or failure to comply with, any regulation: Provided that the trial magistrate or commissioned officer, as the case may be, may designate any other member to conduct such prosecution if the head of the prison or a designated member is not available or cannot for some good reason appear: Provided further that, if such trial is held by a magistrate, he may, at his discretion, designate a person who has been delegated to prosecute in a magistrate’s court, to act as prosecutor at such trial.

Attendance of Accused Prisoner and Witnesses at Trial

(4) (a) The head of the prison or other member detailed in terms of subregulation (3) to act as prosecutor shall make arrangements for the attendance of the accused prisoner and of any member or special warder required to give evidence at the trial, and shall warn or subpoena, according to requirements, any other person to attend the trial to give evidence or
produce any document or thing, whether in support of the charge or in defence of the accused prisoner.

(b) A subpoena, in the prescribed form, served on a person required to give evidence or to produce any book, record, document or thing at the trial shall be issued under the hand of a magistrate or commissioned officer generally or specially authorised to undertake such trial, and the service thereof shall be subject to the rules of court applicable to the service of such process in a summary trial on a criminal charge in a magistrate’s court.

(c) If it is necessary for the head of the prison, or for any member detailed in terms of subregulation (3) to act as prosecutor, to give evidence other than of a merely formal nature in support of the charge, he shall, as far as possible, give such evidence before calling any other witness.

**Competence to Stop Prosecution**

(5) Whenever a prisoner has pleaded to a charge of a contravention of, or failure to comply with, any provisions of these regulations, the prosecution of such charge shall proceed to verdict: Provided that the Commissioner or, with his consent, the head of the prison or other member detailed under subregulation (3) to act as prosecutor, may, for good and sufficient reasons, at any time after plea and before verdict, stop the prosecution, in which event the accused prisoner shall be entitled to a verdict of acquittal in respect of that charge.

**Summary Disposal by Head of Prison**

(6) (a) If, on investigation of an alleged contravention of these regulations by a prisoner, the head of a prison has reasonable grounds for believing that, on conviction of the prisoner, one of the punishments set out in subsection (4) of section 54 of the Act will be imposed and, if the prisoner, after having been informed of the nature of the alleged contravention -

(i) admits that he is guilty of the contravention, the head of the prison may impose one of the punishments referred to in paragraph (a) and shall thereupon record particulars of such contravention and punishment as prescribed; or

(ii) denies that he is guilty of the contravention, he shall be formally charged in terms of this Act.

(b) If the prisoner raises an objection that the punishment imposed is excessive and unreasonable, the head of the prison shall forthwith submit full particulars of the contravention and his report, together with supporting statements, if any, as well as the grounds for such objection, to the commanding officer for review and decision as prescribed.

(c) Notwithstanding the provisions of paragraph (b), but subject to the provisions of subregulation (7), any punishment imposed in terms of subparagraph (i) of paragraph (a) shall in the ordinary course of events be subject to review and decision as prescribed.

(d) The execution of a punishment imposed in terms of subparagraph (i) of paragraph (a) shall be suspended pending confirmation or otherwise on review as provided for in this regulation.

**Review by Commissioner**
(7) (a) Whenever a sentence in respect of a conviction on a contravention of any of these regulations has been imposed on a prisoner in terms of paragraphs (a), (b) or (c) of subsection (2) of section 54 of the Act, the Commissioner may, if he thinks fit, direct that the record of the proceedings shall be submitted to him for review.

(b) The record of the proceedings referred to in paragraph (a) shall be transmitted by the commanding officer to the Commissioner within seven days of the receipt of the direction by the Commissioner to submit the record, and such record shall be accompanied by a written statement by the trial commissioned officer showing -

(i) the facts he found to be proved; and

(ii) his reasons for conviction and the sentence imposed.

(c) Upon review of the record of proceedings and the written statement referred to in paragraph (b), the Commissioner may confirm, alter or quash the conviction or confirm, reduce, alter or set aside the sentence.

(d) The Commissioner may set aside, reduce or otherwise alter a sentence imposed in terms of section 54 of the Act, if he is of the opinion that, in the circumstances of the case, it is unjust or undesirable to enforce such sentence or portion thereof, or that, for other good and sufficient reasons, the sentence or portion thereof cannot be enforced.

Confiscation of Money and Valuables

(8) Money or other valuables found in the unlawful possession of a prisoner, or unlawfully brought into a prison, may be declared by the Commissioner to be forfeited to the Administration.

[regulation 99 substituted by GN 91 of 1968]

(C) Corporal Punishment

Infliction of Corporal Punishment Imposed by Inferior and Superior Courts

100. (1) Subject to the provisions of section thirty-six of the Act and subject to the provisions and rules of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), as amended, and of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, regarding appeal in criminal cases, corporal punishment -

(a) imposed by an inferior court, or a sentence of corporal punishment for a contravention of these regulations imposed by an officer or magistrate, shall be inflicted as soon as possible after confirmation thereof;

(b) imposed by a superior court and regional court shall be inflicted as soon as possible after imposition thereof.

Observance of Instructions

(2) The member in charge of a prison shall be present at the infliction of corporal punishment and shall endorse the date of infliction on the warrant concerned, execute such
instructions as the medical officer may issue in order to prevent injury to health, and comply with any such further directions as the Commissioner may prescribe in respect of this matter.

**Cat-o’-nine-tails and Cane**

(3) (a) Lashes with a cat-o’-nine-tails shall be inflicted with such instrument and in such manner as may be determined by the Commissioner.

(b) Lashes with a cane shall be inflicted across the buttocks in such manner as may be determined by the Commissioner.

(c) When a court imposes corporal punishment as a sentence but does not indicate with what the strokes are to be inflicted, such corporal punishment shall be inflicted with a cane.

**Measurements of Cane**

(4) A cane with which corporal punishment is inflicted on -

(a) an adult, shall, as nearly as possible, be four feet long and a half-inch in diameter; and

(b) a juvenile, shall, as nearly as possible, be three feet long and three-eights of an inch in diameter.

(D) Solitary Confinement, Spare Diet and Reduced Diet

**Solitary Confinement**

101. (1) (a) “Solitary confinement” means locking up alone in an isolation cell as defined in section seventy-nine of the Act.

(b) ‘Spare diet” consists of a daily ration of -

(i) 8 ounces of rice or mealie rice boiled in 4 pints of water, without salt, for males; and

(ii) 6 ounces of rice or mealie rice boiled in 3 pints of water, without salt, for females.

**Reduced diet**

(c) “Reduced diet” consists of half the prescribed daily ration but does not include articles such as jam, treacle or curry.

**Medical Examination**

(2) Solitary confinement, spare diet and reduced diet shall not be imposed upon a prisoner if the medical officer certifies that such solitary confinement, spare diet or reduced diet is or will be detrimental to a prisoner’s physical or mental health.

**Official Visits**

(3) A prisoner undergoing solitary confinement or dietary punishment shall be visited daily by the member in charge of the prison and as often as practicable by the medical officer.
Exercise during Solitary Confinement

(4) When a prisoner is sentenced to more than three days’ solitary confinement, he shall for the duration of the sentence take such exercise in the open air for half an hour every morning and half an hour every afternoon as the Commissioner directs.

