The General Regulations were originally made in terms of section 94 of the Prisons Act 8 of 1959, which was repealed by the Prisons Act 17 of 1998 and subsequently repealed by the Correctional Service Act 9 of 2012.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 General Regulations are deemed to have been made under that Act.

as amended by

Government Notice 441 of 1968 (OG 2875)
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Government Notice 801 of 1968 (OG 2892)
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Government Notice 1865 of 1968 (OG 2944)
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Government Notice 2227 of 1968 (OG 2966)
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Government Notice 2325 of 1968 (RSA GG 2244)
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PRELIMINARY PROVISIONS
Definitions

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

"calendar month" means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month, both days inclusive;

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

"member" means a member of the Prisons Service;

"misconduct" means misconduct as defined in subsection (7) of section fifty-five of the Act;

"month" means a period extending from the first to the last day, both days inclusive, of any one of the twelve months of the year;

"prescribe" or "prescribed", unless otherwise provided, means as the Commissioner may prescribe or as may be prescribed by him;

"protectorates" means the protectorates of Swaziland, Bechuanaland and Basutoland;

"reporting member" means any member who, as first party, completes a report in respect of another member;
“service” means any continuous full-time or part-time service in any capacity, including casual employment under special contract, and for the purpose of this definition a member shall be deemed to be on duty while -

(a) suspended from office; or  
(b) participating in or practising for recreational activities referred to in regulation 7A.

“South West Africa” means the territory of South West Africa referred to in section 96 of the Act;

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

“the Act” means the Prisons Act, 1959 (Act No. 8 of 1959), as amended;

“to record” means to take down in writing or in shorthand or by mechanical means and “recorded” has a corresponding meaning;

“Treasury” means the Treasury as defined in section 1 of the Exchequer and Audit Act, 1975 (Act 66 of 1975);

“uniform” means buttons, badges of rank, distinctive badges and other badges, articles or uniform and equipment, clothing and accoutrement of any nature whatsoever prescribed in terms of regulation 11.

(2) (a) Any expression appearing in Chapter I of these regulations and not defined in this regulation has, unless inconsistent with the context, the same meaning as ascribed thereto by the Government Service Act, 1980 (Act 2 of 1980).

(b) The provisions of the Government Service Act, 1980 (Act 2 of 1980), as amended, and Regulations thereunder shall be applicable to any aspect pertaining to personnel which has not been dealt with by Chapter I of these regulations.

(c) If doubt arises regarding the interpretation of the provisions of these regulations, the matter shall be referred to the Commissioner for decision.
CHAPTER I
PERSONNEL REGULATIONS

ESTABLISHMENT

(A) Determination of Establishment

Fixed Establishment

2. (1) [regulation 2(1) deleted by AG 144/1981]

(2) [regulation 2(2) deleted by AG 144/1981]

Member Liable for Service Anywhere in the South West Africa or South West Africa

[heading amended by AG 144/1981]

(3) Whenever the interests of the Service require, a member shall be liable to serve in any part of South West Africa and he 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 Service to another.

[subregulation (3) amended by AG 144/1981]

(B) Ranks and Designations

[heading substituted by GN 1865/1968]

Order of Precedence

3. (1) The ranks in the Prisons Service in order of precedence, shall be as follows -

(a) Officers

  Brigadier
  Colonel
  Lieutenant-Colonel
  Major
  Captain
  Lieutenant

(b) Non-Commissioned members

  Warrant Officer Class I
  Warrant Officer
  Senior Sergeant
  Sergeant
Warder
Assistant Warder
Probationary Warder
Temporary Warder
Temporary Matron

[regulation 3(1) substituted by AG 144/1981 and GN 179/1987]

Use of Designations: Commissioner, Deputy and Assistant Commissioner

(2) The rank of brigadier may be conferred upon the Commissioner and the rank of colonel on the Deputy Commissioner.

[regulation 3(2) substituted by AG 144/1981]

Precedence of Members

(3) Members of the same rank shall take precedence of rank according to the respective dates of their appointment to such rank: Provided that head of a prison or office shall have command over all other members and special warders in that prison or office, irrespective of date of appointment: Provided further that if on appeal in terms of subsection (2) of section thirteen of the Act, an order of reduction of rank or seniority of a member is set aside or altered such member shall be reinstated in and take precedence of rank in accordance with any such order by the Council of Ministers.

[subregulation (3) amended by AG 144/1981]

Precedence of Rank in Lower Ranks

(4) If two or more members of the same rank have been appointed on the same date, their precedence of rank shall, subject to the first proviso of sub-regulation (3) be determined by the date of their appointment to the preceding lower rank or ranks.

(5)

[regulation 3(5) deleted by AG 144/1981]

Retention of Rank on Retirement or Resignation and Award of Honorary Rank

(6) (a) Subject to the provisions of paragraph (b), a person who leaves the Prisons Service for any reason whatsoever, shall forfeit his rank on retirement, resignation or transfer to another Service of the State.

[paragraph (a) amended by AG 144/1981]

(b) On the retirement or resignation, for any reason whatsoever, of an officer who has throughout fulfilled his functions satisfactorily and who has displayed an irreproachable character and exemplary conduct, the Council of Ministers may, on recommendation of the Commissioner, permit him to retain his rank and in a specially deserving case, may, subject to the following requirements, grant him a higher honorary rank as follows -

(i) To a lieutenant, the honorary rank of captain provided he has served at least five years as an officer;
(ii) To a captain, the honorary rank of major provided he has served at least ten years as an officer or has held the rank of captain for at least five years;

[subparagraph (ii) amended by AG 144/1981]

(iii) To a major, the honorary rank of lieutenant-colonel provided he has served at least fifteen years as an officer or has held the rank of a major for at least five years;

[subparagraph (iii) amended by AG 144/1981]

(iv) To a lieutenant-colonel, the honorary rank of colonel provided he has served at least twenty years as an officer or has held the rank of lieutenant-colonel for at least five years;

[subparagraph (iv) amended by AG 144/1981]

(v) To a colonel or an officer of higher rank, the next higher honorary rank, provided he has served at least twenty-five years as an officer or has served at least five years in the rank held by him on the date of his retirement or resignation:

[subparagraph (v) amended by AG 144/1981]

Provided that in an exceptional case, the Council of Ministers may, in its discretion, grant such an officer, who has rendered particularly meritorious or exemplary service, the next higher honorary rank notwithstanding the fact that the relative requirements under sub-paragraphs (b) (i) to (b) (v) inclusive, have not been complied with.

[paragraph (b) amended by AG 144/1981]

(c) A person who, in terms of paragraph (b), has been granted permission to retain his rank or on whom a higher honorary rank has been conferred, may wear the uniform applicable to his rank or honorary rank on State or other prescribed occasions, but the fact that he has been granted permission to retain his rank or that a higher honorary rank has been conferred upon him, does not vest in him any authority in terms of the Act or these regulations after he has left the Prisons Service.

FUNCTIONS AND DUTIES

(A) Commissioner, Deputy and Assistant Commissioner

Commissioner

4. (1) In addition to any function or duty lawfully assigned to or imposed upon him the Commissioner shall be responsible to the Council of Ministers for the effective performance of the functions of the Prisons Service as described in section two of the Act, the maintenance of discipline, efficient administration and the proper use and care of State property belonging to his Service.

[subregulation (1) amended by AG 144/1981]

Deputy Commissioner
(2) A Deputy Commissioner shall, subject to the directions of the Commissioner, perform such duties and exercise such powers and functions as are delegated or assigned to him by the Commissioner under section 93 of the Act or otherwise.

[regulation 4(2) substituted by AG 144/1981]

Head of a Prison, Office or Place of Work

(3) A head of a prison, office or place of work shall be responsible to the Commissioner for the maintenance of efficient administration discipline and proper use and care of State property at any prison, office or place of work under his command.

[regulation 4(2) substituted by AG 144/1981]

(B) Accountant

5.

[regulation 5 deleted by AG 144/1981]

(C) Medical Officers

Duties of a Resident Medical Officer

6. (1) (a) A resident medical officer shall be responsible for the general treatment and health of a prisoner.

[regulation 6(1)(a) substituted by AG 144/1981]

(b) The resident medical officer 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 Secretary for National Health and Welfare to perform the duties of a medical officer 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 the Commissioner or circumstances require and he shall generally perform the duties of the resident medical officer as set out in sub-regulation (1).

[subregulation (2) amended by AG 144/1981]

(D) Members and Special Warders

Full Services and Time at Disposal of State

7. (1) (a) A member or special warder shall place his full services at the disposal of the Stats, and he may, as the Commissioner generally or specially determines, be required to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place of work or elsewhere for such duty.
(b) No member or special warder shall without the permission of the Council of Ministers, perform or engage himself to perform remunerative work outside his employment in the Prisons Service.

[paragraph (b) amended by AG 144/1981]

On Duty, Services at Exclusive Disposal of State

(2) No member or special warder may, otherwise than for the exclusive benefit of the State, employ or permit or authorise the employment of the services of another member or special warder or such officer or employee, as is defined in the Government Service Act, 1980 (Act 2 of 1980), as amended, during such times when such other member, special warder, officer or employee is actually on duty in the service of the State.

[subregulation (2) amended by AG 144/1981]

No Right of Claim for Additional Remuneration for Services

(3) No member or special warder may claim as of legal right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

Participation in Sport and Recreation

7A. (1) The Commissioner may, for the Prison Service as a whole or at such place as he deems fit, authorise the establishment of a sport or recreation club (hereinafter called a “club”) for members of the Prison Service or their families, and he shall control the spending of moneys voted by National Assembly of South West Africa for this purpose, or received as membership fees from members of the club, which may, subject to his approval, be deducted from the salaries of such members, or which may accrue to the club in any other way.

[regulation 7A(1) amended by AG 144/1981]

(2) Every member of the Prison Service becomes a member of a club so established, and may, through such club, participate in any amateur sport which he may choose from a list of sports indicated by the Commissioner for that purpose, for which such member is deemed by the Commissioner, in consultation, where necessary, with a district surgeon or other medical practitioner, to be physically fit: Provided that wherever a club cannot be economically established or provision be made at any headquarters for any form of sport in which such member wishes to participate, the Commissioner may permit him to join any civil club for that purpose, and for the application of this regulation, such civil club shall be deemed to be a club.

[regulation 7A(2) amended by AG 144/1981]

(3) Subject to the other provisions of this regulation, a member of the Prison Service who serves in a full-time capacity shall be deemed to be on official duty during any period in which he -

[regulation 7A(3) amended by AG 144/1981]

(a) acting on instructions, travels to or from, or participates in an exercise, performance, display, contest or competition in connection with a form of sport approved in his particular case;
(b) acting on instructions, travels to or from, or participates in an exercise, performance, display, contest or competition as member of a civil club referred to in subregulation (2); or

(c) in an official capacity officiates at, or, acting on instructions, travels to or from an exercise, performance, display, contest or competition which is referred to in paragraph (a) or (b).

(4) A member of the Prison Service who participates in an authorised sport as a member or official of a team selected at regional, or national level, shall, in the case of injury sustained as a member or official in the course of such competition, contest or exercise, be deemed to be on official duty for the purposes of regulation C30 of the regulations published by Government Notice AG. 28 of 1981.

[regulation 7A(4) amended by AG 144/1981]

[regulation 7A inserted by GN 922/1973]

ENROLMENT AND APPOINTMENT

(A) Enrolment and Appointment of a Member who is not an Officer

[heading amended by AG 144/1981]

8.

[regulation 8 deleted by AG 144/1981]

(B) Appointment of Special Warders

Scope of Appointment

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

(a) in a vacancy on the fixed establishment -

(b) additional to the fixed establishment -

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

(ii) for the removal of a prisoner from one prison to another or to and from court or other place;

(iii) for the safe custody of prisoners -

(aa) whenever abnormal circumstances at a prison require such appointment;

(bb) where such person is also the hirer of the prison labour concerned; or

(cc) where such person is the employee of the hirer of the prison labour concerned.
Conditions of Appointment

(2) The appointment of a special warder in terms of sub-regulation (1) shall be subject to the applicable conditions as contained in the First Schedule, and the taking of an oath of office as set out therein.

TRAINING, UNIFORM AND PROMOTION

(A) Training Course

Prescribed Course of Training

10. The Commissioner may, in his discretion, order a member to undergo a prescribed course of training at a training college or other place and on the completion of such course of training to undergo such further training as determined by him.

(B) Uniform

Issue, Wearing and Maintenance of Articles of Prescribed Uniform and Equipment

11. (1) (a) The kind, quality, model, design or pattern and the number or quantity of articles of uniform and equipment and accoutrement of any nature whatsoever, which a member shall possess and maintain in connection with the discharge of his duties and which may be supplied either at public expense or by the State on repayment, as well as the times of issue and the periods of serviceability of such articles of uniform, equipment and accoutrement, shall be prescribed from time to time with due regard to such member’s functions and the rank which he holds.

(b) The uniform referred to in this regulation shall be worn only in accordance with prescribed dress orders.

(c) Unless exempted in terms of sub-regulation (2), a member shall at all times be in possession of complete and serviceable articles of uniform and equipment, prescribed in terms of paragraph (a) in respect of the rank which he holds.

Exemption by Commissioner of Provisions of Sub-regulation (1)

(2) The Commissioner may, on such conditions as he may determine exempt a member from any of the provisions of sub-regulation (1).

[C] Promotion

Requirements for Promotion

12. (1) The promotion of a warder or non-commissioned officer shall be decided on by the Commissioner according to the personnel requirements of the Service and a prescribed personal assessment of the merit and efficiency, with due regard to seniority and qualifications, of such warder or non-commissioned officer.

[Subregulation (1) amended by AG 144/1981]
Prescribed Test and Medical Examination

(2) A non-commissioned officer may not be promoted unless -

(a) he has passed a departmental test as from time to time prescribed: Provided that such member who has technical or other special qualifications or who, on a personal assessment as provided for in sub-regulation (1), is found to be highly efficient in the performance of his duties and who is otherwise specially deserving of consideration for promotion, may be exempted from the requirement to pass such test; and

(b) in the opinion of the Commissioner, he is physically and mentally fit to perform the duties of a post of higher rank for which purpose he shall undergo such medical examination as may be required by the Commissioner.

Promotion within Appropriate Branch

(3) The promotion of a warder or non-commissioned officer shall be limited to the branch to which he is attached: Provided that such member, if suitable and qualified and otherwise eligible for appointment in another branch, may be promoted to a post in such other branch: Provided further that the Commissioner may, in his discretion, transfer a member from one branch to another, whether on promotion or otherwise.

PAY

(A) Salary

Scales

13.

[regulations 13(1) to 13(4) deleted by AG 144/1981]

Salary Notch on Reduction in Rank

(5) (a) If a member is reduced in rank the Commissioner may decide on which notch of the scale applicable to the rank to which he has been reduced, his salary shall be adjusted: Provided that such adjustment 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 on reduction in rank he shall not be entitled to a higher salary than that which he received immediately before the reduction in rank.

(b) The date of reduction in rank shall be the salary incremental date of such member for the period he retains such reduced rank.

[regulations 13(5)(b) deleted by AG 144/1981]

[regulations 13(6) to 13(8) deleted by AG 144/1981]


[regulations 14 to 22 deleted by AG 144/1981]
(I) Inoculation and Vaccination of Members

Compulsory when Required

23. A member shall, whenever required by the Commissioner, submit himself to inoculation or vaccination.

(J) Medical Treatment of Special Warders

Applicability of Certain Regulations

24. The provisions of regulations 15, 16, 17, 18, 21, 22 and 23 shall be applicable to a special warder appointed in terms of paragraph (a) of sub-regulation (1) of regulation 9 and regulation 19 shall be applicable to the wife of a pensioned White member who is appointed such a special warder.

25. - 70.

[regulations 25 to 70 deleted by AG 144/1981]

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 fire-arm at any person or negligently or recklessly discharges a fire-arm; 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 commanding officer or head of the prison or office, as the case may be, that any such offer has been made to him; or

[regulation 71(1)(l) amended by AG 144/1981]

(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 commanding officer or 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 Service or to the authority or position of a member; or

[paragraph (w) amended by AG 144/1981]

(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 Service: Provided that nothing in this paragraph contained shall preclude a member or special warder from endeavouring to obtain redress of any grievance through Parliament; or

[subregulation (x) amended by AG 144/1981]

(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 State 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 officer; or

[subparagraph (bb) amended by AG 144/1981]

(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 sixty-five of the Magistrates’ Courts Act, 1944 (Act No. 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

[regulation 71(1)(ff) substituted by AG 144/1981]

(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 State or Prisons Service or to another member or special warder, makes a false or incorrect statement knowing it to be false or incorrect;

[regulation 71(1)(gg) amended by AG 144/1981]

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 sub-regulation (1), a member or special warder shall be liable to the penalties prescribed in either section fifty or section fifty-three of the Act, depending on whether he is tried by a magistrate or an officer.

[subregulation (2) amended by AG 144/1981]

(B) Suspension

72. (1) Subject to the provisions of section 15 of the Act a member shall be suspended only on account of alleged or suspected serious misconduct or if the circumstances are of such a nature that he should not be allowed to exercise his powers, functions and authority.

(2) Unless otherwise directed by the Council of Ministers in the case of an officer, or by the Commissioner, the suspension of a member shall continue until the date on which such member is discharged, dismissed or reduced in rank, or until he resumes duty after having been ordered to do so.

[subregulation (2) amended by AG 144/1981]

(3) A member who has been suspended from office, may not wear uniform during the period of such suspension.

[regulation 72 substituted by GN 2227/1968 and amended by AG 144/1981]

73.

[regulation 73 deleted by GN 2227/1968]

(C) Board of Inquiry Appointed in terms of Section Fifty-five of the Act
Action on Misconduct by Officers

74. (1) Whenever it is suspected or alleged that an officer has misconducted himself, written statements as well as the other relevant documents in relation to such suspicion or allegation shall be submitted to the Commissioner if the Commissioner, or an officer acting on his authority, is of opinion that there are adequate grounds for a charge of misconduct, he may in the form prescribed charge the officer concerned, in writing, to submit, within seven days or such other period as he may determine, after the date on which he was furnished with particulars of the charge, an admission or denial of the charge and an explanation referred to in section 55(1) of the Act.

[subregulation (1) amended by AG 144/1981]

Chairman of the Board of Inquiry

(2) If a Board of Inquiry referred to in section 55(2)(a) of the Act consists of one person, such person shall be designated as chairman and if the board consists of more than one person, either the Council of Ministers or the Commissioner, depending on by whom the board was appointed, shall designate one of such persons as the chairman, who shall preside whenever the board assembles.

[subregulation (2) amended by AG 144/1981]

Appointment of Officer to Adduce Evidence and Address Board and Rights of Accused Officer

[heading amended by AG 144/1981]

(3) (a) The Commissioner may detail and authorise an officer with a rank equal to or higher than that of the defendant to attend the inquiry and to adduce evidence and argument in support of the charge of misconduct and to cross-examine any person called as a witness by the defence.

[paragraph (a) amended by AG 144/1981]

(b) The defendant shall have the right to be present at the inquiry and to be heard personally or through a legal representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself, and to call witnesses to give evidence in his defence.

(c) The proceedings at such inquiry, shall, save as otherwise provided in these regulations, be conducted in a manner and form as nearly as practicable the same as those in summary proceedings in a magistrate's court at the hearing and determination of criminal cases.

(4) The chairman shall determine the place where and the date and time when the inquiry will be held. He shall advise the prosecutor and the other members of the board accordingly and shall also furnish the prosecutor with a copy of the order constituting the board, for service on the officer charged.

Duties of Officer Designated to Present the Charge

[heading amended by AG 144/1981]
(5) The officer designated to adduce the evidence and arguments in support of the charge shall -

(a) at least seven days before the fixed date of the inquiry, cause a copy of the charge to be served on the defendant and shall direct that he be notified of the venue and time of the inquiry; and

(b) whether in support of the charge or for the defence, ensure the attendance of all members or special warders required to give evidence at the inquiry, and shall subpoena any other person required as a witness.

[subregulation (5) amended by AG 144/1981]

Issue and Service of Subpoena

(6) A subpoena served on a person required to give evidence or to produce any book, record, document or thing at an inquiry held under this regulation, shall be issued, under the signature of an officer, in the form prescribed for the attendance of a witness in a criminal proceeding in a magistrate’s court, and the rules of such court in regard to the service of such subpoena shall apply mutatis mutandis.

[subregulation (6) amended by AG 144/1981]

Uniform at Inquiry

(7) A defendant who avails himself of his right to appear before a board of inquiry, shall wear the uniform of his rank at such inquiry.

Persons Entitled to be Present at Inquiry

(8) Unless the prior consent of the chairman of the board of inquiry has been obtained, no person, member or special warder other than the officer detailed to adduce the evidence and argument in support of the charge, the accused officer and his legal representative, a witness while under examination, and a stenographer or an interpreter, if any, shall be present at the inquiry.

[subregulation (8) amended by AG 144/1981]

Record of Proceedings, Finding of Board of Inquiry, and Previous Convictions

(9) (a) The chairman of the board of inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat, and upon the conclusion of the hearing shall pronounce and record the finding of the board.

(b) If the board of inquiry has found the defendant guilty, the officer designated to adduce the evidence and arguments in support of the charge of misconduct shall produce a certified, extract of previous disciplinary convictions, if any, and shall call upon the defendant to admit or deny such convictions. If the defendant denies any conviction, the officer referred to herein may, if the chairman of the board deems it expedient, adduce evidence to prove such conviction.

[paragraph (b) amended by AG 144/1981]
Written Argument and/or Representations by Defendant on being found Guilty

(10) If the board has found the defendant guilty, he may, within fourteen days from the date on which the finding of the board was pronounced in terms of subregulation (9)(a), lodge with the chairman a written statement, in quadruplicate, in which arguments are set out against the board’s finding and/or representations in mitigation of punishment.

Submission of Record of Proceedings, Findings and Recommendations of Board, and Written Arguments and Representations of Defendant

(11) (a) The chairman shall, within twenty-one days from the date on which the finding of the board was pronounced in terms of subregulation (9)(a), forward the following documents to the Commissioner -

(i) The record of the proceedings at the inquiry and any documentary evidence admitted;

(ii) the finding of the board, and its reasons therefore in writing;

(iii) the board’s recommendation in terms of section 55(6) of the Act;

(iv) the board’s observations, especially in regard to any written statement, arguments and/or representations lodged by the defendant in terms of subregulation (10); and

(v) any other general observations on the case which the board may desire to make.

(b) The Commissioner shall forward the documents referred to in paragraph (a) to the Council of Ministers for such decision as he may deem appropriate in terms of section 55(6) of the Act: Provided that irrespective of whether the board has found the defendant guilty or not, the Council of Ministers may remit any question in connection with the inquiry to the chairman and direct the board to report thereon or to hold a further inquiry and to arrive at a finding.

[paragraph (b) amended by AG 144/1981]

(c) If the Council of Ministers directs in terms of the proviso to paragraph (b) that a further inquiry shall be held, the provisions of subregulations (2) to (8) inclusive shall mutatis mutandis apply: Provided that any reference in the relevant subregulations to the word or term set out hereunder shall be construed as a reference to the word or term shown opposite it under the corresponding number -

(i) “inquiry” (i) “inquiry”

(ii) “in support of charge” and “in his defence”, respectively. (ii) “in support of charge” and “in his defence”, respectively.

(iii) “copy of the charge” (iii) “copy of the charge”

[paragraph (c) amended by AG 144/1981]

(d) The chairman shall, within fourteen days from receipt by him of a question remitted to him in terms of paragraph (b) or from the date of the completion of further inquiry, as the case may be, forward the finding of the Board together with the documents referred to in
(E) Trials in Terms of Sections fifty and fifty-three of the Act

Procedure at Trial

75. (1) A trial under section fifty or fifty-three of the Act shall be held in terms of sections fifty-eight and fifty-nine 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 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 causing 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 an 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 an 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 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 officer, and, if on appearance the accused pleads guilty, the commanding officer or 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 rands.

[paragraph (a) amended by AG 144/1981]

(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 R20, imposed other than in terms of paragraph (a), in respect of a conviction of an offence or contravention.

[paragraph (b) amended by GN 179/1987. There was an incorrect reference to paragraph (a) in the amendment notice]

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 sub-regulation (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.

(F) Record of Offences and Contraventions

Record of Convictions

76. (1) (a) Subject to the provisions of paragraph (h) of sub-regulation (6) of regulation 75, all the convictions of a member who is not an 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 fifty or fifty-three of the Act, shall be entered on a record of offences and contraventions of the member or special warder concerned.

[paragraph (a) amended by AG 144/1981]

(b) If a member or special warder has not been convicted of an 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 sub-regulation (4) of regulation 81, recommending the award of the “Faithful Service Medal” to such member or special warder.

(G) Inquiry in terms of sub-section (1) of section thirteen of the Act

Inefficiency on Unsuitability of a Member, who is not an Officer

[heading amended by AG 144/1981]

77. (1) (a) Subject to the provisions of the proviso to sub-section (1) of section thirteen of the Act, if it is reported to, or otherwise comes to the notice of, the Commissioner that a member who is not an officer is unfit for his duties or incapable of carrying them out efficiently and that he is consequently unfit to remain in the Prisons Service, the Commissioner may appoint an officer to inquire into the subject matter of the report or other allegation and to report to him on the suitability or otherwise of such member remaining in the Prisons Service or retaining his rank or seniority: Provided that an acquittal or conviction of such member by a court of law, whether on trial or on appeal, of an offence referred to in the proviso to sub-section (1) of section thirteen of the Act, shall not be a bar to the institution of an inquiry under this regulation, notwithstanding that the facts set forth in the charge of inefficiency or unsuitability would, if proved, constitute an offence on which he was so acquitted or convicted.

[paragraph (a) amended by AG 144/1981]

(b) The officer appointed to hold the inquiry shall fix the time and venue of the inquiry and shall give the member concerned, hereinafter called the defendant, reasonable notice in writing of such time and venue and furnish him with a written statement of the grounds on which it is alleged that he is unfitted to remain in the service of the Prisons Service or to retain his rank or seniority, as the case may be.

[paragraph (b) amended by AG 144/1981]

(c) The officer who is to hold the inquiry, may, before or at any stage during the inquiry, designate a member with a rank equal to or higher than that of the defendant to adduce evidence and submit arguments in support of the charge and to cross-examine any person who has given evidence in rebuttal of any allegations made against the defendant.

[paragraph (c) amended by AG 144/1981]

Legal Rights of Defendant at Inquiry

(2) At such inquiry the defendant shall have the right -

(a) to be present and to be heard either personally or through a legal representative;

(b) to cross-examine any person called as a witness in support of the charge;

(c) to inspect any document produced in evidence; and

(d) to make a statement or give evidence himself and to call other persons as witnesses in his defence:
Provided that the failure of the defendant to attend the inquiry, either personally or through a legal representative, shall not invalidate the proceedings.

**Record and Procedure of Inquiry**

(3) (a) The officer holding the inquiry shall keep a record of the proceedings of the inquiry and of all the evidence given and shall arrange for the attendance of any member or special warder required to give evidence, and he may issue a subpoena, in the prescribed form (the service of which shall be effected as prescribed by the rules of a magistrate’s court in summary trial of an offence), for service on a person to attend such inquiry, to give evidence or to produce any book, record, document or thing, and he may administer an oath or accept an affirmation by such witness.

[paragraph (a) amended by AG 144/1981]

(b) At the inquiry, the presiding officer may, on the grounds of expediency, expense or for any other good and sufficient reason, accept as evidence any written statement of a formal or technical nature or a report or other document: Provided that such statement, report or other document shall be read over to the defendant: Provided further that no averment of fact contained in any such statement, report or other document which is denied on oath by or on behalf of any party to the proceedings shall be accepted unless such averment is confirmed on oath by the person submitting such statement, report or other document, or unless such averment is otherwise established by evidence *aliunde* to the satisfaction of the presiding officer, for which purpose the presiding officer may, at his discretion and at any time during the inquiry, permit the person who submitted such statement, report or other document, or any other persons who may be able to testify in support of or otherwise in regard to the contents thereof, to be called to give evidence.

[paragraph (b) amended by AG 144/1981]

(c) If the charge, or any part thereof, constitutes an offence or any contravention of sub-regulation (1) of regulation 71 in respect of which the defendant has been convicted, a certified copy of the charge, conviction or record of trial in question shall, on its mere production by any person, be admissible in evidence at the inquiry and shall be *prima facie* proof of the commission of such offence or contravention by the defendant.

(d) At an inquiry in terms of this regulation, the law in regard to the admissibility of evidence and the competency and compellability of witnesses as applicable in connection with criminal proceedings in a magistrate’s court, shall, with the exception of the provisions of the first proviso to sub-section (1) of section two hundred and forty-four of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, be observed.

**Submission of Record of Proceedings at Inquiry and Report to the Commissioner**

(4) The officer holding the inquiry shall, at the conclusion thereof, pronounce his finding and submit the record of the proceedings, together with a written statement of his finding and his reasons therefor, as well as any observations which he may desire to make, to the Commissioner for decision in terms of section thirteen of the Act.

[subregulation (4) amended by AG 144/1981]

**Evidence and Determination of Unfitness**
(5) (a) The fact that a member who is not an officer and who is concerned in an inquiry instituted under this regulation, is guilty of misconduct, may be admitted in evidence at such inquiry and be taken into account in determining whether such member is unfit in terms of sub-section (1) of section thirteen of the Act to remain in the service of the Prisons Service.

[paragraph (a) amended by AG 144/1981]

(H) Appeal to the Council of Ministers

[heading amended by AG 144/1981]

Procedure on Appeal

78. (1) (a) A member who desires in terms of subsection (2) of section thirteen of the Act to appeal to the Council of Ministers against an order of dismissal or reduction in rank or seniority, shall, within fourteen days from the date of written notification to him of the issue of such order, lodge with his head of the prison for transmission to the Commissioner a notice of appeal in writing, in which he shall set out clearly and specifically the grounds on which the appeal is based, and he may at the same time himself or through his legal representative submit arguments or representations in writing in support thereof.

[paragraph (a) amended by AG 144/1981]

(b) The Commissioner shall forthwith submit the notice of appeal and written arguments or representations, if any, referred to in paragraph (a), together with the record of the proceedings of the inquiry and the findings and reasons of the trial officer, to the Council of Ministers for consideration.

[paragraph (b) amended by AG 144/1981]

(c) The execution of an order made by the Commissioner in terms of subsection (1) of section thirteen of the Act shall not be suspended by reason of an appeal having been lodged against such order, and pending the result thereof.

Decision by the Council of Ministers

[heading amended by AG 144/1981]

(2) (a) No viva voce arguments or representations in connection with an appeal may be addressed to, or received by, the Council of Ministers.

[paragraph (a) amended by AG 144/1981]

(b) The Council of Ministers, after consideration of the documents referred to in paragraph (b) of sub-regulation (1), may allow the appeal wholly or in part and set aside or alter the finding, or he may dismiss the appeal and confirm the finding wholly or in part, or he may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the Commissioner and direct that the trial officer report thereon or that a further inquiry be held in order to arrive at a finding thereon.

[paragraph (b) amended by AG 144/1981]
(c) If the Council of Ministers directs in terms of paragraph (b) that a further inquiry shall be held to enable the trial officer to arrive at a finding on any question remitted to him for that purpose, the provisions of paragraphs (b) and (c) of sub-regulation (1) of regulation 77 and sub-regulations (2) and (3) of that regulation shall mutatis mutandis apply, and on conclusion of the further inquiry the trial officer shall without delay forward his finding on such question to the Commissioner for transmission to the Council of Ministers for decision on the appeal.

[paragraph (c) amended by AG 144/1981]

(I) Appeal to, and Review by, the Commissioner

Procedure on Appeal

79. (1) (a) A member or special warder who desires to appeal to the Commissioner against a conviction or sentence in terms of sub-section (5) of section fifty-three of the Act, shall, within fourteen days from the date of such conviction or sentence, lodge with the head of the prison a written notice of appeal in which the grounds of appeal are clearly and specifically set out.

[paragraph (a) amended by AG 144/1981]

(b) The head of the prison shall, if he was the trial officer within fourteen days of the noting of appeal submit to the Commissioner the record of the proceedings at the trial, together with all relative documents and a written statement by him showing the following -

(i) The facts he found proved;

(ii) His reasons for any finding in regard to facts against which, according to the appellant’s statement, an appeal is lodged; and

(iii) his reasons for any ruling on any question of law or in regard to the admission or rejection of evidence against which, according to such statement, an appeal is lodged.

[paragraph (b) amended by AG 144/1981]

(c) The head of the prison shall, if he is not the trial officer, immediately after the noting of appeal submit such notice of appeal to the trial officer who shall, within seven days of the receipt thereof, furnish the Commissioner of the record of the proceedings at the trial, all the relevant documents and the written statement referred to in paragraph (b).

[para (c) substituted by AG 144/1981]

(d) [para (d) deleted by AG 144/1981]

Decision by the Commissioner

(2) No viva voce arguments or representations in connection with the appeal may be addressed by the presiding officer, prosecutor or appellant to, or be received by, the Commissioner, who, after consideration of the documents referred to in paragraphs (b) of sub-regulation (1), may make such order as he deems appropriate in terms of sub-section (5) of section fifty-three of the Act.
[subregulation (2) amended by AG 144/1981]

Review Procedure

(3) (a) Whenever the Commissioner directs in terms of sub-section (7) of section fifty-three of the Act that the record of proceedings at which a member or special warder has been convicted and sentenced in respect of a contravention under this Act, shall be submitted to him for review, the head of the prison shall within fourteen days of the receipt of such direction, transmit to the Commissioner such record, together with the written statement referred to in paragraph (b) of sub-regulation (1), as the case may be.

[para (a) amended by AG 144/1981]

(b) Upon review of the record of proceedings and written statement referred to in paragraph (a), the Commissioner may in terms of sub-section (7) of section fifty-three of the Act make such order as he deems appropriate.

DISCHARGE MEDALS AND DEATH

(A) Discharge

80. (1) A certificate of service in the prescribed form, duly completed, and signed by or on behalf of the Commissioner as proof of it being in accordance with the official records of the Prisons Service shall, on the discharge of a member, or of a temporary warder referred to in regulation 9(1)(a) and (b)(i) and (iii)(aa), be issued to such member or temporary warder in every case where he has completed not less than three months’ continuous service.

[subregulation (1) substituted by AG 144/1981]

Authenticity of Certificate of Service

[heading substituted by GN 801/1968 and amended by AG 144/1981]

(2) A certificate of service, strictly in accordance with the records of the Prisons Service, shall contain only a factual and accurate statement of the conduct, diligence, zeal, sobriety and efficiency of the member or special warder concerned.