Work during a Sentence of Spare Diet

(5) A prisoner who is undergoing a sentence of spare diet shall perform no work.

Full Ration between Periods of Spare Diet and Reduced Diet

(6) After every three days on spare diet, 24 hours shall be passed on full diet, before further spare diet is applied. Between a sentence of spare diet and reduced diet, 24 hours on full diet shall also be passed.

No Dietary Punishment on any Day prior to Release or Appearance in Court

(7) A prisoner shall not be subjected to dietary punishment within 24 hours of release, when the date of release is determined, and where practicable also not on the day prior to his appearance in a court outside the prison.

Solitary Confinement on any Day of the Week

(8) Subject to the provisions of sub-regulations (6) and (7) dietary punishments may be applied on any day of the week and shall be enforced as soon as possible after imposition.

Solitary Confinement and Spare Diet as Sentence Two Days per Week

(9) (a) (i) If a prisoner has been sentenced to a sentence of imprisonment and a sentence of solitary confinement and spare diet in terms of section three hundred and thirty-four of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, such sentence of solitary confinement on spare diet shall operate on two days weekly.

(ii) A prisoner shall perform no labour during the days spent in solitary confinement and spare diet as referred to in sub-paragraph (1).

(b) If a sentence as referred to in paragraph (a) is imposed, the member in charge of the prison may, at his discretion, determine the days on which such sentence shall be carried out, subject to the provisions of sub-regulations (2) to (7).

(E) Restraints

Restraints not as Punishment

102. (1) Restraints are never used as a punishment but merely for the purposes prescribed in section eighty of the Act.

Nature and Use of Restraints
(2) All mechanical restraints shall be of such nature and be used in such manner as may be approved by the Commissioner: Provided, however, that chains exceeding ten pounds in weight shall not be used.

(F) Complaints and Requests

Complaints and Requests of Prisoners to be Investigated

103. (1) The member in charge of a prison shall see every prisoner daily, investigate every complaint and request submitted by a prisoner and as far as possible dispose thereof.

Further Attention by Officer Commanding

(2) He shall, without delay, forward complaints and request which he cannot dispose of to the officer commanding for further attention.

Request to see the Commissioner, etc

(3) If a prisoner has valid reasons for interviewing the Commissioner, the Deputy Commissioner, an Assistant Commissioner or the Chairman of the Prison Board he shall forthwith forward the request to the officer commanding and the officer commanding shall inform the Commissioner, the Deputy Commissioner and Assistant Commissioner or the Chairman of the Prison Board at his next visit of the request of a prisoner to interview him.

(G) Access to a Prison

Free Access to Prison by Sheriff, etc

104. (1) The sheriff, deputy-sheriff and messenger of the court shall have free access to every prison in the execution of their duties.

Free Access to Prison by Judge and Magistrate

(2) (a) A judge may at any time visit any prison, interview the prisoners therein and forward a report to the Commissioner.

(b) A magistrate may at any time visit the prison situated within his jurisdiction and interview the prisoners therein, and he shall report his findings to the Commissioner.

(c) The signature in the visitors’ book of the persons referred to in paragraphs (a) and (b) is sufficient authority for their admission to a prison.

Commissioner may Approve other Visits

(3) The Commissioner may, at his discretion, approve that persons, other than those mentioned in sub-regulations (1) and (2), may visit a prison.

Interrogation of Persons and Searching of Vehicles

(4) (a) Any person entering or leaving a prison may be interrogated and searched by a member or special warder.
(b) A vehicle entering or leaving a prison or any object or article taken into or out of a prison may be searched.

_Interrogation and Searching of Suspected Persons in Prison_

(5) Any person suspected of bringing any prohibited article into a prison or of taking out such article or property belonging to the prison, or who, while in the prison, is in possession of any prohibited article or in unlawful possession of property belonging to the prison, may on the instructions of the member in charge of the prison be interrogated and searched.

_Access to Prison may be Refused_

(6) The member in charge of a prison may refuse admission to a prison if a person does not furnish satisfactory replies to questions with regard to his visit or if he refuses to be searched if it appears necessary.

_Ejection from Prison on Account of Improper Conduct_

(7) If a person conducts himself improperly whilst in the prison, the member in charge of the prison may order his ejection therefrom and if necessary have him searched.

(H) _Work_

_General Requirements in Respect of Work_

105. (1) Every sentenced prisoner shall perform work for not more than ten hours per day.

_Medical Officer to Certify if Prisoner is Fit for Work_

(2) (a) A prisoner shall perform no work unless the medical officer certifies that he is fit to do so.

(b) The medical officer may recommend that a prisoner be exempted from work on medical grounds.

_Commissioner to Approve Work_

(3) A prisoner shall perform no work which has not been approved by the Commissioner.

_Prisoner shall not Perform Work for Member_

(4) A prisoner shall not perform work for another prisoner, a member, a special warder or a private person or body, without the explicit approval of the Commissioner.

_Work on Sundays and Holidays_

(5) On Sundays, New Year’s Day, Good Friday, Ascension Day, Kruger Day, Day of Covenant and Christmas Day, as well as any other public holiday indicated by the Administrator, a prisoner shall perform only such work as is absolutely essential for the hygiene and administration of the prison.
(I) Gratuity

Gratuity Earnings and Control

106. Subject to the provisions of section seventy-six of the Act the Commissioner shall determine the conditions under which a gratuity is paid to a prisoner, as well as the manner of control of any earned gratuity and the manner utilization by a prisoner.

(J) Ex-gratia Rewards

Reduction of Earning Capacity Through Accident or Injury

107. When, as a result of an accident or injury received in prison, a prisoner’s earning capacity is reduced, the Commissioner, in consultation with the Administrator may pay such prisoner a reasonable monetary compensation.

(K) Religion

Recording of Denomination

108. (1) The religious denomination of every prisoner shall be recorded on reception and he shall be treated as a member of such religion, denomination or sect and shall regularly attend all services of such religion, denomination or sect unless the member in charge of the prison is convinced that good reasons exist why the religious denomination of such prisoner should be changed, why he should be treated differently or why he should not attend such church services.

Appointment of Ministers of Religion and Religious Workers

(2) When the daily average of sentenced prisoners belonging to a particular religion, denomination or sect in a prison or group of prisons -

(a) exceeds twenty, an ordained minister of religion of such religion, denomination or sect may be appointed for the religious ministration of such prisoners and the Commissioner, in consultation with the Administrator, shall determine the allowances, if any, which may be paid to such minister of religion;

(b) exceed twenty but no minister of religion as referred to in paragraph (a) has been appointed, a member of such religion, denomination or sect may be appointed as religious worker for the religious ministration of such prisoners and to perform, as far as possible, the duties of minister of religion;

(c) if less than twenty and a minister of religion of such religion, denomination or sect is available, he may be appointed for the religious ministration of those prisoners;

(d) is less than twenty and no minister of religion is available, a member of such religion, denomination or sect may be appointed as religious worker for the religious ministration of those prisoners:

Provided that a person appointed as religious worker shall not be admitted unless his character be vouched for by some responsible person of that religion, denomination or sect: Provided, further, that a non-white minister of religion or religious worker shall not be allowed to minister to white prisoners.
Bibles and Religious Literature

(3) As far as practicable, bibles and religious literature shall be made available in the language of the prisoner concerned.