[subregulation (2) amended by AG 144/1981]

Copy of certificate of service

[heading amended by AG 144/1981]

(3) A copy of a certificate of service which has been destroyed or lost, may be issued only under the authority of the Commissioner in exceptional circumstances.

[subregulation (3) amended by AG 144/1981]

(B) Decorations, Medals, Bars, Clasps and Ribbons in the Prison Service

[heading substituted by GN 67/1987]
Awarding of decorations, medals, bars, clasps and ribbons

81. (1) (a) The decorations, medals, bars, clasps and ribbons instituted under section 19 of the Act, shall, on the recommendation of the Commissioner, be awarded by the Administrator-General to any person who is or was a member of the Prisons Service.

(b) A decoration, medal, bar, clasp or ribbon, as the case may be, may be awarded posthumously.

(c) The awarding of a decoration, medal, bar, clasp or ribbon, as the case may be, shall not entitle the recipient thereof to any personal precedence.

Presentation of award

(2) A decoration, medal bar, clasp or ribbon, as the case may be, shall, if at all possible, be presented on a parade, or at a special gathering to the member to whom it is awarded and, in the case of a post-humous award, or the next-of-kin or other relative or the legal heir of the deceased as the Commissioner may decide.

Undertaking by recipient

(3) Any person to whom a decoration, medal, bar, clasp or ribbon, as the case may be, has been awarded or presented -

(a) may not give away, throw away, sell, pledge, barter or in any way other than by bequest, alienate such decoration, medal, bar, clasp or ribbon; and

(b) shall report the loss thereof immediately to the Commissioner.

Forfeiture of award

(4) (a) The awarding of a decoration, medal, bar, clasp or ribbon, as the case may be, may be cancelled, annulled or declared forfeited if the member to whom it was awarded -

(i) is found guilty of any offence whether under the common law or statute, which manifestly endangers the safety of the State; or

(ii) is found guilty of any offence or disciplinary infringement involving dishonesty or disgraceful conduct; or

(iii) absconds from the Prisons Service or is discharged or dismissed therefrom on account of any disciplinary infringement.

(b) When a decoration or medal is cancelled, annulled or declared forfeited, such a decoration or medal shall be returned to the Commissioner without delay, together with any bar, clasp or ribbon in respect thereof.

(c) An application for the restoration of a cancelled, annulled or forfeited decoration, medal, bar, clasp or ribbon, as the case may be, shall be considered on its merits.

Wearing of Decoration, Medal, Bar, Clasp or Ribbon
(5) (a) A decoration, medal, bar, clasp or ribbon, as the case may be, or a miniature reproduction thereof which is half the size of the decoration, medal, bar, clasp or ribbon concerned, and which may be worn on the occasions prescribed under paragraph (b), shall be worn only by the person to whom it was awarded.

(b) The occasions on and the circumstances under which such decoration, medal, bar, clasp, ribbon or miniature reproduction may be worn, shall be prescribed by the Commissioner.

(c) (i) A decoration or medal shall be worn on the left breast and the bar awarded in respect thereof shall be attached to the ribbon.

(ii) When the decoration or medal is not worn, only the ribbon shall be worn on the left breast, and where the bar has been awarded, the clasp which is issued with the bar shall be attached to the ribbon as an indication of the award of such bar.

Procedure

(6) A recommendation for the award, cancellation, annulment, forfeiture, restoration, or replacement of a decoration, medal, bar, clasp or ribbon, as the case may be, shall be submitted in accordance with the procedure prescribed by the Commissioner.

Theft, Loss, Destruction or Damage

(7) (a) If a decoration, medal, bar, clasp or ribbon is stolen, lost, destroyed or damaged, the circumstances of such theft, loss, damage or destruction must be reported to the Commissioner immediately.

(b) If the Commissioner, after investigation and upon sworn information, is of the opinion that the theft, loss, damage to, or destruction of a decoration, medal, bar, clasp or ribbon is not due to the negligence of the recipient, he may authorise the replacement of such decoration, medal, bar, clasp or ribbon either at the expense of the State, or at the expense of the recipient, as the case may be.

Miniature reproductions

(8) The recipient of a decoration, medal, bar, clasp or ribbon, as the case may be, may acquire a miniature thereof at his own cost.

Publication of Award and Keeping of Register

(9) (a) The name of every member to whom a decoration, medal, bar, clasp or ribbon, as the case may be, has been awarded, shall be published in Prison Service Orders.

(b) An officer designated by the Commissioner, shall keep a register in which the following shall be recorded in respect of a decoration, medal, bar, clasp or ribbon, as the case may be, which has been awarded:

(i) the name thereof;
(ii) the serial number thereof;
(iii) the name of the recipient thereof; and
(iv) the date of awarding thereof.

Certificate of Award

(10) A certificate of award in the form prescribed by the Commissioner and signed by him, shall be issued in respect of every decoration, medal, bar, clasp or ribbon which is awarded and shall by the awarding thereof be presented to the recipient thereof.

Safe custody of model of decorations, medals, bars, clasps and ribbons

(11) A model of every decoration, medal, bar, clasp or ribbon instituted under section 19 of the Act, as well as a miniature reproduction thereof, shall be kept in safe custody in the office of the Commissioner.

Disposal of model of decorations, medals, bars, clasps and ribbons

(12) The Commissioner may make a model of every decoration, medal, bar, clasp or ribbon instituted under section 19 of the Act, or a miniature reproduction thereof, available to museums.

Awarding to temporary warders

(13) The provisions of this regulation apply mutatis mutandis to a temporary warder appointed under regulation 9(l)(a).

[regulation 81 substituted by GN 801/1968, amended by AG 144/1981 and substituted by GN 67/1987]

Medal for the Establishment of the Prisons Service

81A. The “Medal for the Establishment of the Prisons Service” may be awarded only to any person who was on 1 December 1981 a member of the Prisons Service.

[regulation 81A inserted by GN 67/1987]

Prisons Service Medal for Faithful Service

81B. (1) (a) The “Prisons Service Medal for Faithful Service” may be awarded to any person who is or was a member of the Prisons Service and who rendered a period of at least -

(i) 10 years faithful service;

(ii) 20 years faithful service; or

(iii) 30 years faithful service,

respectively, and who displayed during the said period exemplary conduct.

(b) Such period of service need not be continuous and may include service rendered in other Prisons Services.
(2) (a) To a member to whom the “Prisons Service Medal for Faithful Service” for 30 years service has been awarded and who, after such award, rendered a further period of 10 years faithful service and displayed exemplary conduct, a bar may be awarded.

(b) Such further period of service need not be continuous.

(3) The “Prisons Service Medal for Faithful Service” shall take precedence immediately after the “Medal for the Establishment of the Prisons Service” over decorations and medals awarded in terms of these regulations.

[regulation 81B inserted by GN 67/1987]

(C) Death of a Member or Special Warder

Notification of Death

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

[subregulation (1) amended by AG 144/1981]
[subregulation (2) deleted by AG 144/1981]
[subregulation (3) deleted by AG 144/1981]

GENERAL

(A) Allowances, and Witness and Copying Fees

[regulation 83 deleted by AG 144/1981]

(B) Deficiency and Loss of, or Damage to, State Property

Liability of Member or Special Warder

84. (1) Notwithstanding the provisions of sub-regulations (1), (2) and (3) of regulation 4, a member or special warder may be held liable to make good any deficiency, loss, damage or other expenditure suffered by the State as a result of his negligence or carelessness or unlawful act or his failure to carry out a specific duty, and, if more than one member and/or more than one special warder is responsible and liable in terms of this sub-regulation, they shall be jointly and severally liable.

Determination of Liability

(2) The determination of the liability of a member or special warder in terms of sub-regulation (1), and the sum of money involved shall be determined by such investigation and in such manner as are specially or generally prescribed, except in the case where such liability and the sum of money involved have been determined -

(a) by a court of law in connection with a conviction of any offence arising wholly or partly from such deficiency, loss, damage or other expenditure; or
(b) in a trial or inquiry under the Act and these regulations in connection with a conviction on a contravention or finding of guilt, on a charge of misconduct or inefficiency or unfitness arising wholly or partly from such deficiency, loss, damage or other expenditure; or

(c) by way of a voluntary undertaking on the part of such member or special warder to make good any such deficiency, loss, damage or expenditure.

**Recovery of Determined Amount**

(3) Whenever the liability of a member or special warder and the sum of money involved have been determined in terms of sub-regulation (2), including paragraphs (a), (b) and (c) thereof, a compensatory surcharge for such sum shall be levied by the Commissioner on the member or special warder concerned, and notification thereof shall be served on him in such manner and such form as may be prescribed, and such sum shall thereupon be a debt due to the State and shall be recovered from such member or special warder in such manner and on such conditions as may be determined by the Commissioner in consultation with Treasury.

**Liability and Recovery After Dismissal or Retirement**

(4) Notwithstanding that a member or special warder who is liable for any deficiency, loss, damage or other expenditure in the circumstances set out in sub-regulation (1), has been dismissed or has retired from or otherwise left the service of the Prisons Service, the provisions of this regulation shall apply to such person.

[C] [subregulation (4) amended by AG 144/1981]

**(C) Acceptance of Nomination for Parliament or Other Public Body**

85.

[D] [regulation 85 amended by GN 1530/1970 and deleted by AG 144/1981]

**(D) Reports on Members and Disclosure of Adverse Remarks**

86.

[E] [regulation 86 deleted by AG 144/1981]

**(E) Official Communication**

**Channel of Communication**

87. (1) A request, communication or complaint by a member or temporary warder in connection with any matter falling within the scope of the powers, functions or duties of the Prisons Service, shall be addressed to the head of the prison for his attention and disposal or at his discretion, for submission to the Commissioner for consideration and disposal.

[C] [subregulation (1) substituted by AG 144/1981]

**CHAPTER II**

**PRISONERS - GENERAL PROVISIONS**
Applicability of Regulations

88. The regulations contained in this chapter shall be applicable to all prisoners, unless inconsistent with any special provisions applicable to a particular category of prisoners.

RECEPTIONS, REMOVAL, DEATH AND ESCAPE

(A) Reception

Search

89. (1) Every prisoner shall be searched and as often as is considered necessary.

[Subregulation (1) amended by AG 144/1981]

Seizure and Destruction of Articles

(2) All articles which are unlawfully brought into a prison by a prisoner or any other person or which are found in or near a prison may be seized or destroyed at the discretion of the Commissioner.

[Subregulation (2) substituted by AG 144/1981]

Manner and Purpose of Search

(3) The search of a prisoner shall be conducted in a seemly manner and, as far as is practicable or reasonably necessary in the circumstances, without injury to the self-respect of the prisoner, and shall only serve, and be sufficiently thorough, to detect any unauthorised article.

Stripping

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

Persons who must Conduct Search

(5) A prisoner may only be searched by a member or temporary warder of the same sex.

[Subregulation (5) substituted by AG 144/1981]

Prohibition on documents or writings

(6) Subject to anything to the contrary contained in the Act, these regulations or the Prison Service orders, no prisoner may compile or write any document or writing without the permission of the Commissioner.

[Subregulation (6) inserted by AG 144/1981]

Receipt and safe-keeping of articles

90. (1) The head of a prison or any other member of the Prisons Service or temporary warder may take into safe-keeping all money, valuables or any other articles
belonging to a prisoner on admission or during his detention, and shall make an inventory of all such money, valuables or other articles, the correctness of which shall be certified by the prisoner.

[subregulation (1) substituted by AG 144/1981]

Disposal of Personal Effects

(2) Subject to the provisions of sub-regulations (3), (5) and (6) of regulation 96, the personal property of a prisoner shall be disposed of as prescribed: Provided that clothing, the keeping of which, because of its unhygienic condition or for any other valid reason, is considered undesirable, may be destroyed, and further that a proper record shall be kept of such destruction and the reasons therefor.

Disposal of Private Money

(3) The Commissioner shall determine the circumstances under which a prisoner may use his private money or the matter in which he may otherwise dispose thereof.

Prohibition on bringing in and removing of articles

90bis. No food, liquor, bedding, clothes, books, newspapers, letters, documents or any other articles may be brought into or removed from a prison by any person on behalf of a prisoner without the permission of the Commissioner.

[regulation 90bis inserted by AG 144/1981]

Personal and Physical Particulars

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

[subregulation (1) amended by AG 144/1981]

Fingerprints and Photographs

(2) Whenever required, the fingerprints and photographs of a prisoner shall be taken on reception and as often thereafter as is necessary: Provided that no person who is not officially authorised thereto, may have access to, or inspect, any such fingerprints or photographs or copies thereof, and that no details or information contained therein shall be divulged or furnished to any such person.

Bath on Reception

92. Unless the medical officer otherwise determines, every prisoner shall bath as soon as possible after reception and as often thereafter as is necessary.

Medical Examination on Reception

93. Every prisoner shall, as soon as possible after reception, be examined by the medical officer, who shall report fully on the physical and mental condition of such prisoner and furnish any other medical information which may be required or prescribed.
Accommodation of a Baby of a Female Prisoner

94. (a) A female prisoner may be permitted, subject to such conditions as are prescribed, to have her baby with her in prison during the period of lactation and for such further period as may be necessary.

(b) The necessary clothing, food and medical treatment may be provided by the State for such period as a baby remains in prison.

(B) Removal

Custody During Removal

95. (1) A prisoner who is removed on the instructions of the Commissioner, shall be in the safe custody of a member or special warder: Provided that a prisoner who is required to appear before a court not held in a prison, may be placed in the safe custody of a member of a police force for that purpose.

Protection from Public Exposure

(2) When a prisoner is removed to or from a prison he shall be subjected to a minimum of exposure to the public, and all necessary precautionary measures shall be taken to protect him from public abuse or curiosity.

Interview Before Removal

(3) The head of a prison shall interview a prisoner before such prisoner is removed to another prison.

Medical Certificate on Removal

(4) A prisoner shall be examined by the medical officer as shortly as possible prior to his removal to another prison, and he shall not be so removed unless the medical officer has certified, in writing, that he is fit for removal.

(C) Death and Escape

Particulars of Death

96. (1) The medical officer shall record in writing all the relevant particulars of the death of a prisoner, which inter alia shall include -

(a) the time and date of illness;
(b) the time and date when such illness first came to the notice of the medical officer;
(c) the nature of the illness;
(d) the time and date of death;
(e) the cause of death; and
(f) the findings at the post mortem, if any.

Notification of Death

(2) Upon the death of a prisoner, whether from natural or unnatural causes, the head of the prison shall immediately give notice thereof to the Commissioner, the District Registrar of Births and Deaths and the magistrate of the district in which the prison is situated, and also to the next-of-kin, or, if particulars of such next-of-kin are unknown, such head shall, as far as is practicable, notify any other relative or friend of the death of such prisoner.

[regulation 96(2) amended by GN 441/1968]

Disposal of Private Property of a Deceased Prisoner

(3) (a) The private property of a deceased prisoner, whether his death has occurred from natural causes or not, or is the result of judicial execution, may be handed over to his wife, child or next-of-kin, irrespective of whether an executor has been appointed in his estate or not.

(b) If the private property of such deceased prisoner is not disposed of in terms of paragraph (a) within a period of six months from the date of death or execution, it shall be dealt with, *mutatis mutandis*, in accordance with sub-regulation (5).

Burial of a Deceased Prisoner

(4) The body of a prisoner whose death is due to a cause other than judicial execution, shall be buried by the prison authorities at a burial place in the area in which he died: Provided that the Commissioner may, at his discretion, grant authority for the body of any such deceased prisoner to be handed to the next-of-kin, other relative or friend for removal and burial at their own expense.

Disposal of Private Property of an Escaped Prisoner

(5) (a) The private property of a prisoner who has escaped and has not been recaptured shall, six months after the date of escape, be sold by public auction, and the proceeds of the auction and any other money the prisoner may have had in prison, shall be appropriated in settlement of any claims by the State, and the balance, if any, shall be paid into the Central Revenue Fund: Provided that the Commissioner may approve that the private property of any such prisoner be handed to his wife, child or next-of-kin if the State has no claim in respect of such property.

[paragraph (a) substituted by AG 144/1981]

(b) The proceeds of the sale of any private property of a prisoner which has been paid into the Consolidated Revenue Account in terms of paragraph (a) may, on the recommendation of the Commissioner, be refunded to the owner or any other person who is lawfully entitled thereto.

Disposal of Unclaimed Private Property

(6) The unclaimed private property of a prisoner who has been released shall, after six months from the date of his release, be disposed of *mutatis mutandis*, in accordance with the provisions of subregulation (3).
Disposal of Perishable or Valueless Private Property

(7) Notwithstanding the provisions of sub-regulations (3), (5) and (6), any item of clothing or other article of a deceased, released or escaped prisoner, which is unclaimed and of no or little value or of no apparent sales value or of a perishable nature, may be destroyed or otherwise disposed of as prescribed.

ACCOMMODATION

Sleeping Facilities

97. (1) No dormitory or cell shall be used for sleeping purposes unless it complies with the prescribed requirements in respect of floor-space, cubic capacity, lighting, ventilation and general health conditions.

Single Cells

(2) If single-cell accommodation is available at a prison, only one prisoner shall be accommodated in one such cell Provided that, should it be necessary to accommodate more than one prisoner in a single cell, not less than three prisoners shall, as far as is practicable, be accommodated therein.

Beds and Bedding

(3) Every prisoner shall be provided with separate bedding which is of adequate warmth and which complies with the hygienic requirements as prescribed.

Segregation of Male and Female Prisoners

(4) (a) Whenever separate parts of a prison are available for the reception of male and female prisoners, the following requirements, in addition to those contained in paragraph (a) of sub-section (1) of section twenty-three of the Act, shall be strictly observed -

(i) 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 the former and vice versa.

(ii) The keys of the female prison shall be in the constant custody of a female member or special wardress.

(iii) Any male admitted to a female section shall be accompanied by a female member or special wardress during the full period of such visit.

(b) Wherever separate prisons for the reception of male and female prisoners are established on the same site, or on separate sites, but in proximity to each other, all practical steps shall be taken to prevent any of the prisoners of one sex being directly or indirectly in
view of, or in communication with, any of the prisoners of the other sex, and the provisions of
sub-paragraphs (i), (ii) and (iii) of paragraph (a) shall mutatis mutandis also apply.

DISCIPLINE AND CONTROL

(A) General Principles

Scope and Aim

98. (1) The regulations in this sub-division shall with due regard to the differences
in individual characteristics and the reactions to treatment and discipline on the part of the
various types of prisoners, be applied in accordance with the following principles -

(a) Discipline and order shall be maintained with firmness but in no greater measure
than is necessary for security purposes and an orderly community life in a prison.

(b) In exercising control over a prisoner, a member or special warder shall, by personal
example and sound leadership, endeavour to influence him towards good conduct.

(c) The aim in treating the prisoner shall at all times be to promote his self-respect and
to cultivate a sense of responsibility in him.

Duties of the Head of a Prison

(2) The head of a prison shall -

(a) ensure that the provisions of the Act, regulations and Prison Service Orders are
strictly complied with and that the aims of such provisions are achieved;

(b) continuously maintain personal and scrupulous supervision over the whole of the
prison, visit daily all sections of the prison where a prisoner is detained, and pay
particular attention to a prisoner in hospital and also those who are undergoing
disciplinary punishment or who display any behavioural deviation; and

(c) visit the prison at least twice a 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 in any other manner assault a
prisoner, except in lawful self-defence or in the lawful defence of another member, special
warder, another prisoner or any other person.

(b) Whenever circumstances require the use of force, no more force than is lawfully
necessary in the circumstances may be used.

(c) A member or special warder shall not by word or deed deliberately annoy or give
offence to a prisoner.

Prisoner not to 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 may be prescribed.

Segregation at Work

(5) Subject to the provisions of sub-section (3) of section seventy-eight of the Act, the Commissioner may order a convicted prisoner to be segregated and to work alone in a cell whenever such action appears to be in the interests of the treatment of such prisoner or the good order and discipline of a prison.

(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 State 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 fifty-one or fifty-four 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 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.

[subregulation (3) amended by AG 144/1981]

Attendance of Accused Prisoner and Witnesses at Trial

(4) (a) The head of the prison or other member detailed in terms of sub-regulation (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 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.

[paragraph (b) amended by AG 144/1981]

(c) If it is necessary for the head of the prison, or for any member detailed in terms of sub-regulation (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 sub-regulation (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 fifty-four 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.

[paragraph (b) amended by AG 144/1981]

(c) Notwithstanding the provisions of paragraph (b), but subject to the provisions of sub-regulation (7), any punishment imposed in terms of sub-paragraph (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 sub-paragraph (i) of paragraph (a) shall be suspended pending confirmation or otherwise on review as provided for in this regulation.

**Review by Commissioner**

(7) Whenever the Commissioner requests that the record of the trial be submitted to him in terms of section 56(5) of the Act, the record shall be transmitted by the head of the prison to the Commissioner within seven days of the receipt of the request, and such record shall be accompanied by a written statement by the trial officer showing -

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

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

[subregulation (7) substituted by GN 1530 of 1970 and amended by AG 144/1981]

(8) [subregulation (8) deleted by AG 144/1981]

(C) Corporal Punishment

**Infliction**

100. (1) Subject to the provisions of sections 36, 37 and 56 of the Act, sections 302, 308, 309, 316 and 321(1)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977), and such directions which may be prescribed, corporal punishment shall not be inflicted -

(a) before the period within which an appeal in terms of the provisions of the Criminal Procedure Act, 1977, may be noted, has expired and written notification was received that no appeal was noted, unless the convicted person has indicated in writing that he has no intention of noting an appeal and agrees that such corporal punishment may be inflicted before the expiry of the said period;

(b) where an appeal was noted against the sentence whereby such corporal punishment was imposed, before written notification was received that such sentence was confirmed;

(c) where the sentence whereby such corporal punishment was imposed is subject to review, before written notification was received that such sentence was confirmed;

(d) where an application referred to in section 316 of the Criminal Procedure Act 1977, was made, before written notification was received that either such application was refused or that the sentence whereby such corporal punishment was imposed was confirmed.

[regulation 100(1) substituted by AG 3/1979]

**Observance of Instructions**

(2) A member of the Prisons Service shall be present at the infliction of corporal punishment and shall endorse the date thereof on the relative warrant, carry out such
instructions as the medical officer may issue in order to prevent injury to health, and comply with any further directions as may be specially or generally prescribed in regard to the infliction of corporal punishment.

[regulation 100(2) amended by GN 2368/1973]

**Instrument and Manner of Infliction**

(3) Corporal punishment shall be inflicted in the prescribed manner over the buttocks with a cane.

[regulation 100(3) substituted by AG 3/1979]

**Measurements of Cane**

(4) A cane used to inflict corporal punishment -

(a) on an adult prisoner shall approximate one hundred and twenty-five centimetres in length and twelve millimetres in diameter;

(b) on a juvenile prisoner shall approximate one metre in length and nine millimetres in diameter.

[regulation 100(4) substituted by GN 384/1973]

(D) **Solitary Confinement, Spare Diet and Reduced Diet**

**Scope**

101. (1) (a) “Solitary confinement” means being locked up alone in an isolation cell, as referred to in section seventy-nine of the Act.

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

(i) “spare diet” which shall consist of two hundred grammes of maize meal boiled in water without salt, twice daily, and fifteen grammes of protone soup powder boiled in five hundred and seventy millilitres of water, once a day.

[regulation 101(b)(i) substituted by GN 384/1973]

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

(c) “Reduced diet” consists of half the prescribed daily ration.

[regulation 101(1)(c) amended by GN 441/1968]

**Medical Examination**

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

(3) A prisoner undergoing solitary confinement or dietary punishment shall be visited daily by the head of the prison and also as often as is practicable by the medical officer.

Exercise

(4) Whenever a prisoner is sentenced to more than three days’ solitary confinement such exercise as is prescribed shall for the duration of the sentence be taken in the open air for half an hour every forenoon and for half an hour every afternoon.

Performance of Work

(5) A prisoner undergoing solitary confinement with dietary punishment shall perform no work during any period in which such sentence with spare diet is enforced.

[subregulation (5) substituted by AG 3/1979]

Enforcement to be Interrupted by Period on Full Diet

(6) Whenever the date of release or the date on which a prisoner is to appear before a court is known, any dietary sentence imposed, or any balance thereof, shall not be enforced over a period of 24 hours immediately prior to the time or date of his release or his appearance before the court.

[subregulation (6) substituted by AG 144/1981]

No Dietary Punishment on Day Preceding Release or Appearance before Court

(7) Whenever the date of release or the appearance of a prisoner before a court has been determined, any dietary sentence imposed, or any balance thereof, shall not be enforced over a period of twenty-four hours immediately prior to the time and date of his release or his appearance before the court.

(8)

[subregulation (8) deleted by AG 3/1979]

Enforcement in Relation to Period of Imprisonment

(9) (a) Notwithstanding the period of spare diet and solitary confinement imposed together with imprisonment by a court in terms of section three hundred and thirty-four of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, such spare diet and solitary confinement shall be enforced only on two consecutive days a week during the period of imprisonment, less any remission of sentence.

(b) Subject to the provisions of sub-regulations (2) to (7), the head of a prison shall, at his discretion, determine the days, referred to in paragraph (a), on which the prisoner shall undergo imprisonment on spare diet and in solitary confinement.

(E) Restraint

Limitation and Object of Restraint
102. (1) Restraint shall be applied only in the circumstances and for the purpose prescribed in section eighty of the Act and shall in no circumstances whatsoever be used as punishment.

Nature and Manner of Restraint

(2) All forms of mechanical means of restraint and the manner in which they are applied, shall be as prescribed: Provided that chains exceeding 5 kilogram in mass shall not be used.

[F] Complaints and Requests

Duty of Head of Prison

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

Attention and Disposal by Commanding Officer

(2) The head of a prison shall without delay submit any complaint and request, which he is unable to dispose of, to the Commissioner for suitable attention and disposal.

[G] Access to a Prison

Sheriff, Deputy Sheriff and Messenger of the Court

104. (1) A sheriff, deputy sheriff or messenger of the court shall, in the execution of his duties, be granted free access to a prison to interview a prisoner in connection with his duties.

A Judge of the Supreme Court or Magistrate
(2) (a) A judge of the Supreme Court of South Africa shall at all times be afforded admission to a prison, as well as access to any section thereof, and he may interview any prisoner and may report to the Commissioner in respect of any matter which he considers should be brought to the Commissioner’s notice.

(b) A magistrate shall at all times be afforded admission to a prison within the area of his jurisdiction, as well as access to any section of such prison, to see every prisoner and, if he desires, to interview any prisoner, and he shall report his findings in respect of such visit to the Commissioner.

(c) A judge or magistrate desiring to be admitted to a prison shall sign the official visitors’ book of such prison, and, subject to satisfactory identification, such signature shall be sufficient authority for admission to such prison in terms of paragraph (a) or (b), as the case may be.

Approval of Other Visits

(3) The Commissioner may, at his discretion, grant permission to any person, other than those mentioned in sub-regulations (1) and (2), to visit a prison or any specific section thereof for any special or general purpose.

Interrogation and Search

(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.

(c) 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 instruction of the head of the prison be interrogated and searched.

Refusal of Admission to a Prison

(5) The head of a prison may refuse to admit any person to a prison if the person concerned refuses or neglects to furnish him with satisfactory replies to any questions in regard to his identity, the purpose of his visit or any incidental matter, or who, if required, refuses to be searched.

Ejection from Prison

(6) (a) Any person who, during a visit to a prison, conducts himself improperly or contrary to the good order and discipline of such prison, may be ordered by the head of the prison to leave the prison, and, if such person fails, neglects or refuses to comply with such order, the head of the prison may cause him to be forcibly ejected from the prison.

(b) Any person who fails, neglects or refuses to comply with an order given in terms of paragraph (a) to leave a prison, or who resists or obstructs ejectment ordered in terms of paragraph (a), or who refuses to be searched when so required under this regulation, shall be
guilty of a contravention of this regulation and on conviction subject to the penalties prescribed in regulation 147.

(H) Labour

General Requirements

105. (1) Every sentenced prisoner shall work no more than 10 hours a day, unless the Commissioner, in terms of a classification scheme or course of treatment or otherwise, orders that a prisoner be exempted from work on any day or during any period.

[regulation 105(1) substituted by GN 2368/1973]

Physical and Mental Fitness

(2) (a) A prisoner shall not perform work unless the medical officer has certified that he is fit therefor.

(b) A prisoner may on the recommendation of the medical officer, be wholly or partially exempted from work.

Scope of Work

(3) A prisoner shall perform only such work as is prescribed.

Limitation of Use of Prison Labour by Member, etc.

(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.

Sundays and Public Holidays

(5) A prisoner shall perform only such work as is absolutely essential for the hygiene and proper administration of the prison on a Sunday, New Year’s Day, Good Friday, Easter Monday, Ascension Day, Workers Day, Day of Goodwill, Human Rights Day, Christmas Day and Family Day, as well as on any public holiday which may be indicated by the Cabinet.

[subregulation (5) amended by AG 144/1981 and substituted by GN 179/1987]

(I) Gratuity

Control and Use, or Payment, thereof

106. Subject to the provisions of section seventy-six of the Act, the Commissioner shall determine the conditions under which a gratuity is granted to a prisoner, as well as the manner in which any earned gratuity shall be controlled and used or paid to or on behalf of the prisoner.

(J) Ex Gratia Compensation

Conditions and Control of Payment

107. If a prisoner is injured in prison as a result of an accident which is not due to his own negligence or fault and his earning ability is thereby reduced, the Commissioner may, in
consultation with Treasury, grant to such prisoner an *ex gratia* compensation in money and may determine the manner in which such compensation shall be controlled and paid to or on behalf of such prisoner.

(K) Religion

**Determination, Registration and Ministration**

108. (1) (a) On the reception of a prisoner his religious denomination shall, as far as possible, be determined and registered by the head of the prison, and such prisoner shall thereupon be recognised and treated as a member or adherent of such denomination, and he shall be encouraged and allowed to satisfy his spiritual inclinations and needs by attending the services provided by his church or church organisation at that prison.

(b) If, on the reception of a prisoner, doubt or vagueness exists in regard to his religious inclinations or church denomination, or if for any other reason these cannot be determined, or if he is not a follower of any particular denomination, the Commissioner may determine the conditions under which, with the voluntary co-operation of the prisoner, ministration to his spiritual needs may be provided for.

(c) The Commissioner may determine the conditions under which a prisoner referred to in paragraph (b) may subsequently be registered as a member or adherent of any particular church denomination, and upon such registration the provisions of paragraph (a) shall *mutatis mutandis* apply.

(d) A prisoner shall be encouraged and afforded assistance and the opportunity to maintain contact with his church and to promote his knowledge and practical application of the principles thereof: Provided that the Commissioner may generally or specially determine the conditions under which the registration of a prisoner’s church denomination may be altered or under which a prisoner may be exempted from, or denied attendance at, the services of his church.

(e) Subject to the proper administration, security, good order and discipline of a prison, the Commissioner may determine the conditions under which the religious needs of prisoners may be ministered to by the various denominations at such prison.

**Granting of leave to Ministers of Religion and religious workers**

(2) (a) The Commissioner shall, as far as is practicable, ensure that leave is granted to sufficient ministers of religion or religious workers, according to the number of denominations at a prison, to serve the spiritual needs of every prisoner according to his faith.

(b) Whenever necessary, the Council of Ministers may, after consultation with, or on the recommendation of the governing body of the church denomination concerned, grant leave to a Council of Ministers of religion or religious worker of such church denomination to serve the spiritual needs of prisoners according to the denomination to which they belong: Provided that the said leave shall not be granted to such religious worker unless his character has been vouched for by some responsible member of that church denomination.

**[paragraph (b) amended by AG 144/1981]**

(c) Subject to the proper administration, security, good order and discipline of a prison, a Council of Ministers of religion or religious worker to whom such leave has been
granted shall be allowed practical and reasonable access to a prisoner who is registered at such prison as a member of his church denomination: Provided that due regard shall be given to any objection by the prisoner to such access.

[paragraph (c) amended by AG 144/1981]

(d) The Commissioner may, in consultation with the Treasury, determine any allowance which may be paid to a Council of Ministers of religion or other person to whom leave has been granted in terms of section 7(1) of the Act.

[subregulation (2) amended by AG 144/1981]

Bibles and Religious Literature

(3) Bibles and religious literature shall, as far as practicable, be made available to a prisoner in the language with which he is conversant.

Exemption from Work on Holy Days of Certain Church Denominations

(4) If a church denomination officially recognises any holy day other than the holy days of the Christian faith referred to in sub-regulation (5) of regulation 105, a prisoner registered as a member of such church denomination may be granted exemption from work on any such day: Provided that such prisoner shall perform ordinary work on a corresponding number of such Christian holy days as are not officially recognised as such by his church denomination.

(L) Education and Library

Studies

109. (1) If the Commissioner is of opinion that a prisoner’s deficient or inadequate schooling or complete lack thereof could possibly be a factor in causing crime, such a prisoner shall at all times be encouraged to undertake an appropriate course of study in his free time, due regard being had to the period of his sentence and personal aptitude: Provided that the Commissioner may, in his discretion, allow any other prisoner to embark on a suitable course of study.

[regulation 109(1) substituted by GN 2368/1973]

Compulsory Studies

(2) Compulsory studies, as well as the conditions under which such compulsory studies shall be pursued, may be prescribed for specific cases in certain categories of prisoners.

Establishment of Library

(3) A properly organised library containing literature of constructive and educational value shall, as far as possible, be established and maintained at a prison and may in the discretion of the Commissioner be placed at the disposal of all prisoners detained in such prison.

[regulation 109(3) substituted by GN 2368/1973]

Books and Periodicals from Outside Sources
(4) Subject to any prescribed conditions and rules, a prisoner may receive books and periodicals from outside sources.

Forfeiture of Permission to Study

(5) (a) If any prisoner who has been granted permission to study abuses such permission or his study material in any way or uses it for purposes other than study, or if such prisoner is segregated in terms of regulation 118(1) or in solitary confinement as a punishment, such prisoner’s study material and the permission to study may be temporarily or permanently withdrawn.

(b) If a prisoner’s study material and the permission to study is so withdrawn and if he has incurred costs in connection with his studies, he shall not be entitled to recover such costs from the State: Provided that the study material shall remain the property of the prisoner and shall be treated as his private property.