Work on Religious Holidays

(4) Whereas a prisoner of the Christian faith performs only such work as is essential to the hygiene and administration of the institution on Sundays and such other days as are provided for by sub-regulation (5) of regulation 105 the religious holidays of a prisoner of another faith shall be respected in the same manner: Provided that such prisoner may perform normal work on holidays of the Christian faith.

(L) Education and Library

Studies

109. (1) With due regard to his period of sentence and his personal ability, each prisoner shall be encouraged to study in his free time.

Compulsory Studies

(2) In specified cases the Commissioner may prescribe compulsory studies for certain categories of prisoners and also determine what arrangements shall be made for such compulsory study.

Library Facilities

(3) At each prison there shall be, as far as possible, a properly organised library, containing literature of a constructive and educational nature, which shall be at the disposal of every prisoner.

Books and Periodicals from Outside

(4) A prisoner may receive books and periodicals from outside subject, however, to such conditions and rules as the Commissioner may determine.

(M) Social Relationships.

Family Relationships

110. (1) Special attention shall be accorded to the preservation of the good relationship between a prisoner and his relatives in the best interests of both parties.

Transmission of Important Information to Prisoners

(2) In addition to any privileges and indulgences granted a prisoner, a member in charge of a prison may at his discretion at any time transmit important information in respect of the relatives and friends of the prisoner to him.

Notice of Reception and Removal
(3) On reception in a prison or on removal, the next of kin of a prisoner shall be notified thereof by himself or by the member in charge of the prison, unless such prisoner requests in writing that it shall not be done.

Notice of Death, etc

(4) In the event of serious illness or death, or if a prisoner has been declared mentally defective or if involved in any accident, his next of kin shall be notified thereof.

(N) Medical Service

Hospital Accommodation

111. (1) (a) Each prison shall be provided with a hospital for the medical treatment of a sick prisoner.

(b) Trained staff shall perform the necessary hospital services.

Visits, Examinations and Reports by Medical Officer

(2) (a) Every prisoner who is ill shall be visited by the medical officer as often as necessary and every prisoner who complains of illness, and every prisoner to whom his attention is specially drawn, shall be examined by him.

(b) The medical officer shall inspect the prison at least once a week.

(c) The medical officer shall report on any matter concerning medical and health aspects which he considers should be brought to the attention of the Commissioner.

Consultation with Other Medical Practitioners

(3) (a) If he deems it necessary, the medical officer may consult another medical practitioner and he shall do so in all instances before a serious operation is performed on a prisoner, unless he considers that it is essential that the operation be performed immediately.

(b) No operation shall be performed on a prisoner without his consent, if he is able to furnish his consent.

(O) Hygiene

Washing and Bathing Facilities and Toilet Requisites

112. (1) Washing and bathing facilities and toilet requisites shall be made available to a prisoner at all times.

Shaving and Cutting of Hair

(2) Shaving amenities and facilities for haircuts shall be available to a male prisoner, and beards shall be shaved and hair cut as often as is necessary for cleanliness, unless the medical officer otherwise orders in writing.

(P) Exercise
Regular Exercise

113. (1) A prisoner not employed on outdoor work shall take exercise for one hour per day in the open air, weather permitting, but in special cases the Commissioner may approve that exercise be taken for only half an hour per day.

Physical Exercise under Supervision

(2) Where practicable a prisoner of suitable age shall take physical exercise under the supervision of a trained instructor.

Medical Direction Regarding Physical Exercise

(3) The medical officer shall indicate whether a prisoner is physically fit to do physical exercise whether the exercise shall be modified, or whether he is unfit for any physical exercise.

Food

Quality of Food

114. (1) Food of adequate nutritional value, consisting of a reasonable variety, well prepared and served, shall, subject to the provisions of sub-regulations (3) and (4), be supplied to a prisoner according to a diet scale as determined by the Commissioner.

Inspection of Food and Water

(2) The medical officer shall regularly inspect the food, uncooked and cooked, provided for prisoners, and shall report to the officer commanding on the quality and quantity thereof, and also on the quantity and condition of the water.

No Food Except Prison Diet

(3) Subject to the provisions of section eighty-two of the Act and unless the Commissioner approves or unless the medical officer otherwise prescribes, no prisoner shall receive any food other than the prescribed diet.

Quantity of Food

(4) No prisoner shall receive less food than prescribed in the prison diet scale, except where a dietary sentence has been imposed or when the medical officer prescribes a reduced or an amended diet.

Clothing

Sentenced Prisoners shall Wear no Private Clothing

115. Every sentenced prisoner shall on reception be provided with a complete outfit of clothing, as determined by the Commissioner, which complies with the requirements of health and which furnishes the necessary warmth and only such clothing shall be worn during his detention, unless the Commissioner otherwise determines.
Classification

116. Subject to the provisions of section twenty-two and section twenty-three of the Act and on consideration of personal and all other relevant factors -

(a) every prisoner is classified for detention in a prison determined by the Administrator.

(b) such a prisoner may, on a basis of progressive stage system, be removed to another type of prison; and

(c) such a prisoner may be degraded to any other type of prison.

(T) Training and Treatment

Purpose of Training

117. (1) Purpose of training and treatment of a prisoner sentenced to imprisonment is, as far as the duration of his sentence permits, to -

(a) establish in him the will to lead a virtuous and industrious life after release;

(b) fit him to be able to lead such a virtuous and industrious life after release;

(c) develop his self-respect; and

(d) develop in him a sense of responsibility.

Execution

(2) For the realisation of the aims contained in sub-regulation (1), with due regard to the safe custody of each prisoner and without undue familiarity between a member or special warder and a prisoner -

(a) training is applied;

(b) advice and personal guidance is given by the staff;

(c) social intercourse is allowed;

(d) studies are encouraged; and

(e) religious tuition is given.

Establishment of Workshops

(3) The Commissioner may establish and arrange such workshops and other working places at prisons as he, in consultation with the Administrator may deem necessary.

Factors in Determining Programme of Training

(4) (a) In determining the training of a prisoner all individual factors shall be taken into consideration and in particular, attention shall be given to -
(i) previous experience;
(ii) aptitude; and
(iii) period of sentence.

(b) Should it appear that a prisoner is not interested or progressing in the training to which he is assigned, or for any other reason, the Commissioner may order training in another direction, or may take such other action as is deemed necessary.

(U) Segregation

Segregation of Prisoners Exercising Pernicious Influence

118. (1) Should a member in charge of a prison certify that a prisoner exercises a pernicious influence over another prisoner, or attempts or plans to escape, is recaptured after escaping, displays violence or undermines policy, the Commissioner may order the segregation of such prisoner, in terms of sub-section (2) of section seventy-eight of the Act.

Commissioner may Revoke Segregation Order

(2) The Commissioner may at any time revoke the order of segregation.

(V) Remission of Sentence

Basis of Remission of Sentence

119. (1) The Commissioner may grant a prisoner who is serving a sentence or a total sentence of less than two years imprisonment, with or without the option of a fine, a remission of sentence not exceeding one-third of such sentence.

Remission of Sentence Granted on Reception

(2) Remission of sentence as determined by the Commissioner in terms of sub-regulation (1), is granted immediately after reception of a prisoner and if the prisoner is not of good behaviour such remission is forfeited in terms of the provisions of sub-regulation (4).