[subregulation (5) inserted by GN 2368/1973 and substituted by AG 144/1981]

Study and Library Facilities not a Legal Right

(6) Permission to study or the utilisation of any library in terms of this regulation is subject to the discretion of the Commissioner and the provisions of the said regulation may in no way be so construed as implying that such permission and/or utilisation of any library allows any prisoner a right which he can legally claim.

[subregulation (6) inserted by GN 2368/1973]

(M) Social and Family Relationship

Family Relationship

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

Conveyance of Important Information to Prisoner

(2) In addition to any privilege and indulgence granted to a prisoner, an officer or the head of a prison may, at his discretion, at any time convey to a prisoner any important information concerning his relatives or friends.

[subregulation (2) amended by AG 144/1981]

Notification of Reception or Transfer

(3) On reception or transfer, the prisoner himself, unless he otherwise requests in writing, or the head of the prison shall notify the next-of-kin or, if particulars of any next-of-kin are unknown, any of the prisoner’s relatives of such reception or transfer.
(4) The head of the prison shall notify the next-of-kin of a prisoner or if particulars of the whereabouts of such next-of-kin are unknown, any of his other relatives, if he is seriously ill or dies or is declared mentally ill or is injured in an accident.

[subregulation (4) substituted by AG 144/1981]

(N) Medical and Hospital Services

Establishment of Hospital

111. (1) (a) A hospital shall be established at every prison and be equipped according to local requirements to provide a sick prisoner with accommodation for his care and medical treatment by the medical officer.

(b) All the essential services at a prison hospital shall be performed by trained staff only.

Visits, examinations and reports by medical officer or health inspectors

[heading substituted by AG 144/1981]

(2) (a) The medical officer shall visit a sick prisoner as often as is necessary and shall examine and treat, as may be necessary, any prisoner who complains that he is ill or injured and also any other prisoner to whom his attention is specially drawn.

(b) A medical officer or a health inspector of the Service of National Health and Welfare shall inspect the prison as often as possible and report to the Commissioner on any matter concerning the medical and health facilities and requirements at the prison which, in his opinion, should be brought to the attention of the Commissioner.

[paragraph (b) substituted and amended by AG 144/1981]

Consultation with other Medical Practitioner

(3) (a) If the medical officer deems it necessary, he may consult another medical practitioner in regard to the medical treatment of a prisoner, and he shall do so in all cases before a serious operation is performed on a prisoner, unless he considers that an urgent operation is essential in the interests of the prisoner’s health or life.

(b) An operation shall not be performed on a prisoner without his written consent, or, in the case of a minor, without the written consent of his guardian, except when, in the opinion of the medical officer, such operation is in the interests of the prisoner’s health or life and such prisoner is unable to give his consent or when it is not possible or practical to obtain the consent of the guardian, as the case may be.

(O) Hygiene

Washing and Bathing Facilities, and Toilet Requisites

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

Shaving, and Cutting of Hair
(2) Shaving amenities and facilities for haircuts shall be made available to all male prisoners, and beards shall be shaved and hair cut as prescribed, unless the medical officer directs otherwise in writing.

[subregulation (2) substituted by AG 144/1981]

(P) Exercise

Daily Exercise

113. (1) Weather conditions permitting, a prisoner who does not perform outdoor work, shall take daily exercise for one hour in the open air: Provided that the Commissioner may, in any special case, approve that such exercise be taken for only half an hour daily.

Physical Exercise under Supervision

(2) A prisoner shall take suitable physical exercise, according to his physical condition and age, and, as far as is practicable, under the supervision of a trained instructor.

Physical Fitness for Exercise

(3) The medical officer shall indicate in his report on a prisoner whether such prisoner is fit for normal physical exercise or any moderate form thereof or is totally unfit for any such exercise.

(Q) Food

Diet and Preparation

114. (1) Subject to the provisions of subregulation (3) a prisoner shall be provided with food which has an adequate nutritional value according to a prescribed diet scale, which consists of reasonable variety and which is well prepared and served.

[subregulation (1) amended by GN 2227/1968]

Inspection of Food and Water

(2) The medical officer shall regularly inspect all uncooked and prepared food and shall report to the Commissioner on the sufficiency and quality thereof and also on the purity and adequacy of the water used for human consumption and other domestic purposes.

[subregulation (2) amended by AG 144/1981]

Rations

(3) Subject to the provisions of section eighty-two of the Act, or except when approved by the Commissioner or otherwise prescribed by the medical officer, only rations according to the prescribed diet shall be issued to a prisoner, unless he is undergoing punishment of reduced or spare diet.

(R) Clothing
Issue of Prescribed Clothing to a Sentenced Prisoner

115. Except when otherwise determined by the Commissioner, a sentenced prisoner shall on reception be provided with a complete prescribed outfit of clothing which satisfies hygienic requirements and is of adequate warmth, and only such clothing shall be worn by the prisoner during his imprisonment.

(S) Classification of Sentenced Prisoners

Basis

116. Subject to the provisions of sections twenty-two and twenty-three of the Act, a sentenced prisoner shall be classified according to the necessary security measures and his suitability for treatment and training at a prison, and as determined by the Council of Ministers in accordance with the following principles -

(a) Individual classification in so far as the period of sentence permits and such classification is justified by an analysis and assessment of the prisoner’s previous record, aptitude, qualification or previous training, ability and other personal factors; or

(b) group classification according to the duration of sentence, offence, previous record, aptitude, ability, qualifications, age or maturity and other personal factors common to the group; and

(c) the maintenance of regular contact with, and observation of, the conduct and progress of the prisoner, whether classified on an individual or group basis, and, in so far as the duration of sentence permits, the application of progressive and flexible reclassification on promotion or otherwise to another group or another type of training.

[T] Treatment and Training

Aim

117. (1) As far as the duration of a sentence permits, the aim of the treatment and training of a sentenced prisoner shall be -

(a) to cultivate in him the desire to lead an honest and industrious life after his release;

(b) to equip him for an honest and industrious life after his release; and

(c) to develop self-respect and a sense of responsibility in him.

Application

(2) Subject to appropriate security measures and the avoidance of familiarity, and in order to promote the aims set out in sub-regulation (1), the undermentioned principles shall be strictly observed and applied in the treatment and training of a sentenced prisoner -
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General Regulations

(a) Continuous and intensive instruction and regular discipline within the scope of the institutional treatment and training to which the prisoner has been assigned;

(b) personal advice and guidance by all members or special warders directly or indirectly charged with the treatment and/or training of the prisoner;

(c) the promotion of proper and healthy social intercourse and a good team spirit with fellow prisoners and all members or special warders directly or indirectly concerned with the treatment and/or training of the prisoner:

(d) the provision of facilities for regular spiritual care and religious instruction.

Establishment of Workshops

(3) The Commissioner may, in consultation with Treasury, establish and equip workshops and other working places which he may deem necessary for the training of prisoners at a prison.

Determination of Training

(4) (a) Training shall be determined by an assessment of the personal factors and history of the prisoner concerned, and special attention shall be given to -

(i) qualifications and previous experience;

(ii) aptitude and ability; and

(iii) duration of sentence.

(b) Whenever it appears that a prisoner is not displaying interest or making progress in the training to which he has been assigned, or when for any other good reason it is desirable to transfer him from such training, the Commissioner may order a change of training or take such other action as he may deem necessary to place him in other suitable work.

Grounds and Authority

118. (1) When a prisoner has a bad or harmful effect on another prisoner or is responsible for the deterioration of the relationship between a member and a prisoner and their attitudes towards each other, or cause unrest or dissatisfaction among other prisoners or incites other prisoners to submit trivial or untrue complaints and representations or incites or influences other prisoners to disregard or contravene any command or instruction or tries to do or bring about any of the aforementioned, or has attempted to escape, or when there are reasonable grounds for believing that he is planning to escape, or when such prisoner has again been taken into custody after escape from prison or other lawful detention, or becomes violent or adopts a threatening or aggressive attitude towards a member or temporary warder or any other prisoner...
or person, or conducts himself or acts in any manner which conflicts with the good order and discipline of the prison, the Commissioner may, subject to the provisions of section 78(3) and (4) of the Act, order the segregation of such prisoner.

[regulation 118(1) substituted by GN 2368/1973]

Revocation of Order of Segregation

(2) The Commissioner may, at his discretion, at any time revoke an order for the segregation of a prisoner.

(V) Remission of Sentence

Basis

119. (1) Subject to the provisions of subregulations (3), (4) and (5), remission of sentence not exceeding one-third may be granted, as prescribed, in respect of the sentence or aggregate sentences of less than two years’ imprisonment with or without the option of a fine which have been imposed on a prisoner: Provided that, in the calculation of remission, one-third of two months shall be regarded to be 21 days, one-third of one month to be 11 days and a fraction of a day to be a whole day.

[subregulation (1) substituted by AG 144/1981]

Grant on Reception

(2) Remission of sentence, as prescribed in terms of sub-regulation (1), may be granted immediately on or after the reception of a prisoner.

Forfeiture

(3) (a) Any remission of sentence which has been granted in terms of sub-regulation (1), shall be forfeited on the following basis according to the sentence imposed in respect of every conviction on a contravention of these regulations or of any offence under the Act, any other statutory provision or the common law -

(i) no forfeiture in respect of a reprimand;

(ii) three days’ forfeiture in respect of deprivation of any privilege, gratuity, indulgence or meals; and

(iii) six days’ forfeiture in respect of any other sentence.

(b) Notwithstanding the provisions of paragraph (a), the Commissioner may order that the remission of sentence, or any part thereof, granted to a prisoner in terms of this regulation, be forfeited on account of any other form of misconduct or for any other reason specially or generally determined by him.

No Remission in Respect of Certain Sentences

(4) Remission shall not be granted in respect of a sentence of imprisonment imposed for a conviction on -
(i) a contravention under these regulations;

(ii) an offence under the Act;

(iii) an offence under any other statutory provision or the common law, which was committed during any-period when such prisoner was lawfully in custody in prison or otherwise; and

(iv) any other offence or contravention specially determined by the Council of Ministers.

[subparagraph (iv) amended by AG 144/1981]

Remission of Sentence Not a Legal Right

(5) The granting of any remission of sentence under the provisions of these regulations shall be at the sole discretion of the Commissioner, and such provisions shall in no way be so construed that such remission of sentence confers upon any prisoner a right which he may legally claim.

(W) Release

Medical Examination before Release

120. (1) A medical officer shall, as far as is practicable, examine a sentenced prisoner as shortly as possible before release from prison.

Further Detention of Prisoner on Medical Grounds

(2) If a medical officer certifies that a prisoner whose sentence is about to expire is suffering from a serious or infectious disease or a serious injury, and that release or removal from prison on expiry of his sentence is likely to result in death or serious injury to his health or to constitute a source of infection and danger to the health of others, such prisoner may be detained for such further period and under such conditions as may be determined by the Commissioner.

[subregulation (20) substituted by AG 144/1981]

Interview Prior to Release

(3) An officer, if available, or the head of a prison, shall interview a sentenced prisoner as shortly as possible before his release from prison.

[subregulation (3) amended by AG 144/1981]

After-care

(4) As far as is practicable, provision shall be made before the release of a sentenced prisoner for his placement in suitable accommodation and steady employment and for the necessary supervision and guidance in the interests of his successful readjustment in free life.

Disposal of Private Property, and Material Assistance

(5) (a) On the release of a prisoner -
(i) his private money, other valuables and personal effects which have not been destroyed or confiscated under the provisions of this Act, shall be handed over to him, as prescribed; and

(ii) he shall be provided with suitable clothing and other essential equipment as prescribed, if his clothing has been destroyed or otherwise disposed of under the provisions of this Act or if he has no clothing or totally unserviceable clothing and is unable to obtain suitable civil clothing out of his own funds or from any other source.

(b) In addition to the requirements of paragraph (a), on the release of a sentenced prisoner -

(i) a warrant at Government rates may be issued for travel by rail and/or South African Railways Road Motor Services, and for bedding for the journey, to the station or halt nearest to his destination; and

(ii) sufficient food for the normal duration of the journey to his destination shall be provided, or, if it is not practicable to provide him with sufficient food for the full journey or part thereof, a monetary grant not exceeding the rates prescribed in consultation with Treasury may be made to him.

(X) Petitions

Basis

121. (1) A prisoner who wishes to submit for consideration any special information, facts or representations which may be directly or indirectly material to his conviction and/or sentence and which could not previously be raised or which were unknown to him or which were not disclosed or submitted by him to the court or other relative authority at or within the prescribed time through ignorance, inadvertence, lack of opportunity or other good cause, may be granted permission and the facility to address the Council of Ministers by petition in which such information, facts or representations shall be concisely and clearly set out.

[subregulation (1) amended by AG 144/1981]

Manner and Form of Submission

(2) A petition referred to in sub-regulation (1) shall be submitted in the prescribed form and manner.

(Y) Promotion of, and Grants-in-Aid to, Approved Welfare Institutions, Societies and Individuals.

Assistance on Release

122. The Council of Ministers may take steps to promote the establishment of welfare institutions or societies or to appoint qualified individuals and to determine the functions and activities of such welfare institutions, societies or individuals in the furtherance of the rehabilitation and after-care of prisoners on release, and he may make a grant-in-aid to any such welfare institution, society or individual, out of moneys to be voted by Parliament for this
purpose, on a basis and in a manner to be determined by him, but subject to any condition which may be prescribed by regulation.

[regulation 122 amended by AG 144/1981]

(Z) Visits and Interviews by Legal Representatives

Legal Proceedings or Action

123. (1) A prisoner who is a party to or witness in any civil or criminal proceedings or action, shall be afforded reasonable opportunity to interview his legal representative, in the sight but not in the hearing of a member or special warder, in connection with such proceedings or action.

Other Legal Matters

(2) Subject to the permission of the Commissioner, the legal representative of a prisoner may on request visit and interview him, in the sight and hearing of a member or special warder, in connection with any legal matter, other than that referred to in sub-regulation (1), in which such prisoner is concerned.

(d) if use is made of an interpreter or shorthand writer, the person concerned shall be approved by the Commissioner.

[paragraph (d) inserted by AG 144/1981. Inconsistent numbering reproduced as per Official Gazette.]

(g) except with the approval of the Commissioner, no prisoner may, during a visit, hand any writing, document or any other article to his legal representative, interpreter or shorthand writer; and

[h] no sound recording apparatus or aid for the recording or reproduction of sound shall be allowed.

[paragraph (h) inserted by AG 144/1981. Inconsistent numbering reproduced as per Official Gazette.]

Qualifications of Legal Representative and Conditions of Visit and Interview

(3) The Commissioner may, for the purpose of this regulation, specially or generally determine -

(a) the status or legal qualifications required by a person alleged or purporting to be the legal representative of a prisoner, and he may require proof of such status or legal qualifications before the acceptance of such person as legal representative of the prisoner;

(b) the manner and form of application, conditions, formalities and requirements incidental to the granting of a visit to and interview with a prisoner by a legal representative; and
(c) subject to the provisions of sub-regulations (1) and (2) and the necessary security measures, the conditions under which such visit may be made and such interview may be conducted.

Refusal or Abuse of Visit and Interview

(4) (a) Notwithstanding the provisions of sub-regulation (1), a legal representative may be refused permission to visit and interview the prisoner concerned if, on the request of the head of the prison, he fails or neglects to establish his identity and to disclose the nature of the legal proceedings, action or matter on which he wishes to interview the prisoner, or to comply with any condition, formality or requirement as determined by the Commissioner in terms of sub-regulation (3).

(b) If a legal representative in any way abuses the privilege of a visit to or interview with a prisoner, granted to him under this regulation, or if such legal representative contravenes or attempts to contravene any prison rule, regulation, or condition determined by the Commissioner under paragraph (c) of sub-regulation (3), or if he is convicted of any offence under the Act, he may be denied further visits to any prison for such period as the Commissioner may determine.

(AA) Safe Custody and Guarding of Prisoners

Determination of security measures

124. The Commissioner shall specially or generally determine all the measures to be taken for the safe custody and guarding of all categories of prisoners, whether at work or at rest.

[regulation 124 substituted by AG 144/1981]

(BB) Interview of Certain Categories of Sentenced Prisoners

125. [regulation 125 repealed by AG 144/1981]

PRISON BOARDS

(A) Constitution of Prison Boards

Name, Seat and Area of Jurisdiction

126. (1) The Council of Ministers may constitute one or more prison boards and declare the name and seat of a prison board, and define, extend or reduce the area of jurisdiction of a prison board.

[subregulation (1) amended by AG 144/1981]

Designation of Vice-Chairman

(2) The Commissioner may designate one or more members of a prison board, other than the member designated as chairman by the Council of Ministers in terms of sub-section (3) of section five of the Act, as vice-chairmen of such prison board, and any one of such vice-chairmen shall officiate as and generally perform the functions and duties of the chairman
whenever the chairman is not available or for any reason is absent from the seat or meeting of the prison board.

[subregulation (2) amended by AG 144/1981]

(B) Functions and Duties of a Prison Board.

Compliance with Requirements of Act, Regulations and Directions of Commissioner

127. (1) In addition to compliance with the provisions contained in Chapter VI of the Act, a prison board shall exercise the functions, and comply with the duties, assigned to it by regulation or by directions of the Commissioner.

[AG 144/1981 amends regulation 127(1) by inserting the words “or a non-official member thereof” after the words “release board”. This amendment could not be effected as the words “release board” is not found in the regulation above.]

(2)

[subregulation (2) deleted by AG 144/1981]

Delegation of Functions and Duties

(3) Any function or duty entrusted to a prison board by regulation may, with the concurrence or under the direction of the Commissioner, be generally or specially delegated to, and exercised by, any member or members of such board.