Good Behaviour

(3) The Commissioner determines what constitutes good behaviour.

Forfeiture of Remission of Sentence

(4) Remission of sentence is forfeited -

(a) for every contravention of offence committed under, or failure to comply with, the provisions of the Act, the Common Law or any other statutory provision while the prisoner is in custody, and for which a conviction follows on a formal charge, on the following basis: -

(i) No remission of sentence for a reprimand;
(ii) three days if the sentence is the deprivation of privileges, gratuities, indulgences or meals; and

(iii) six days in respect of a conviction for which any other sentence was imposed;

(b) in any other case as determined by the Commissionner.

**Sentences in Respect of which Remission of Sentence is not Granted**

(5) No remission of sentence is granted in respect of a sentence of imprisonment imposed for an offence committed under, or failure to comply with, the provisions of the Act, the Common Law or any other statutory provision while the prisoner is in custody.

**Remission of Sentence is no Right**

(6) Remission of sentence cannot be claimed as a right.

(W) Release

**Examination by Medical Officer**

120. (1) Where practicable every sentenced prisoner shall be examined by a medical officer as shortly as possible before release.

**Medical Certificate in respect of a Person Suffering from Acute or Dangerous Disease on Release**

(2) Should the medical officer on expiration of a prisoner’s sentence certify that such a prisoner is suffering from an acute or dangerous disease of such serious or infectious nature, or if it is suspected that he is affected with such disease, that his immediate release -

(a) is likely to result in his death or serious injury to his health, or

(b) may be a source of infection to others,

the prisoner is not released.

**Interview on Release**

(3) Every sentenced prisoner shall, prior to his release, be interviewed by a commissioned officer, if available, or by the member in charge of a prison.

**Arrangements for Employment**

(4) As far as practicable all arrangements for employment shall have been made before any prisoner is released.

**Clothing, Acknowledgment of Receipt of Private Effects, Transport and Rations for Journey on Release**

(5) On release -
his money and other private effects shall be handed over to the prisoner, unless it was necessary to destroy his clothing or otherwise to dispose therewith in accordance with the decision of the Commissioner in which case, suitable clothing and other requirements as determined by the Commissioner shall be provided to the prisoner;

(b) the prisoner shall acknowledge receipt of his money and other private effects in writing;

(c) a rail warrant for a ticket at Government rate and bedding to a railway station within the Union or South West Africa, as determined by the Commissioner, may be supplied to a sentenced prisoner; and

(d) sufficient food shall be provided for the journey, or if prior arrangements for the supply of food cannot be made, an amount not exceeding the rates which the Commissioner, in consultation with the Administrator, determines, shall be granted a Sentenced prisoner.

(X) Petitions

Petition on Special Facts Only

121. (1) A prisoner who wishes to submit particular facts not yet known, or who has had no opportunity of submitting such facts personally, may be allowed to address a petition, wherein these facts are mentioned, to the Administrator.

Commissioner Stipulates Conditions

(2) The Commissioner may stipulate conditions to which the petition shall conform before it is forwarded for consideration and determine the procedure according to which it shall be submitted.

(Y) Assistance on Release

Assistance on Release

122. The Administrator may pay out to any authority approved by him, under such conditions as he may determine, a grant, which has been assented to by the Legislative Assembly for assistance to a prisoner on release, to be utilised in a manner determined by him for the after-care and the re-adjustment of a released prisoner.

(Z) Legal Visits

Legal Visits to a Party or Witness in a Legal Proceeding

123. (1) Reasonable opportunity shall be afforded to a prisoner who is a party or a witness in a legal proceeding, whether civil or criminal, to interview his legal adviser in connection with that legal matter, in the sight but not in the hearing of a member or special warder.

Visits in Regard to Other Legal Matters
(2) A legal adviser of a prisoner who wishes to interview him in connection with any other legal matter may, with the permission of the Commissioner, be allowed to do so in the sight and hearing of a member or special warder.

Refusal of Permission

(3) Permission to interview a prisoner may be refused a legal adviser if he, on request, is not prepared to disclose the nature of the legal matter regarding which he desires to interview the prisoner.

Abuse of Permission

(4) When a legal adviser to whom permission has been granted to visit a prisoner, under this regulation, abuses this privilege or in any manner infringes or attempts to infringe any prison rule, he may be denied further visits to a prison for as long as the Commissioner deems fit.

(AA) Guarding of Prisoners

Guarding of Prisoners

124. Non-white members or non-white special warders shall under no circumstances be charged with the guarding of white prisoners.

(BB) Interviews by Commissioner, Deputy or Assistant Commissioner or Chairman of a Prison Board.

Interview by Commissioner, Deputy or Assistant Commissioner or Chairman of a Prison Board

125. The Commissioner, Deputy or Assistant Commissioner or Chairman of the Prison Board shall, at least once every year, conduct an interview with all prisoners sentenced to imprisonment for nine years or longer or to life imprisonment and with those who have been declared habitual criminals.

PRISON BOARDS

(A) Area, Place of Sitting and Quorum

Determination of Areas of Boards

126. (1) The Administrator determines for which area or prison a board is appointed.

Time and Place of Sitting

(2) The prison board conducts meetings at such times and at such places as the Commissioner determines.

Quorum

(3) Two members of a board, one of whom shall be the chairman, constitutes a quorum.
Functions and Duties

127. Subject to the functions and duties set out in Chapter VI of the Act, a prison board shall carry out and perform the functions and duties prescribed by the regulations, as well as the instructions of the Commissioner which are not contrary to the Act.

Interviews and Reports

128. A prison board shall interview every prisoner referred to in paragraphs (i), (ii), (iii), (iv), (v) and (vi) of sub-section (a) of section sixty-one of the Act, as soon as possible after reception into a prison, with the object of -

(a) exhorting him to good conduct;

(b) enlightening him in regard to his training and treatment; and

(c) making a recommendation to the Commissioner regarding the type of training and treatment which he shall receive.

Form of Reports

(2) A prison board shall, at least once per year or when necessary, in a manner prescribed by the Commissioner, submit reports in respect of a prisoner referred to in sub-regulation (1) as to -

(a) adjustment to his environment and fellow-prisoners;

(b) utilising of the opportunity for training; and

(c) possibility of rehabilitation.

Recommendations

(3) A prison board submits, when necessary, recommendations in respect of every prisoner referred to in sub-regulation (1), regarding -

(a) change of training, treatment, prison or classification;

(b) release when necessary;

(c) period and conditions of release on probation; or

(d) period, supervision and conditions of release on parole.

Detainees in Farm Colony

129. In respect of a prisoner detained in a farm colony, a prison board may recommend, after -

(a) one-half of his sentence has been served, that such a prisoner be released on parole; or
(b) two-thirds of his sentence has been served, that he be released on probation or unconditionally.

Parole

130. A prison board may, when convinced that parole shall promote the rehabilitation of a prisoner, recommend that such a prisoner on whom -

(a) a sentence of two years or longer has been imposed, be released on parole and if the period of parole falls within the limits prescribed by the Administrator by regulation for remission of sentences, the Commissioner may approve such recommendation; or

(b) a sentence of less than two years has been imposed, be released on parole, and if such a prisoner has served half of his sentence, the Commissioner may approve such recommendation: Provided that the Commissioner may at any time release a prisoner on parole on whom a sentence or total sentence of not more than four months imprisonment has been imposed.