(C) Meetings of a Prison Board

Constitution

128. (1) Subject to the provisions of sub-regulation (3), one or more meetings of a prison board, under the chairmanship of the chairman or a vice-chairman, as the case may be, may be convened, and all such meetings shall be regarded as properly constituted, notwithstanding the fact that two or more thereof are held at one and the same time or at one or more places within the area of jurisdiction of such board.

Convening of Meeting

(2) The chairman shall, as often as the Commissioner may determine, convene a meeting of a prison board at its seat, a prison or other place where prisoners may be held in safe custody within the area of jurisdiction of such prison board.

Quorum

(3) The chairman or a vice-chairman, as the case may be, together with at least one other member of a prison board, shall form a quorum at a meeting.

(4)

[subregulation (4) deleted by AG 144/1981]

Proceedings
(5) The chairman or vice-chairman shall determine the order of the agenda of, and the procedure at, a meeting of a prison board, and his decision in such matters shall be final at such meeting: Provided that, for the sake of uniformity and precedent, any such decision or any conflicting decision given by two or more prison boards may be reviewed by the Commissioner, whose decision shall thereupon be final and binding on all prison boards.

Decisions of Meeting

(6) (a) A decision of a prison board on any question before it for consideration shall be formulated as a resolution adopted by a majority vote of the members present at the discussion of, and voting upon, such question; every member (including the chairman or vice-chairman when the latter presides) shall have one vote, and, in the case of an equality of votes, the chairman or vice-chairman, as the case may be, shall, in addition, have a casting vote: Provided that any minority recommendation shall be brought to the notice of the Commissioner in a report or recommendation of a prison board in regard to such matter.

[paragraph (a) previously subregulation (6) renumbered by AG 144/1981]

(b) The Commissioner may submit such recommendation together with his comments to the Council of Ministers.

[paragraph (b) inserted by AG 144/1981]

(D) Reports and Recommendations

Reports by release board

129. (1) A release board shall, as often as may be necessary, submit a report and recommendation, in the prescribed form, to the Commissioner, on a prisoner referred to in section 61(b)(i), (ii), (iii) (iv) and (vi) of the Act, in regard to -

(a) his release when he qualifies for it, and the form and conditions thereof; or

(b) the period and conditions of probation, if such form or release is recommended; or

(c) the period and conditions of parole, if such form of release is recommended.

[subregulation (1) substituted by AG 144/1981]

(2) [subregulation (2) deleted by AG 144/1981]

(3) [subregulation (3) deleted by AG 144/1981]

130. [regulation 130 deleted by GN 2227/1968]

Remission of Sentence by Commissioner (Section sixty-three of the Act)
131. (1) For the purposes of section 63 of the Act, the Commissioner may, on the recommendation of a release board, grant remission not exceeding one-third of an aggregate sentence of imprisonment of two years and more, with or without the option of a fine, being served by the prisoner: Provided that in the calculation of remission, one third of one year be regarded to be four months, one-third of two months to be 21 days, one-third of one month to be 11 days and a fraction of a day to be a whole day: Provided further that remission of sentence may be forfeited in accordance with a recommendation in consequence of section 54(2)(f) of the Act, and in respect of any other form of misconduct, or for any other reason referred to in regulation 119(3)(b).

[subregulation (1) substituted by AG 144/1981]

Forfeiture of Remission of Sentence

(2) The Commissioner may order the forfeiture of remission of a sentence, which has been granted on the recommendation of a prison board, on the basis provided for in paragraph (a) of sub-regulation (3) of regulation 119 in respect of a contravention or offence committed by the prisoner concerned, or he may order, on the recommendation of the prison board, such forfeiture as he deems necessary in respect of any other form of misconduct, or for any other reason referred to in paragraph (b) of sub-regulation (3) of regulation 119: Provided that the Commissioner may, on the recommendation of the prison board, order a forfeiture of remission of sentence in excess of the basis provided for in paragraph (a) of sub-regulation (3) of regulation 119 in respect of such contravention or offence.

No Remission in respect of Certain Sentences and Remission not a Legal Right

(3) The provisions of sub-regulations (4) and (5) of regulation 119, shall, mutatis mutandis, be applicable to the granting of remission of sentence to a prisoner serving an aggregate sentence of imprisonment of two years or more, with or without the option of a fine.

CHAPTER III
PRISONERS - SPECIAL REGULATIONS FOR DIFFERENT CATEGORIES

UNSENTENCED PRISONERS

(A) Prisoners Awaiting Trial or Sentence

Segregation

132. (1) A prisoner awaiting trial or sentence shall, as far as possible, be segregated from sentenced and other categories of unsentenced prisoners.

Association

(2) Association between prisoners awaiting trial or sentence shall be restricted to a minimum in order to prevent collusion or conspiracy to defeat the ends of justice.

Search

(3) When a prisoner awaiting trial or sentence is searched, no personal effects or articles other than dangerous weapons or articles with which an escape may be effected, or such other articles, money or valuables as the Commissioner may specially or generally prohibit, shall be removed from him.
Food

(4) Subject to the provisions of section 82 of the Act, a prisoner awaiting trial or sentence shall be provided with food according to the prescribed diet scale.

[Subregulation (4) substituted by AG 144/1981]

Stationery and Reading Matter

(5) A prisoner awaiting trial or sentence may receive, or purchase at his own expense, from outside sources such stationery and reading matter as may be approved by the Commissioner: Provided that such privilege may be summarily withdrawn if, in the opinion of the Commissioner, whose decision shall be final, such prisoner is in any manner abusing this privilege.

Delivery of Personal Effects and Valuables

(6) The head of the prison may, at the request or with the consent of a prisoner awaiting trial or sentence, deliver the money, valuables, documents or other personal effects of such prisoner to a relative, friend or legal representative.

Private Medical and Dental Services

(7) Subject to security measures, the Commissioner, at his discretion, on request of a prisoner awaiting trial or sentence, may authorise him to employ the services of a private medical practitioner or dentist on such conditions as are specially or generally prescribed: Provided that no additional cost to the State is incurred by such private medical or dental services.

Compliance with Conditions of Bail

(8) A prisoner who has been unable to comply with the conditions of bail, shall be granted visits at reasonable times during any day and also the opportunity and facilities to write and receive letters in order to comply with such conditions.

Preparations of Defence

(9) A prisoner awaiting trial or sentence may, for the purpose of his legal defence, within reasonable limits be -

(a) provided with stationery;
(b) afforded an opportunity for the preparation of his defence; and
(c) afforded an opportunity to write letters in connection therewith to a relative, friend or legal representative.

Sale or Transfer of Private Property Prohibited

(10) A prisoner awaiting trial or sentence shall be guilty of a contravention of these regulations if, without the permission of the Commissioner, he sells or in any other manner
transfers or attempts to sell or so transfer to another person any article which he has been allowed to bring into prison for his own use.

A Prisoner Detained for Mutinous or Seditious Conduct

(11) The provisions of this regulation shall *mutatis mutandis* be applicable to a prisoner detained for any alleged mutinous or seditious conduct, or for any other alleged conduct or offence against the public safety or security of the State, as the Council of Ministers may determine.

[subregulation (11) amended by AG 144/1981]

(B) Recalcitrant or Absconding Witnesses, or Prohibited Immigrants, or Fugitive or Civil Debtors.

Applicability of Regulation 132

133. The provisions of regulation 132 shall, *mutatis mutandis*, be applicable to -

(a) a prohibited person detained in prison pending his removal from the South West Africa; and

[paragraph (a) amended by AG 144/1981]

(b) recalcitrant or absconding witnesses or fugitive or civil debtors committed to a prison in terms of sections two hundred and twelve and two hundred and fourteen of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, or sections sixteen and thirty of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), as amended.

(C) Indigent or Destitute Sick Persons

Authority for Admission and Maintenance in Prison Hospital

134. (1) An indigent or destitute sick person may, on the order of a magistrate, be admitted to, and maintained at, a prison hospital for as long as is essential for the health, preservation of life or general care and treatment of such person: Provided that no such order for the admission of such person to a prison hospital shall be made merely because it is alleged that he is an indigent or destitute sick person, unless -

(a) there is no hospital available in the immediate vicinity for the admission, maintenance, care and treatment of such person;

(b) the illness or other condition of such person is not of an infectious or other communicable form;

(c) accommodation according to the sex and race of the person concerned is available at such prison hospital; and

(d) such person is not living with, or being accommodated by, his employer who is able to provide the necessary maintenance, care and treatment for him.

Applicability of Regulation 132
(2) The provisions of regulation 132 shall mutatis mutandis be applicable to an indigent or destitute sick person admitted, maintained and treated in a prison hospital in terms of sub-regulation (1).

(D) Judgment Civil Debtors

Segregation and Association

135. (1) A prisoner committed for detention under any decree or judgement of a competent court in civil proceedings, including a committal under sections 65 and 109 of the Magistrates’ Courts Act, 1944 (Act 32 of 1944), shall as far as practicable be segregated and be allowed association only with prisoners of the same category: Provided that, if such segregation is not practicable owing to the limited number of such judgement debtors in the prison concerned, such prisoner may be segregated and allowed association with any other unsentenced prisoner.

[subregulation (1) substituted by AG 144/1981]

Applicability of Regulation 132

(2) Subject to the provisions of sub-regulation (1), the provisions of regulation 132 shall mutatis mutandis also be applicable to a prisoner of this category of unsentenced prisoner.

Applicability of regulation 140

(3) Subject to the provisions of subregulation (1), the provisions of regulation 140 shall mutatis mutandis apply also to a judgement debtor sentenced to periodical imprisonment.

[subregulation (3) inserted by AG 144/1981]

(E) Mentally Defective Persons

Treatment and Restraint

136. (1) A prisoner detained as an alleged mentally ill person in terms of section 27(2)(d) of the Act shall be subject to such treatment or restraint as may be prescribed by the medical officer.

[subregulation (1) substituted by AG 144/1981]

Applicability of Regulation 132

(2) Subject to the provisions of sub-regulation (1), the provisions of regulation 132 shall mutatis mutandis be applicable to an alleged mentally ill person detained in prison.

[subregulation (2) amended by AG 144/1981]

OTHER CATEGORIES

(A) Juvenile Prisoners

Segregation
137. Pending removal to a prison referred to in paragraph (b) of sub-section (1) of section twenty of the Act, a juvenile sentenced to imprisonment shall, as far as possible, be segregated from an older and more hardened prisoner.

(B) Female Prisoners

Guarding and Safe Custody

138. A female prisoner shall be in the safe custody and under the guard of only a female member or special wardress, and, whenever it may be necessary for such prisoner to receive training or instruction by a male member or special warder, such training or instruction shall be given in the presence and under the supervision of a female member or special wardress.

(C) Condemned Prisoners

Place of Execution

139. (1) Executions shall be carried out in the Windhoek Prison, Windhoek.

[Subregulation (1) substituted by AG 144/1981]

Search

(2) The search of a condemned prisoner shall be conducted in a full and thorough manner, and all articles and objects in his possession, which are considered to be at all dangerous or undesirable, shall be seized and removed from him.

Segregation

(3) A condemned prisoner shall be locked in a special cell prescribed for that purpose, and he shall be segregated from all other categories of prisoners.

Special Security Measures

(4) A condemned prisoner shall be kept in safe custody under constant and special guard by day and night.

(5) [Subregulation (5) deleted by AG 144/1981]

Provision of Stimulants

(6) Stimulants may be given to a condemned prisoner on the prescription of the medical officer.

Visits and Religious Ministration

(7) (a) A condemned prisoner may receive visits from a relative, friend, legal representative or other person with the written permission of the Commissioner and on the conditions the Commissioner may determine, if the prisoner desires such visits.
(b) Subject to the normal administrative requirements of the prison, a condemned prisoner may, if he so desires, have his spiritual needs freely ministered to at all reasonable times by a Council of Ministers or religious worker of his own faith or church denomination, who has been duly appointed in terms of sub-section (1) of section seven of the Act.

(c) No person, other than a member, special warder, sheriff, or deputy-sheriff or a person referred to in paragraphs (a) and (b), shall be allowed access to a condemned prisoner without the prior approval of the Commissioner.

(d) All visits to a condemned prisoner, of whatever nature or for whatever purpose, including a visit by a legal representative in connection with an appeal, reservation of a question of law or any other matter, shall take place in the sight and hearing of a member or special warder.

Work and Physical Exercise

(8) A condemned prisoner shall not without his consent be required to perform any work or take or undergo any form of physical exercise: Provided that, if he elects to take or undergo physical exercise, facilities for that purpose shall be arranged at a place completely segregated from all other categories of prisoner.

SPECIFIC SENTENCES

(A) Periodical Imprisonment

Minimum Period of Detention

140. (1) A person sentenced to periodical imprisonment, in terms of section three hundred and thirty-four (bis) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, shall serve 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 head of the prison at which the person surrenders himself to undergo such imprisonment: Provided that any period thus determined may be less than twenty-four hours, if -

(a) on the strength of the written application of such person’s employer, the head of the prison decides that, in the special circumstances of such person’s employment a shorter period is justified; or

(b) any unexpired portion of the sentence of periodical imprisonment is less than 24 hours.

Further Notice to Undergo Sentence

(2) Except when the final period of the sentence of periodical imprisonment has been served, the head of the prison shall serve on the person concerned a notice, substantially in the form prescribed and contained in the Second Schedule, on every occasion when he is released from prison after serving each period of the sentence, as determined in terms of sub-regulation (1).
Offences

(3) A person who -

(a) without lawful excuse, proof of which shall rest on him, fails to comply with a notice served on him under sub-regulation (2); or

(b) while under the influence of intoxicating liquor or narcotic drugs, surrenders himself to undergo further periodical imprisonment; or

(c) impersonates, or falsely represents himself to be, the person who has been directed in terms of sub-regulation (2) to surrender himself to undergo further periodical imprisonment,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment of such fine, to imprisonment for a period not exceeding six months.

Detention after Expiration of Sentence

(4) Whenever the final interrupted period of periodical imprisonment being served by a prisoner expires at any time after 5 p.m. on any day and before 6 a.m. of the following day, his release may be postponed to a later hour if the prisoner consents in writing thereto.

Avoidance of Association with Other Categories of Prisoners

(5) All reasonable steps shall be taken to prevent a prisoner undergoing periodical imprisonment from associating with any other categories of prisoners.

(B) Corrective Training

Application

141. In addition to the requirements of section sixty-one of the Act and the relative provisions of Chapter II of these regulations, the treatment and training of a prisoner sentenced to imprisonment for corrective training shall be applied on the following basis -

(a) Intensive practical and theoretical training in suitable work which, as far as is practicable, will equip and assist the prisoner on release in earning an honest living in free life,

(b) personal influencing, encouragement and guidance of the prisoner to be of good conduct and character; and

(c) the provision of opportunities for the cultivation and development of a sense of responsibility.

(C) Imprisonment for the Prevention of Crime, and Habitual Criminals

Institutional Treatment and Training

142. (1) Unless the Commissioner otherwise directs, a prisoner who has been sentenced to imprisonment for the prevention of crime or has been declared an habitual criminal may be detained at any prison for initial treatment and training.
[subregulation (1) substituted by AG 144/1981]

Determination of Treatment and Training by Commissioner

(2) In addition to the requirements of section sixty-one of the Act and the relative provisions of Chapter II of these regulations, the Commissioner may, in the furtherance of the aims of this Act, determine any measures to be taken or any methods to be applied in the treatment, training and rehabilitation of any prisoner who has been sentenced to imprisonment for the prevention of crime or who has been declared a habitual criminal.

(D) Detention at a Farm Colony

143.

[regulation 143 deleted by AG 144/1981]

CHAPTER IV
MISCELLANEOUS PROVISIONS

Establishment of Prisons Service Canteen

144. (1) Subject to any special or general direction by the Council of Ministers, the Commissioner may approve the establishment of a prison service canteen if, in his opinion, such canteen is necessary and satisfies the requirements of section eighty-eight of the Act.

[subregulation (1) amended by AG 144/1981]

Management of Prisons Service Canteen

(2) (a) A prisons service canteen (including a mess), established under sub-regulation (1) shall be controlled by a committee under the chairmanship of a senior officer, and such committee shall be constituted and exercise its functions in accordance with such rules as may be prescribed from time to time: Provided that the Commissioner may, at his discretion, nominate any particular member to serve on such committee or to perform any specific duty in respect of the control and management of such canteen.

[bregulation (2) amended by AG 144/1981]

(b) Any profits or assets, or any proceeds from the liquidation, of a prisons service canteen may be distributed by the control committee, as may be specially or generally determined by the Commissioner, for any purpose contemplated in sub-section (3) of section eighty-eight of the Act, or for the common benefit or welfare of members, pensioners and civilian employees referred to in such sub-section, and also their dependants.

(c) A prisons service canteen shall be conducted on business lines, and, with the exception of accommodation or other necessities which may be provided by the State, and save any expenditure which the Commissioner may in consultation with Treasury authorise from public funds, such canteen shall be self-supporting.

Establishment of the Prisons Service Benefit Fund

145. (1) (a) The Commissioner may establish a fund to be known as “The Prisons Service Benefit Fund”, hereinafter called “The Fund”, to provide for grants or loans -
(i) to Prisons Service clubs for the promotion of or in the interest of sport and recreation;

(ii) for the establishment or maintenance of holiday resorts;

(iii) to members for the purpose of studies or research; or

(iv) for any other purpose which, in the opinion of the Board of Trustees, is meritorious and in the interest of the Service of Prisons or the Prisons Service.