Remission of Sentence by Prison Board

131. (1) In recommending the grant of remission of sentence in respect of prisoners with sentences of two years or longer, the prison board may take into consideration the provisions of regulation 119.

Forfeiture of Remission of Sentence by Board Cases

(2) The Commissioner may order forfeiture of remission of sentence, on the basis prescribed in sub-regulation (4) of regulation 119, for offences committed by a prisoner after the Prison Board has made its recommendation, or the Commissioner may refer the case back to the Board for reconsideration if he considers the prisoner’s conduct to be unsatisfactory after the Prison Board’s recommendation has been made.

PART III
PRISONERS. - SPECIAL REGULATIONS FOR DIFFERENT CATEGORIES

UNSENTENCED PRISONERS

(A) Prisoners Awaiting Sentence or Trial

Separation

132. (1) A prisoner awaiting sentence or trial shall be separated, as far as possible, from sentenced and other types of unsentenced prisoners.

Mutual Association

(2) Mutual association between prisoners awaiting trial as well as that between prisoners awaiting sentence shall be limited to what is absolutely essential in order to prevent mutual influencing and conspiracy to defeat the ends of justice.

Searching
(3) On searching such a prisoner nothing shall be taken from him except dangerous weapons, articles whereby escape may be accomplished, money and other articles as determined by the Commissioner.

Food

(4) Subject to the provisions of section eighty-two of the Act, he shall receive the ration prescribed for his sex and race in the diet scale.

Stationery and Literature

(5) He may, at his own expense, purchase or receive from outside such stationery and literature as approved by the Commissioner: Provided that any abuse of this concession shall result in the immediate withdrawal thereof.

Handing over of Money and Valuables

(6) The member in charge of a prison may permit that money, valuables, documents and other personal belongings of such a prisoner be handed over to his relatives, friends or legal advisers.

Private Medical Services

(7) If he requests the services of a medical practitioner or dentist, other than the medical officer or prison dentist, the Commissioner may, if he is convinced that there are sound reasons therefor, allow that such medical practitioner or dentist in consultation with the medical officer, attend to such prisoner; provided that such treatment will involve no additional cost to the Administration.

Bail

(8) If this type of prisoner is in custody because he has not been able to pay bail, he shall be granted visits at reasonable times during any day, as well as the writing of letters to enable him to obtain the bail money.

Provision of Stationery

(9) For the purpose of his legal defence, a prisoner is, within reasonable limits -

(a) provided with stationery;

(b) afforded opportunity for preparation of his defence; and

(c) afforded opportunity for the writing of letters to his legal advisers, relatives or friends.

Sale of Articles

(10) The sale or transfer or any attempt thereto by an unsentenced prisoner to any person of any article which he has been permitted to bring into the prison for his own use, is a contravention.
A Prisoner Detained for Insurgent and Seditious Conduct

   (11) The provisions of this regulation are also applicable to a prisoner who is detained for insurgent and seditious conduct and other offences that are generally regarded as political offences.

   (B) Detained Witnesses and Prohibited Immigrants

   Applicable Regulation

   133. Regulation 132 is mutatis mutandis applicable to a person who -

   (a) is detained in a prison pending his removal from the Territory, and

   (b) in terms of the provisions of section two hundred and twelve or two hundred and fourteen of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or section thirty of the Magistrate’s Courts Act, 1944 (Act No. 32 of 1944), has been referred to a prison for detention.

   (C) Indigents

   Reception

   134. (1) An indigent sick person may, by order of a magistrate, be received in a prison hospital for treatment for as long as is absolutely necessary: Provided that -

   (a) there is no other hospital situated nearby;

   (b) such indigent does not suffer from a contagious or infectious disease;

   (c) accommodation is available in the prison hospital for a person of that sex and race; and

   (d) the indigent is not living with his employer.

   Applicable Regulation

   (2) Regulation 132 is mutatis mutandis applicable to such an indigent person.

   (D) Civil Debtors

   Association

   135. (1) Where, as a result of limited numbers, it is not possible to associate with another civil debtor or if on account of limited accommodation, it is not possible to separate him from another prisoner, he may be allowed to associate with an unsentenced prisoner.

   Applicable Regulation

   (2) Subject to the provisions of sub-regulation (1) the provisions of regulation 132 are mutatis mutandis applicable to a civil debtor.

   (E) Mentally Defective Prisoners
Treatment of a Person Received in terms of Section twenty-seven (d) of the Act

136. (1) A person received into a prison in terms of the provisions of sub-section (d) of section twenty-seven of the Act, shall receive such treatment as the medical officer prescribes.

Applicable Regulation

(2) Subject to the provisions of sub-regulation (1) the provisions of regulation 132 are mutatis mutandis applicable to him.

OTHER CASES

(A) Juvenile Prisoners

Separation of Juvenile Prisoners

137. A juvenile sentenced to imprisonment shall, pending his removal to a prison referred to in paragraph (b) of sub-section (1) of section twenty of the Act, be separated, as far as possible, from an older and more hardened prisoner.

(B) Female Prisoners

Guarding of a Female Prisoner

138. A female prisoner shall only be guarded by a female member or special wardress and, where she must work under a male instructor, it shall be under the supervision of a female member or a special wardress.

(C) Condemned Prisoners

Place of Execution

139. (1) Executions take place in the Prison, Windhoek.

Searching

(2) A condemned prisoner shall be most thoroughly searched and all objects and articles considered at all dangerous and undesirable to be in his possession, shall be taken away from him.

Separation

(3) He shall be locked up in a special cell prescribed for this purpose and shall be kept separated from other categories of prisoners.

Guarding

(4) He shall be specially guarded by day and night.

Food
(5) He shall receive the same ration as is prescribed for a white prisoner of the same sex in the diet scale: Provided that the Commissioner may approve of a deviation therefrom.

**Stimulants**

(6) He may be supplied with stimulants on prescription by the medical officer.

**Visits**

(7) (a) A condemned prisoner may, with the written permission of the Commissioner, if he so desires, receive visits from relatives, friends, or legal advisers.

(b) A condemned shall, if he so desires, be religiously ministered to by a minister of religion or religious worker, appointed in terms of sub-section (1) of section seven of the Act, of that faith to which such condemned belongs and for this purpose such a minister of religion or religious worker shall, with due regard to administrative matters, be freely admitted to him.

(c) No person, other than a member or a special warder, the Sheriff or Deputy-Sheriff, or the persons mentioned in paragraphs (a) and (b) shall be admitted to a condemned except with the approval of the Commissioner.

(d) All visits to condemned prisoners shall take place within sight and hearing of a member or special warder, notwithstanding such a visit is paid by the prisoner’s legal adviser or is granted in connection with his appeal.

**Work**

(8) A condemned prisoner shall not be expected to perform any work, and exercise is not compulsory, but if he elects to take exercise, it shall take place separated from other categories of prisoners.