[subparagraph (iv) amended by AG 144/1981]

[regulation 145(1)(a) substituted by GN 441/1968]

(b) The Fund so established shall be capable in law of suing and being sued and of acquiring, holding and alienating movable and immovable property in its own name.

**Constitution and Maintenance of The Fund**

(2) The Fund shall consist of -

(i) moneys, assets and investments, together with accrued interest or dividends, which, with the approval of the Commissioner, have been paid or transferred by any existing prisons service benefit fund or association to The Fund for its sole benefit and ownership;

(ii) any grants made by the State;

(iii) any distribution accruing to The Fund in terms of paragraph (b) of sub-regulation (2) of regulation 144; and

(iv) any other donations to The Fund, interest or dividends from investments, and any other income.

**Control and Administration of the Fund**

(3) The control and administration of The Fund and the income thereof shall vest in a board of trustees with the powers, functions and duties as prescribed, and such board shall consist of the Commissioner or, in his absence, the Deputy-Commissioner, as chairman, and such other member or members as are deemed necessary and are appointed by the Commissioner for any stipulated period indicated by him.

[AG 144/1981 amended regulation 145(3) by deleting the words “or Assistant”. This amendment could not be effect as the words “or Assistant” was not found in the above regulation.]

**Statistics and Research**

146. (a) Information of statistical value, as prescribed, shall be regularly kept in order to investigate and ascertain the causes of and trends in crime, the degree of success or otherwise of the treatment and training of the various categories of prisoners, of other suitable methods or measures for the prevention of crime and the treatment of the offender, and all other incidental matters.
(b) Any other investigation or research shall be conducted in respect of any of the matters referred to in paragraph (a), and any observation or report in connection with such investigation or research shall receive due consideration, and the recommendations contained therein shall be applied as the Commissioner may determine.

Penalties for Contraventions

147. Whenever no specific punishment has been prescribed for the contravention of, or non-compliance with, any regulation by a member, special warder, prisoner, or other person, whether on first or subsequent conviction, the penalties prescribed by sub-section (2) of section ninety-four of the Act shall apply, namely -

(a) for a contravention or for non-compliance by a member or special warder, a fine not exceeding R500, 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; or

[paragraph (a) amended by AG 144/1981]

(b) for a contravention or for non-compliance by a prisoner, any one of the penalties set out in subsection (2) of sections fifty-one and fifty-four of the Act; or

(c) for a contravention or for non-compliance by any person other than a person referred to in paragraph (a) or (b), a fine not exceeding R500, or, in default of payment, imprisonment for a period not exceeding six months.

[paragraph (c) amended by AG 144/1981]

Prison Service Orders

148. (1) The Commissioner may, in such form and in such manner as he may determine, issue, amend or rescind Prison Service Orders not inconsistent with the Act and regulations, on any or all of the following matters -

(a) The application of discipline, control and security measures for the effective administration of prisons;

(b) the appointment, conditions of service, organising or arranging or controlling sport, discipline, functions and performance of the duties of members, special warders and other persons in the service of the Prisons Service, whether on a temporary or permanent basis;

[paragraph (b) amended by GN 922/1973 and AG 144/1981]

(c) the practical and effective application of the provisions of this Act in relation to the safe custody, discipline, treatment, spiritual, and medical care, training, work, remission of sentence and rehabilitation of all categories of prisoners;

(d) directions to, and the guidance of, institutional committees and release boards in the exercise of their functions with a view to uniformity of performance of their duties in conformity with departmental policy, and the effective and productive use
of the service of members, whether official or non-official, of all institutional committees and release boards;

[paragraph (d) substituted by AG 144/1981]

(e) the form of and procedure for, the submission of petitions to the Council of Ministers;

[paragraph (e) amended by AG 144/1981]

(f) conditions of approval, and manner of payment or use, of gratuities and ex gratia grants; and

(g) in general the regular and efficient administration of the Prisons Service and the exercise of its functions.

[paragraph (g) amended by AG 144/1981]

Compliance with Prison Service Orders

(2) All members of the Prisons Service, special warders and other persons in the service of the Prisons Service shall obey such Prison Service Orders as are applicable to them.

[subregulation (2) amended by AG 144/1981]

Establishment of Medical Fund

149. (1) (a) As from 1st January, 1966, the Prisons Service Medical Fund (hereinafter referred to as the “Medical Fund”) shall be established as a body corporate to provide for the continuation of the medical and hospital treatment, as referred to in regulations 17, 18, 19, 20 and 21, of White serving members, their wives and dependent children, namely members who, on or after the 1 January 1964 have retired or retire on pension or on the grounds of medical unfitness and their wives and dependent children, and for the wives and dependent children of White members who have died or die: Provided that a member who is discharged on the grounds of medical unfitness shall retain his membership only with the approval of the Commissioner.

[regulation 149(1)(a) amended by GN 2325/1968]

(b) The revenue of the Medical Fund shall consist of -

(i) contributions by and levies on members of the Medical Fund as provided in this regulation;

(ii) moneys, assets and investments with accrued interest or dividends which may be paid or transferred by any existing benefit fund of the Prisons Service or an association to such Medical Fund for its benefit or as its property;

(iii) any grant which may be made by the State to such Medical Fund; and

(iv) any other grant or donation to the Medical Fund, interest or dividends on investments, and other revenue.

(c) The domicilium citandi of the Medical Fund shall be Pretoria.
Control of the Medical Fund

(2) The affairs of the Medical Fund shall be managed and controlled by a board of control (hereinafter referred to as the “Board of Control”) which shall be appointed by the Commissioner and which, in accordance with the Act and Regulations, shall exercise all the powers and carry out all the duties which may be assigned to such board by the Commissioner.

Powers of the Board of Control

(3) The Board of Control shall have the power, on behalf of the Medical Fund -

(a) to receive any income obtained, in terms of this regulation, from contributions by or levies on members of the Medical Fund, or by way of donations, interest on investments, grants or subsidies, or in any other manner;

(b) to defray, from the income referred to in paragraph (a), the costs of the medical treatment referred to in sub-regulation (5) and all expenses reasonably incurred for the effective administration, regulation, working and control of the Medical Fund;

(c) to hold in trust any income referred to in paragraph (a) for the benefit of the Medical Fund, and to invest any portion thereof at interest or to call up any such investment;

(d) to suspend the membership of a member of the Medical Fund either temporarily or permanently;

(e) to take legal steps on behalf of a member of the Medical Fund in cases of claims against a third party; and

(f) to negotiate and enter into agreements with the Medical and the Pharmaceutical Society of South Africa; and

[regulation 149(3)(f) amended by GN 2325/1968]

(g) to issue instructions and rules which are not in conflict with this regulation and shall be binding on members of the Medical Fund.

[regulation 149(3)(g) inserted by GN 2325/1968]

Membership of the Medical Fund

(4) (a) A White member on the fixed establishment shall, as from 1st January, 1966, or from the date of his appointment thereafter, *ipso facto* be a member of the Medical Fund and shall, as from 1st January, 1966, or from the date of his appointment thereafter, be obliged to pay monthly an amount as follows to the Medical Fund, which amount shall be collected by way of pay-sheet stoppages -

(i) Male members: R0.50 per month; and

(ii) female members: R0.25 per month.
(b) A member of the Medical Fund who, within ten years after the 31st December, 1965, or within ten years after employment retires from the Prisons Service on pension or on the grounds of medical unfitness and elects to retain the benefits of the Medical Fund, shall, within ninety days of such retirement or discharge on the grounds of medical unfitness, or within any such longer period as may in exceptional instances be determined by the Board of Control, pay into the Medical Fund the difference between the total amount which he would have paid in ten years and the amount which he has actually paid up to date of his retirement: Provided that any shortfall may be deducted from the member’s salary or from any other moneys which may be owing to him by the State and be paid into the Medical Fund.

[regulation 149(4)(b) amended by GN 2325/1968]

(c) (i) A White member who, on or after 1st January, 1964, and before the 1st January, 1966, has retired or retires on pension or has been discharged or is discharged as medically unfit;

(ii) the widow of a member referred to in subparagraph (i) who, on or after 1st January, 1964, has died or dies before he became a member of the Medical Fund;

(iii) the widow of a White member who, while serving in the Prisons Service, retired on pension on or after 1 January 1964, or who, subject to the proviso to subregulation (1)(a) was discharged as medically unfit and died on or after 1 January 1964; and

[subparagraph (iii) substituted by GN 2325/1968 and amended by AG 144/1981]

(iv) in cases where there is no surviving widow, the dependent child or children of a member referred to in sub-paragraphs (ii) and (iii),

Provided that the Medical Fund shall not be liable for any expenditure incurred before 1 January 1966 and that a widow or dependent child who is referred to in subparagraphs (ii), (iii) and (iv) and who is not or does not become a member of the said Fund, shall for not more than ninety days after the date of death of such a deceased member, be entitled to the benefits and be subject to the obligations, as if such widow or dependent child were in fact a member of the Medical Fund.

[proviso substituted by GN 2325/1968]

(d) Should the Board of Control be convinced that a widow or dependent child referred to in sub-paragraphs (c) (ii), (iii) and (iv) is financially unable to pay the amount mentioned in this sub-regulation, the Board of Control may exempt him or her from the payment of the whole amount or part thereof.

Privileges of Medical Fund

(5) (1) A White member who has retired or retires on pension; or who, subject to the proviso to subregulation (1)(a) has been discharged or is discharged on the grounds of medical unfitness; a member of the Medical Fund, his wife and dependent child, who, while his membership of the Medical Fund continues, is subject to the provisions of this regulation; shall be entitled to the continued medical and hospital treatment prescribed in regulations 17, 18, 19, 20 and 21 for serving members, their wives and dependent children: Provided that -

[regulation 149(5)(1) substituted by GN 2325/1968]
the liability of the Medical Fund in respect of hospital treatment shall be limited to the tariff applicable to civilian patients in a general ward of a provincial hospital of the province where the member of the Medical Fund, his wife or dependent child has, on the instructions of the doctor, to be treated: Provided that should the doctor certify that for medical reasons it is necessary for a patient to be treated in a private ward of the hospital concerned, the costs in connection therewith may be paid in full by the Medical Fund for such period as may be determined by the Board of Control;

(b) a member of the Medical Fund shall be personally liable for one seventh of the cost of all medical treatment referred to in regulations 18 and 20 in respect of himself, his wife and dependent child;

(c) in the case of any prescription for medicines or dressings issued to a person who is, in terms of this regulation, entitled thereto, an amount of fifty cents in respect of each such separate prescription shall be paid in the prescribed manner;

(d) the balance of the costs of medical services referred to in sub-paragraphs (b) and (c) shall be paid by the Medical Fund;

(e) no provision shall be made for the payment out of the Medical Fund of subsistence and travelling expenses in connection with medical treatment; provided further, that in any case where a medical practitioner is of the opinion that admission to a hospital, other institution or medical treatment elsewhere is necessary, the Board of Control may grant authority to a member of the Medical Fund for the transport of the person concerned and, where the medical practitioner concerned certifies it to be essential, also an escort to and/or from any hospital or other place by ambulance or any State, public or private transport, with due regard to what would be the most economical means of transport under the circumstances.

(f) claims in respect of transport costs, referred to in paragraph (e), shall be considered on the following basis -

(i) The tariff determined by the Treasury in regard to government transport;

(ii) the public tariff determined by the S.A. Railways and Harbours Administration in regard to transport by train or by aircraft of the S.A. Airways; or

(iii) the relevant tariff applicable to any other transport for this purpose; and

(g) if the Board of Control is of the opinion that the circumstances of an exceptional case justify a departure from this regulation, the Board of Control may, in its discretion and subject to the directions of the Commissioner, permit a departure from such provisions.
Definition of “Dependent Child”

(2) “Dependent child” shall, for the purpose of this regulation, have the meaning assigned to it in sub-regulation (2) of regulation 19.

Expenses not Payable by Medical Fund

(6) (a) A member of the Medical Fund shall not be entitled to the costs connected with the treatment of a particular ailment in terms of this regulation if he receives free medical treatment for that ailment in terms of any other law.

(b) The provision of medical and hospital treatment in respect of the husband or widower of a woman member of the Prisons Service shall not be authorised under this regulation.

Termination of Benefits

(7) (a) Should a member of the Medical Fund refuse or fail -

(i) to supply the prescribed personal and other details;

(ii) after retirement or, in the case of a widow, after the death of her husband to pay the prescribed amount referred to in sub-regulation (4);

(iii) to pay the prescribed levies for medical treatment and prescriptions for medicines, dressings or any hospital or other medical accounts,

[regulation 149(7)(a)(iii) substituted by GN 2325/1968]

his membership may, at the discretion of the Board of Control, be temporarily or permanently suspended or terminated without a refund of any portion of the monthly or other contributions which he has already paid to the Medical Fund. Such termination or suspension of benefits shall not affect the right of the Medical Fund to recover from a member any amounts owed by him to the Medical Fund.

(b) Should the widow remarry, she and any dependent child shall forfeit all the privileges and benefits conferred by virtue and in terms of this regulation; provided that, if, in the opinion of the Board of Control, such child does not receive sufficient medical or hospital treatment owing to financial circumstances or for any other extraordinary or sufficient reason, the Board of Control may, despite the remarriage of such widow, authorise such medical and hospital treatment as may be provided in terms of this regulation.

[regulation 149(7)(b) amended by GN 2325/1968]

(c) A member shall cease to be a member of the Medical Fund upon his resignation or discharge other than on pension or subject to the proviso to subregulation (1)(a) on the grounds of medical unfitness, and he shall forfeit any amount which he may have paid up to the date of the termination of his service.

[regulation 149(7)(c) amended by GN 2325/1968]
Third Party Claims

(8) The costs connected with the medical and hospital treatment of members of the Medical Fund and occasioned by and recoverable by law from third parties, shall be payable by the Medical Fund only if the member of the Medical Fund -

(a) has himself taken legal steps to recover such costs by including such costs in his claim or has ceded his claim to the Medical Fund;

(b) has notified the Medical Fund in writing of the grounds of such claim within three calendar months after the date on which such grounds have arisen; and

(c) has at no time, without the written consent of the Board, accepted any settlement.

Limitation of Liability

(9) The Commissioner, individual members of the Board of Control and any person charged with the administration or clerical work of the Medical Fund shall not be personally liable for any shortage in or loss from the Medical Fund, provided they have acted in good faith and within the provisions of the Act and Regulations, but shall be liable only for moneys actually received and handled by them on behalf of the Medical Fund.

Administration of the Medical Fund

(10) (a) A banking account shall be opened on behalf of the Medical Fund, and all monthly contributions of members of the Medical Fund, as well as all other moneys collected or received on behalf of the Medical Fund shall be paid, into such account and all payments and withdrawals shall be made therefrom.

(b) The accounts of the Medical Fund shall be audited by a chartered accountant, and an audited statement of accounts showing the assets and liabilities of the Medical Fund on the date concerned, as well as a statement of income and expenditure over the relative period, shall be submitted annually to the Treasury.

FIRST SCHEDULE

[First Schedule amended by AG 144/1981]

APPLICABLE CONDITIONS OF APPOINTMENT AND OATH OF OFFICE:
SPECIAL WARDERS. (REFERRED TO IN REGULATION 9)

P.O. 54

APPOINTMENT OF SPECIAL WARDERS IN TERMS OF REGULATION 9 (1) (a) AND 9 (1) (b) (iii) (cc) (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. - A candidate wilfully making a false statement is 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 residence (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 the South West Africa or the territory of South West Africa ....

If there are children, state age and sex ................................................................

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>
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<td></td>
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</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>Service</th>
<th>Post 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>
</tr>
</tbody>
</table>

(b) Other employment -
## General Regulations

<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>
<td></td>
<td>From</td>
<td>To</td>
</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 at least two certified copies (not original documents) of testimonials and proof of
good character of recent date, including one from last employer, if any.

(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.

.................................................................

Signature

(24) The deponent acknowledges that he/she knows and understands the contents of this affidavit

Sworn to/Affirmed before me at ..........................................................................................................

this .......................................................... day of ....................................................... 19..................

.................................................................

Justice of Peace/Commissioner of Oaths

Area for which appointed; or ex officio capacity and area.

.................................................................

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.

.................................................................

Signature

The deponent acknowledges that he/she knows and understands the contents of this oath of
office.

Sworn to/Affirmed before me at ..........................................................................................................

.................................................................
this ................................................... day of .............................................. 19...........................

..........................................................
Justice of Peace/Commissioner of Oaths
Area for which appointed; or ex officio
capacity and area.
..........................................................

III. MEDICAL CERTIFICATE

Medical certificate on .................................................................
a candidate for appointment in the Prisons Service.

1. Particulars -
   (a) (i) Height: (without shoes) ........................................... feet ................................ inches.
   (ii) Weight ................................................................. lb.
   (iii) Chest measurement 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 so, 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) shown immunity to vaccination through three unsuccessful attempts at vaccination at intervals of not less than one month? ..........................................................
   (c) suffered from smallpox? ..........................................................

3. Respiratory organs -
   (a) State whether chest is well developed ..........................................................
   (b) State whether there is any evidence of an earlier incipient disease ..........................................................