**SPECIFIC SENTENCES**

**(A) Periodical Imprisonment**

**Minimum Period of Detention**

140. (1) A person who is sentenced in terms of section three hundred and thirty-four (bis) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), to undergo periodical imprisonment shall serves such sentence in uninterrupted periods of not less than twenty-four hours at a time as determined, with due regard to the circumstances of such person’s employment, by the member in charge of the prison where the person surrenders himself to undergo such imprisonment: Provided that any period thus determined may be less than twenty-four hours -

(a) if the said member considers it advisable in exceptional circumstances, which have relation to that person’s circumstances of employment, after consideration of written application from such person’s employer; or

(b) if any unexpired portion of a sentence of periodical imprisonment is less than 24 hours.

*Further Notice*
(2) At the release of such person after expiration of each thus determined period, except at the expiration of the sentence imposed, the member concerned shall furnish such person with a notice which corresponds in principal to the form prescribed in Annexure “B”.

**Offences**

(3) A person who -

(a) without lawful excuse, the proof whereof shall be on such person, fails to comply with a notice issued under sub-regulation (2); or

(b) surrenders himself for the purpose of undergoing further periodical imprisonment while under the influence of intoxicating liquor or narcotic drugs; or

(c) impersonates, or falsely represents himself to be a person who has been directed to surrender himself for the purpose of undergoing periodical imprisonment,

shall be guilty of an offence and liable on conviction to a fine of not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months.

**Detention after Expiration of Sentence**

(4) When the final period of detention of such a person expires between 5 p.m. and 6 a.m., he may consent in writing that his release be postponed to a later hour.

**No Association**

(5) Such a person shall, as far as possible, not associate with prisoners of other categories.

**(B) Corrective training**

**Training**

141. Subject to the provisions of section sixty-one of the Act and of Part II of these regulations, the following shall also apply to a prisoner sentenced to corrective training:

(a) The provision of work which, as far as is practicable, shall assist in equipping him to earn an honest living after his release, and intensive practical and theoretical training in that type of work;

(b) personal influencing of his character; and

(c) the provision of facilities for the cultivation and development of a sense of responsimility.

**(C) Imprisonment for the prevention of crime and habitual criminals**

**Placing in an institution**

142. (1) A prisoner sentenced to imprisonment for the prevention of crime or who has been declared a habitual criminal, shall commence his training and treatment in a maximum
security prison: Provided that the Commissioner may instruct that such training and treatment may commence at any other type of prison.

**Special provisions**

(2) Subject to the provisions of section sixty-one of the Act and Part II of these regulations, such provisions as the Commissioner prescribes from time to time are applicable to such a prisoner.

**(D) Persons detained in farm colonies**

**Detention**

143. (1) A person committed to a farm colony for detention shall perform such work as the Commissioner determines in order that he may cultivate habits of industry.

**Applicable regulations**

(2) With the exception of the regulations relating to the grant of remission of sentence, Part II of these regulations are mutatis mutandis applicable to such a prisoner.

**PART IV**

**MISCELLANEOUS PROVISIONS**

**Canteens at prisons**

144. Any prison canteen as defined in sub-section (3) of section eighty-eight of the Act, shall be controlled under the chairmanship of the officer commanding in accordance with rules approved of by the Commissioner from time to time.

**Statistics**

145. Such statistics as determined by the Commissioner shall be kept.

**Penalties for Contraventions**

146. (1) Wherever no specific penalty has been provided for the contravention of any regulation by a member, prisoner, or other person, the penalties provided by sub-section (2) of section ninety-four of the Act, shall apply, namely -

(a) for a contravention or non-compliance by a member or a special warder, a fine not exceeding fifty pounds or, in default of payment, imprisonment for a period not exceeding six months, or such imprisonment without the option of a fine, or both such fine and such imprisonment;

(b) for a contravention or non-compliance by a prisoner any one of the penalties set out in sub-section (2) of sections fifty-one and fifty-four of the Act;

(c) for a contravention or non-compliance by any person other than a person referred to in paragraph (a) or (b), a fine not exceeding fifty pounds, or, in default of payment, imprisonment for a period not exceeding six months.

**Issuing of Prison Service Orders**
147. The Commissioner may issue Prison Service Orders in respect of all matters which, under the Act, are required or permitted to be prescribed by Prison Service Orders and generally all matters which he considers necessary or expedient to prescribe, in order that the purposes of the Act may be achieved and such Prison Service Orders, which shall not be inconsistent with the Act, shall be obeyed by all members, special warders and other persons in the service of the Prisons Department to whom they are applicable.

ANNEXURE A
(Regulation 9 refers)

APPOINTMENT OF SPECIAL WARDERS IN TERMS OF REGULATION 9 (1) (a) AND 9 (1) (c) (ii) (ON BEHALF OF THE SOUTH AFRICAN RAILWAYS AND HARBOURS)

I. ENROLMENT FORM

N.B. A. This form is to be completed by the applicant in his/her own handwriting.

B. Any false statement, wilfully made, will render the candidate liable to instant dismissal.

(1) Name in full (in block letters, surname first) .................................................................

(2) Tribal name (non-Whites only) ......................................................................................

(3) Permanent postal address ...............................................................................................

(4) Date of birth ....................................................................................................................

(5) Place of birth ..................................................................................................................

(6) Age last birthday ...........................................................................................................

(7) Kraal or home (Bantu persons) ......................................................................................

(8) Sex ..................................................................................................................................

(9) Name of next of kin ....................................................................................................... 

(10) Relationship .................................................................................................................

(11) Address ...........................................................................................................................

(12) Identity No. ....................................................................................................................

(13) State whether applicant is a South African citizen ......................................................

(14) State total period of residence in Union or the territory of South West Africa ..........

(15) Married or single .........................................................................................................

(16) Present employment .....................................................................................................

(17) Nationality ....................................................................................................................... 

(18) Qualifications:

(a) Education -

<table>
<thead>
<tr>
<th>Schools attended</th>
<th>Examinations passed and/or Certificates obtained</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) Languages -

State specifically whether applicant can speak, read or write the following languages and what examinations he/she has passed therein.

Afrikaans ....................................................... English .................................
Bantu languages (state dialects) ................................ Other .............................................

(19) Particulars of previous experience -

(a) Public Service -

<table>
<thead>
<tr>
<th>Department</th>
<th>Position held</th>
<th>Period (state dates)</th>
<th>Reason for Termination of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>From</td>
<td>To</td>
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<td></td>
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</tr>
</tbody>
</table>

(b) Other employment -

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Nature of Employment and position held</th>
<th>Period (state dates)</th>
<th>Reason for Termination of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

(20) (a) Has applicant any physical or mental defect? .................................................................

If so, describe fully .................................................................................................................................

(b) State condition of health ....................................................................................................................

(21) Has applicant ever been:

(a) Convicted of a criminal offence? If so, give full particulars ..........................................................

(b) Dismissed from any employment? ........................................................................................................

(22) (a) Attach certified copies (not original documents) of testimonials and proof of good behaviour.

(b) Original birth, school and marriage certificates must be submitted.

(23) I solemnly declare that the replies to the foregoing questions are in every respect true and correct.

Date .................................................. Signature ..................................................

(24) The deponent acknowledges that he/she knows and understands the contents of this affidavit.

Date .................................................. Signature ..................................................

II. OATH OF OFFICE

I, .................................................................................................................................
do promise and declare that I shall faithfully and diligently, without fear, partiality, favour or ill-will, perform the several duties prescribed for a member of the Prisons Service, to the best of my ability.

SO HELP ME GOD.

Date ..................................................

Sworn to before me at ......................... on this ................ day of ...................... 19.............
III. MEDICAL CERTIFICATE

Medical certificate on ........................................................................................................................................
a candidate for appointment in the Prisons Branch.

(1) Particulars:
   (a) (i) Height: (without shoes) ................................ feet ................................ inches.
       (ii) Weight ........................................................................................ lb.
   (iii) Chest measurements at nipple line: -
         ................................ inches. (aa) On full inspiration ............
         ................................ inches. (bb) On full expiration ............
   (iv) Age: ................................ Years ................................ months.

(b) Do the foregoing particulars reveal any departure from the normal?
If any, describe the abnormality in detail with special reference to overweight or underweight
and indicate probable cause thereof.

(2) Vaccination:
   Has applicant -
   (a) produced satisfactory proof of successful vaccination? ..............................................................
       If so, state number and nature of marks and nature of certificate produced, if any, ............ or
   (b) been found unsusceptible to vaccination after three unsuccessful attempts at vaccination at
       Intervals of not less than one month ...........................................................
   (c) suffered from smallpox ..............................................................

(3) Respiratory system:
   (a) State whether chest is well developed .............................................................
   (b) State whether there is any evidence of old or commencing disease ................................

(4) Circulation of the blood:
   (a) Are the impulses and sounds of the heart natural and the organ and all the arteries normal in
       every respect? ...................................................................................................................
       If the answer is “No”, give concise details ........................................................................
   (b) Blood-pressure .....................................................................................................................

(5) Genito-urinary System:
   (a) State whether there are signs of any disease or abnormality of kidneys, bladder or other part
       of the genitourinary system ..............................................................
   (b) Is albumen, sugar, pus, blood or other abnormal constituents present in the urine? .............

(6) Is the applicant suffering from any of the following diseases:
   Rheumatic fever, rhumatism, developing growths, malaria, taberclue (of any part of the body),
syphilis, epilepsy, paralysis, convulsions, asthma and other chest troubles, spitting of blood,
haemorrhoids, hernia, varicole or flat-feet .....................................................................................
If any and where possible, describe nature and/or extent of complaint.

(7) Is the applicant in any way maimed, deformed or physically defective or disfigured or are there any
    operations scars? ......................................................................................................................
    Give full details

(8) Has the applicant any defect of his/her: -
   *(a) Hearing? ....................................................  *(b) Speech? ....................................................
   *(c) Teeth? (describe condition fully).........  *(d) Sight? ....................................................
Visual acuity according to Snellen's type.

(9) From your examination and observations are you convinced that the applicant is in good health and free from any physical or mental defect, disease or infirmity which would be likely to interfere with the proper performance of his/her duty in the Prisons Department in any part of the Union of South Africa.

Date ........................................... 19 ..............

Signature

Place ............................................ Official designation ......................................

Professional qualifications ..........................................................

IV. DECLARATION BY APPLICANT

I, the undersigned, declare that I have read paragraph III (6) above, and that I have suffered from the following diseases ..........................................................

I further declare that I have not suffered from any disease except those indicated above.

I hereby undertake, if unable to produce satisfactory proof of successful vaccination or of insusceptibility to vaccination or of not having had smallpox, to submit myself to vaccination within one month from date of appointment in the Prisons Department and to produce proof of successful vaccination, or alternatively, to produce proof of insusceptibility to vaccination within three months from said date.

Date ........................................... 19 ..............

Signature of Applicant

* State nature of defect and whether defects have been remedied. Strike out if applicant does not wear glasses.

V. CONDITIONS

(1) I accept the appointment on conditions that I -

(a) receive a salary of £................. per annum on the salary scale .................;
(b) shall serve during the hours as prescribed by the Prisons Department;
(c) am entitled to leave privileges as prescribed in the regulations;
(d) am entitled to medical services as prescribed in the regulations;
(e) shall wear and maintain the uniform as prescribed in the regulations;
(f) shall contribute to the Government Employees Provident Fund as soon as I have completed two years continuous service;
(g) am subject to the provisions of the Prisons Act, 1959 (Act No. 8 of 1959) and all Regulations made and Orders issued in terms of this Act;

(2) I understand that these conditions may at any time be altered, as the Prisons Department prescribes.

(3) I clearly understand that in my capacity as special warder I am vested with the same powers, functions and responsibilities, and shall perform the same duties and shall be subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.

(4) I understand further that this employment is on a purely temporary basis and that the contract
hereby concluded may be terminated by twenty-four hours notice from either side (which shall, however, not expire on a Sunday or a day of rest).

.................................................................
Signature
Witness ..................................................................... Date ........................................................................

VI. APPROVAL

Appointment, in terms of section nine of the Act, approved.

.................................................................
Commissioner

P.D. 54(a)

APPOINTMENT OF A SPECIAL WARDER IN TERMS OF REGULATION 9 (1) (b) (ii)

I. CONDITIONS

(1) I undertake to perform duty as a special warder for the period the member in charge of the prison may require my service to escort prisoners from ................................................................. to .................................................................
(2) I clearly understand that in my capacity as a special warder I am vested with the same powers, activities and responsibilities and shall perform the same duties and am subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.
(3) I accept this appointment at an inclusive wage of £ ................................................................. per day.
(4) I clearly understand that I am not entitled to any further privileges or benefits.

.................................................................
Signature
Witness ..................................................................... Date ........................................................................

II. MEDICAL CERTIFICATE

From the examination and observations I am convinced that the applicant is in good health and free from any physical or mental defect, disease or infirmity which would be likely to interfere with the proper performance of his/her duty in the Prisons Branch in any part of the Union and South West Africa.

.................................................................
Date ........................................................................ Signature

Place ........................................................................ Official Designation
Professional qualifications ...........................................................................................................

III. OATH OF OFFICE
(1) I, ................................................................., do promise and declare that I shall faithfully and diligently, without fear, partiality, favour, or ill-will, perform the several duties as prescribed for a member of the Prisons Branch, to the best of my ability.

(2) I declare that I have never served a period of imprisonment.

SO HELP ME GOD.

Date ........................................................................ Signature
Sworn to before me at ......................... on the ................. day of ..................... 19...........

Commissioner of Oaths

IV. APPROVAL

Appointment, in terms of Section 9 (1) of the Act, approved.
Member in charge of ......................................................... Prison.

P.D. 54 (b)

APPOINTMENT OF A SPECIAL WARDER IN TERMS OF REGULATION 9 (1) (b) (iii)

I. CONDITIONS

(1) I undertake to perform duty as a special warder from .............................................................

(2) I am aware that the engagement is on a purely temporary basis and that the contract hereby concluded may be terminated by twenty-four hours notice from either side (which, however, shall not expire on a Sunday or day of rest).

(3) I clearly understand that in my capacity as a special warder I am vested with the same powers, activities and responsibilities and shall perform the same duties and am subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.

(4) I accept this appointment at a salary of ......................... according to the salary scale .................

(5) I clearly understand that I am not entitled to any further privileges or benefits.

Witness ............................................ Date ........................................ Signature

II. MEDICAL CERTIFICATE

From the examination and observations I am convinced that the applicant is in good health and free from any physical or mental defect, disease or infirmity which would be likely to interfere with the proper performance of his duty in the Prisons Branch.

Date ................................................................. Signature
Place ................................................................. Official designation ..............................................
Professional qualifications ..............................................................

III. OATH OF OFFICE
(1) I, ..............................................................................................................................
de promise and declare that I shall faithfully and diligently, without fear, partiality, favour, or ill-
will, perform the several duties as prescribed for a member of the Prisons Branch, to the best of my
ability.
(2) I declare that I have never served a period of imprisonment.

SO HELP ME GOD.

..............................................................

Date .................................................. Signature

Sworn to before me at ......................... on the ................... day of ..................... 19...........

..............................................................

Commissioner of Oaths

IV. APPROVAL

Appointed, in terms of Section 9 (1) of the Act, approved.

Member in charge of ................................................. Prison.

P.D. 54 (c)

APPOINTMENT OF A SPECIAL WARDER IN TERMS OF REGULATION 9 (1) (c) (i)
AND (ii)

I. CONDITIONS

(1) I undertake to perform duty as a special warder during the period of six months ending ..............
(2) I am aware that the engagement is on a purely temporary basis and that the contract hereby
concluded may be terminated by twenty-four hours notice from either side (which, however, shall
not expire on a Sunday or day of rest).
(3) I clearly understand that in my capacity as a special warder I am vested with the same powers,
activities and responsibilities and shall perform the same duties and am subject to the same
discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the
Act.
(4) I understand that I am not entitled to any further privileges or benefits of the Prisons Branch.

Date .............................................................. Signature

Witness .........................................................

II. MEDICAL CERTIFICATE

From the examination and observations I am convinced that the applicant is in good health and free
from any physical or mental defect, disease or infirmity which would be likely to interfere with the
proper performance of his duty in the Prisons Branch.

..............................................................

..............................................................

..............................................................

Date .............................................................. Signature
III. OATH OF OFFICE

I, ....................................................................................................................
do promise and declare that I shall faithfully and diligently without fear, partiality, favour, or ill-will,
perform the several duties as prescribed for a member of the Prisons Branch, to the best of my ability.

I declare that I have never served a period of imprisonment.

SO HELP ME GOD.

.....................................................................................................................
Date .................................................................................................................
Sworn to before me at ........................................... on the ................... day of ....................... 19............
.....................................................................................................................
Commissioner of Oaths

IV. COMPLETE WHERE THE EMPLOYER OF PRISONERS ALSO ACTS AS GUARD

I, as employer of prisoners, accept liability for any compensation which may be claimable by me as a
special warder as a result of any injury which I may sustain during the course of my duties.

.....................................................................................................................
Date .................................................................................................................
Signature of Employer

V. COMPLETE WHERE THE EMPLOYEE OF THE EMPLOYER OF PRISONERS ACTS
AS GUARD

(1) I, as employer of prisoners accept liability for any compensation which may be claimable by the
special warder as a result of any injury he may sustain during the course of his duties.

(2) I undertake to -
(a) pay the special warder as part of the amount due by me for the hire of prison labour, a wage
............................... of per day;
(b) pay the Prisons Branch the whole or any portion of such wage due to the special warder when
requested to do so by the member in charge of the prison.

.....................................................................................................................
Date .................................................................................................................
Signature of Employer

VI. APPROVAL

Appointment in terms of section 9 (1) of the Act, approved.

Member in charge of ....................................................... Prison.

P.D. 54(d)

APPOINTMENT OF A SPECIAL MATRON IN TERMS OF REGULATION 9 (1) (b) (i)

I. CONDITIONS
(1) I undertake to perform duty as a special matron with effect from

(2) I clearly understand that in my capacity as a special matron I am vested with the same powers, activities and responsibilities and shall perform the same duties and am subject to the same discipline and authority as a wardress appointed in terms of sub-section (1) of section eight of the Act.

(3) I understand further, that the engagement is on a purely temporary basis and that the contract hereby concluded may be terminated by twenty-four hours notice from either side.

(4) I accept the appointment at an inclusive salary of per annum.

(5) I understand that I am not entitled to any further privileges or benefits.

Witness ................................................................. ................................................................. ................................................................. ................................................................. ................................................................. .................................................................

Date .................................................................

II. OATH OF OFFICE

(1) I, ................................................................. ................................................................. ................................................................. ................................................................. ................................................................. do promise and declare that I shall faithfully and diligently, without fear, partiality, favour, or ill-will, perform the several duties as prescribed for a member of the Prisons Branch, to the best of my ability.

(2) I declare that I have never served any period of imprisonment.

SO HELP ME GOD.

Date .................................................................

Sworn to before me at ........................................ on the .................... day of .................... 19..........................

................................................................. ................................................................. ................................................................. ................................................................. .................................................................

Commissioner of Oaths

III. APPROVAL

Appointment in terms of section 9 (1) of the Act, approved.

Member in charge of ................................................................. Prison.

P.D.160

ANNEXURE B

FURTHER NOTICE TO UNDERGO PERIODICAL IMPRISONMENT

................................................................. Prison.

To .................................................................

Prison No.................................................................

Residential Address .................................................................

Business Address .................................................................

Whereas you were duly convicted and sentenced to undergo periodical imprisonment for a period of ........................ hours as fully set out in the “Notice to Undergo Periodical Imprisonment” (U.D.J. 505) issued at ........................................ on the .................... day of ............................... 19................, and whereas you have served
only ......................................... hours of the said imprisonment, this is therefore to direct you,
in terms of sub-regulation (2) of Regulation 140 of the Prisons Branch to surrender yourself to the
member in charge of the ........................................ Prison at ........................................... a.m./p.m.
on the ...........................................day of ........................................... 19 ............. for the purpose
of undergoing a further period of the said imprisonment in the manner prescribed by regulation in terms
of the provisions of section 39 (a) of the Prisons Act, 1959 (Act No. 8 of 1959).
Issued at ............................................this ........................................... day of ........................................... 19 .............

............................................ ............................................ ............................................ ............................................
Member in Charge of Prison Countersigned (Rank)
(On duplicate of “Further Notice”).
Original notice received by me.

Date ............................................ ............................................ ............................................ ............................................
Signature
(Details to be printed on the reverse side of form P.D.160.)

1. WARNING

If you -
(a) without lawful excuse proof whereof shall be upon you, fail to comply with this notice; or
(b) surrender yourself for the purpose of undergoing periodical imprisonment, while under the
influence of intoxicating liquor or narcotic drugs, you will be guilty of an offence and liable on
conviction to a fine not exceeding £50 for imprisonment for a period not exceeding six months.

2. GENERAL INFORMATION

On a future occasion when reporting to serve a further portion of your sentence, you should not bring
any unnecessary private property with you. A full outfit of clothing which can also be used on your
release will suffice.

Bring your own toilet requisites such as toothbrush, toothpaste, shaving equipment and soap with
you.

Ensure that you have means of transport such as bus coupons, rail ticket or the necessary funds to
acquire transport.

If you travel to the Prison by motor vehicle, your keys will be stored for you but parking
arrangements are at your own risk.

The Department supplies working and sleeping attire as well as towels.

Rings, fountain pens, watches and money except the amount required for transport, should if
possible, not be brought to Prison.