4. Circulation of the blood -
   (a) Are the beats 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 the kidneys, bladder or other part of the genito-urinary system ..........................................................
   (b) Are there albumen, sugar, puss, blood or other abnormal substances in the urine? .................
6. Is the applicant suffering from any of the following diseases:
   - Rheumatic fever, rheumatism, developing growths, malaria, tubercle (of any part of the body), syphilis, epilepsy, paralysis, convulsions, asthma and other respiratory troubles, spitting of blood, haemorrhoids, hernia, varicocele or flat-feet?
   - If any, describe (where possible) the nature and/or extent of the complaint.

7. Is the applicant in any way mutilated, deformed or physically defective or disfigured or are there any operation scars?
   - Give full details.

8. Has the applicant any defect in respect of his/her:
   * (a) Hearing?
   * (b) Speech?
   * (c) Teeth? (describe condition fully)
   * (d) Sight?
   - Visual acuity according to Snellen’s chart. Without glasses
   - With glasses
   - Left eye
   - Right eye

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 is likely to interfere with the proper performance of his/her duty in the Prisons Service in any part of the South West Africa of South Africa?
   - With glasses
   - Without glasses

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 mentioned above.

I hereby undertake, if unable to produce satisfactory proof of successful vaccination or of immunity to vaccination or of not having had smallpox, to submit myself to vaccination within one month from my date of appointment in the Prisons Service and to produce proof of successful vaccination or, alternatively, to produce proof of immunity to vaccination within three months from the said date.

Date ........................................ 19 ........ Signature
Place .................................................................
* State nature of defect and whether it has been remedied.
   Strike out if applicant does not wear glasses.

V. CONDITIONS

1. I accept the appointment on condition that I -
   (a) receive pay of R ........................................ per annum on the scale ...........................
   (b) have to do duty during the hours as prescribed;
   (c) am entitled to leave privileges as prescribed by regulation;
   (d) am entitled to medical services as prescribed by regulation;
   (e) have to wear and maintain the uniform as prescribed by regulation;
   (f) have to 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 1950), as amended, and all
      regulations made and Orders issued in terms of this Act and any amendments thereof which
      may be made from time to time.

2. I understand that these conditions may at any time be altered as may be prescribed.

3. I clearly understand that in my capacity as special warder I am vested with the same powers,
   functions and responsibilities, and have to perform the same duties and am subject to the same
   discipline and authority as a warder appointed in terms of subsection (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 on either side (which shall,
   however, not expire on a Sunday or a day off).

Witness .......................................................... Signature
Date .................................................................

VI. APPROVAL

Appointment, in terms of section nine of the Act, approved.

Date ................................................................. 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 head of the prison may require
   my services to escort prisoners from ........................................ to ........................................

2. I clearly understand that in my capacity as a special warder I am vested with the same powers,
   functions and responsibilities and have to perform the same duties and am subject to the same
   discipline and authority as a warder appointed in terms of subsection (1) of section eight of the Act.

3. I accept this appointment at the inclusive pay of R ......................... per day.

4. I clearly understand that I am not entitled to any further privileges or benefits.
II. MEDICAL CERTIFICATE

From my examination and observations I am convinced that the applicant is in good health and free from any physical or mental defect, disease or infirmity likely to interfere with the proper performance of his/her duty in the Prisons Service in any part of the South West Africa 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 Service, to the best of my ability.
2. I declare that I have never served a period of imprisonment.

         SO HELP ME GOD.

The deponent acknowledges that he/she knows and understands the contents of this Oath of Office.

Sworn to/Affirmed before me at ................................................................. this ..................................................... day of ...................................... 19..............

Justice of Peace/Commissioner of Oaths
Area for which appointed; or ex officio capacity and area.
 ..........................................................................................

IV. APPROVAL

Appointment, in terms of section nine (1) of the Act approved.

Date .................................................................................................................. Head of .................................................. Prison.

P.D. 54 (b)

APPOINTMENT OF A SPECIAL WARDER IN TERMS OF REGULATION 9 (1) (b) (iii) (aa)
I. CONDITIONS

1. I undertake to perform duty as a special warder from ..........................................................

2. I am aware that the appointment is on a purely temporary basis and that the contract hereby conducted may be terminated by twenty-four hours’ notice on either side (which shall, however, not expire on a Sunday or day off.

3. I clearly understand that in my capacity as a special warder I am vested with the same powers, functions and responsibilities and have to perform the same duties and am subject to the same discipline and another as a warder appointed in terms of sub-section (1) of section eighty of the Act.

4. I accept this appointment at the pay of R.............................. on the scale ........................................

5. I clearly understand that I am not entitled to any further privileges or benefits.

Witness ............................................................ Signature
Date .................................................................

II. MEDICAL CERTIFICATE

From my examination and observations I am convinced that the applicant is in good health and free from any physical or mental defect, disease or infinity likely to interfere with the proper performance of his duty in the Prisons Service.

Witness ............................................................ Signature
Date .................................................................
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 Service, to the best of my ability.

2. I declare that I have never served a period of imprisonment.

   SO HELP ME GOD.

   Signature

   The deponent acknowledges that he/she knows and understands the contents of this Oath of Office.

   Sworn to/Affirmed before me at ................................................................. this ........................................................ day of .................................................. 19..................

   Signature

   Justice of Peace/Commissioner of Oaths
   Area for which appointed; or ex officio capacity and area.
IV. APPROVAL

Appointment, in terms of Section nine (1) of the Act, approved.

Date ....................................... Head of .............................................. Prison.

P.D. 54 (c)

APPOINTMENT OF A SPECIAL WARDER IN TERMS OF REGULATION 9 (1) (b) (iii) (bb) AND (cc)

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 appointment is on a purely temporary basis and the contract hereby concluded may be terminated by twenty-four hours’ notice on either side (which shall, however, not expire on a Sunday or day off).

3. I clearly understand that in my capacity as a special warder I am vested with the same powers, functions and responsibilities and have to 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 Service.

Date ........................................ Signatures
Witness ........................................

II. MEDICAL CERTIFICATE

From my examination and observations I am convinced that the applicant is in good health and free from any physical or mental defect, disease or infirmity likely to interfere with the proper performance of his duty in the Prisons Service.

Date ........................................ 19 .................. Signature

Place ........................................... Official Designation ........................................
Professional qualifications ..........................................................

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 Service, to the best of my ability.

I declare that I have never served a period of imprisonment.

SO HELP ME GOD.

Signature
The deponent acknowledges that he/she knows and understands the contents of this Oath of Office.

Sworn to/Affirmed before me at .................................................................
this ........................................... day of ........................................... 19..................

.................................................................
Justice of Peace/Commissioner of Oaths
Area for which appointed; or ex officio capacity and area.

IV. COMPLETE WHERE THE HIRER OF PRISON LABOUR ALSO ACTS AS GUARD

I, .................................................................................................................................
as hirer of prison labour, accept it as a condition of my appointment as special warder in connection with
the hire of such labour that I am fully and personally liable for any injury, loss or damage which I may
sustain in the course of the performance by me of the duties attached to such appointment, and I hereby
indemnify the State against any claim whatsoever in respect of any such injury, loss or damage.

.................................................................
Date ........................................................................................................ Signature of Hirer

V. COMPLETE WHERE THE EMPLOYEE OF THE HIRER OF PRISON LABOUR ACTS
AS SPECIAL WARDER. [NOT APPLICABLE WHERE THE HIRER IS A STATE
SERVICE, AS DEFINED IN THE GOVERNMENT SERVICE ACT, 1980
(ACT 2 OF 1980), AS AMENDED]

1. I, as hirer of prison labour, accept full liability for any compensation which .........................
as my employee may claim as a result of any injury, loss or damage he may sustain in the course of
the performance of the duties attached to his appointment as special warder in connection with the
prison labour hired by me.

2. I undertake to -
   (a) pay the special warder as part of the amount due by me for hire of prison labour, a wage of
       R ................................. per day;
   (b) pay the Prisons Service the whole or any portion of such wage due to the special warder when
       requested to do so by the head of the prison.

.................................................................
Date ........................................................................................................ Signature of Hirer

3. I, .................................................................................................................................
as employee of the hirer of prison labour, accept it as a condition of my appointment as special
warder in connection with the hire of such labour that my employer is fully and personally liable,
and has accepted such liability, for any injury, loss or damage which I may sustain in the course of
the performance by me of the duties attached to such appointment, and I hereby indemnify the State
against any claim whatsoever in respect of any such injury, loss or damage.

.................................................................
Witness .................................................. Signature of Employee of Hirer of Labour
Place ........................................................
Date ..........................................................

VI. APPROVAL
Appointment, in terms of section nine (1) of the Act approved.

Date ........................................... Head of .................................................. Prison.

P.D. 54 (d)

APPOINMENT OF A SPECIAL WARDER/WARDRESS UNDER SPECIAL CONTRACT
IN TERMS OF REGULATION 9 (1) (b) (i)

I. CONDITIONS

1. I undertake to perform duty as a special warder/wardress with effect from .......................

2. I clearly understand that in my capacity as a special warder/wardress I am vested with the same
   powers, functions and responsibilities and have to perform the same duties and am subject to the
   same discipline and authority as a warder/wardress appointed in terms of sub-section (1) of section
   eight of the Act.

3. 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 on either side.

4. I accept the appointment at an inclusive pay of R ...................... per annum.

5. I understand that I am not entitled to any further privileges or benefits.

Witness .......................................................... Signature

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 Service, to
the best of my ability.

2. I declare that I have never served a period of imprisonment.

   SO HELP ME GOD.

Signature

The deponent acknowledges that he/she knows and understands the contents of this Oath of
Office.

Sworn to/Affirmed before me at .................................................................
this ........................................... day of ................................. 19.................

Justice of Peace/Commissioner of Oaths
Area for which appointed; or ex officio
capacity and area.

III. APPROVAL
Appointment, in terms of section nine (1) of the Act approved.

Date .................................................. Head of .................................................. Prison.

SECOND SCHEDULE
NOTICE TO UNDERGO FURTHER PERIODICAL IMPRISONMENT.
(REFERRED TO IN REGULATION 140)

P.D. 160

.................................................................................. 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 Service to surrender yourself to the head 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 section thirty-nine (a) of the Prisons Act, 1959 (Act No. 8 of 1959), as amended

Issued at ............................................................... day of .................................................. 19....................

.................................................................................................................................

Head of Prison
(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.)

I. WARNING

If you -

(a) without lawful excuse, proof whereof shall lie with you, fail to comply with this notice; or

(b) while under the influence of intoxicating liquor or narcotic drugs, surrender yourself for the purpose of undergoing periodical imprisonment, you shall be guilty
of an offence and liable on conviction to a fine not exceeding one hundred rand or imprisonment for a period not exceeding six months.

II. GENERAL INFORMATION

When you report on the next occasion 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 be sufficient.

Bring your own toilet requisites such as a toothbrush, toothpaste, shaving equipment and soap with you.

Make provision for the necessary means of transport such as bus coupons, rail tickets or the necessary money.

If you travel to the prison by motor vehicle, the keys will be taken into safe custody for you, but the parking of your vehicle is at your own risk.

Rings, fountain pens, watches and money, except the amount required for transport, shall as far as possible not be brought, to prison.

WARRANT

BY THE ACTING STATE PRESIDENT OF THE SOUTH WEST AFRICA OF SOUTH AFRICA BY WHICH IS INSTITUTED “THE MEDAL FOR FAITHFUL SERVICE IN THE SOUTH AFRICAN PRISONS SERVICE”

[heading amended by AG 144/1981]

1. The medal shall take precedence immediately after “THE MEDAL FOR MERIT IN THE SOUTH AFRICAN PRISONS SERVICE” in respect of decorations, orders or medals which may be awarded exclusively to members of the South African Prisons Service.

2. The medal, as well as the bar in respect thereof, shall be awarded by the Council of Ministers of Prisons of the South West Africa of South Africa, and may by him be cancelled, annulled, declared forfeited, restored or replaced.

[paragraph 2 amended by AG 144/1981]

3. The medal shall be of bronze and shall be in the form of the official badge of the Prisons Service, with a height of 1½ inches and a breadth of 1¼ inches. On the obverse side shall appear in relief the badge of the Prisons Service, with the circumscription DEPARTEMENT VAN GEVANGENISSE on the upper side and PRISONS SERVICE on the lower side. On the reverse side shall appear the words FOR FAITHFUL SERVICE above and VIR TROUE DIENS below, with space for engraving the name and date in the centre.

The bronze clasp which is cast in one piece with the medal, shall be in the form of a life-buoy, half an inch in diameter.

4. The watered silk ribbon from which the medal depends, shall have coloured stripes of green, white, blue, white and green, respectively a quarter inch, three-sixteenths of an inch; half an inch, three-sixteenths of an inch and a quarter inch in width.
5. The bar which may be awarded in terms of rule 7 shall be of bronze, 1 3/8 inches in length and five-sixteenths of an inch in width, charged in the centre with the official badge of the Prisons Service in relief. A clasp corresponding to the aforementioned description shall be issued in respect of each bar awarded.

6. (1) Subject to the provisions of paragraph (2) the medal may be awarded only to a person who on or after the 1st December 1966, is or was a member of the South African Prisons Service, established under the provisions of section 2 of the Prisons Act 1959 (Act No. 8 of 1959), as amended, and has -

(a) on or after the said date completed a period of service of not less than 18 years, which need not be continuous, and has during that period displayed and was during that period of irreproachable character and exemplary conduct; or

(b) at any time prior to the said date completed a period of service of not less than 18 years, which need not be continuous, and has during that period displayed and was during that period of irreproachable character and exemplary conduct, and to whom “THE FAITHFUL SERVICE MEDAL, PRISONS SERVICE” had been awarded in terms of regulation 81, published in Government Notice No. R. 2080, Government Gazette Extraordinary No. 1326 of 31 December 1965, for particularly gallant and outstanding conduct, prior to his having completed 18 years service.

(2) A member of the Prisons Service to whom “THE FAITHFUL SERVICE MEDAL, PRISONS SERVICE” had been awarded in terms of regulation 81 prior to 1 December 1966, for good conduct and exemplary service of not less than 18 years, may be awarded “THE MEDAL FOR FAITHFUL SERVICE IN THE SOUTH AFRICAN PRISONS SERVICE” after having completed a further period of 12 years service from the date of the award of the first-mentioned medal, irrespective of whether such service was continuous or not, provided he has continued to display irreproachable character and exemplary conduct.

7. To a member of the Prisons Service who has been awarded “THE MEDAL FOR FAITHFUL SERVICE IN THE SOUTH AFRICAN PRISONS SERVICE” and who has after the date of such award, served as such a member for a further period of not less than 15 years which need not be continuous, a bar may be awarded if he has continued to display irreproachable character and exemplary conduct.

8. The medal, as well as the bar in respect thereof, may be awarded posthumously.

9. On the reverse of each medal or bar awarded, shall be stamped the service number, rank and name of the person who has acquired the distinction.

10. The name of each person to whom the medal or bar is awarded, shall be published officially and shall, together with such particulars as the Commissioner of Prisons may deem fit, be recorded in a register in his office.

11. The provisions of rule 10 shall mutatis mutandis be applicable in respect of the cancellation, annulment, forfeiture and restoration of a medal or bar.

12. The medal shall be worn on the left breast, and the bar awarded in respect thereof shall be attached to the ribbon. When the medal is not worn, only the ribbon shall be worn on the left breast, and where a bar has been awarded, the clasp which is issued with the bar, shall be attached to the ribbon as an indication of the award of such bar.
13. The conferment of the medal, as well as a bar, shall not entitle the recipient to any personal precedence.

14. A miniature reproduction of the medal, half the size of the medal, may be worn on appropriate occasions.

15. A sealed model of the medal as well as of the bar and the ribbon in respect thereof, shall, together with the miniature reproduction thereof, be kept in safe custody in the office of the Commissioner of Prisons or in such other place as the Council of Ministers may decide.

[paragraph 15 amended by AG 144/1981]

[warrant inserted by GN 801/1968]

WARRANT
BY THE ACTING STATE PRESIDENT OF THE SOUTH WEST AFRICA OF SOUTH AFRICA BY WHICH IS INSTITUTED “THE DECORATION FOR VALEOUR IN THE SOUTH AFRICAN PRISONS SERVICE”

[heading amended by AG 144/1981]

1. The decoration shall take precedence over any other decoration, order or medal which may be awarded exclusively to members of the South African Prisons Service.

2. The decoration, as well as the bar in respect thereof, shall be awarded on the recommendation of the Council of Ministers of Prisons of the South West Africa of South Africa, and on the recommendation of the said Council of Ministers such award may also be cancelled, annulled, declared forfeited or restored.

[paragraph 2 amended by AG 144/1981]

3. The decoration shall be of gold and shall be in the form of the ground plan of the Castle of Good Hope, placed on a star, the 5 points of which alternate with the points of the castle and describe a circumference with the same radius, viz. 1 3/8 inches. On the obverse side the castle shall be charged in relief with a Latin Cross, the upper arm of which bears a balance and the lower a life-buoy. The name PRISONS SERVICE shall appear along the 2 upper sides and the name DEPARTEMENT VAN GEVANGENISSE along the 3 lower sides of the castle. On the reverse side shall appear the words VIR DAPPERHEID above and FOR VALEOUR below, with space for engraving the name and date in the centre.

The gold clasp which is cast in one piece with the decoration, shall be in the form of a life-buoy, half an inch in diameter.

4. The watered silk ribbon from which the medal depends, shall have coloured stripes of green, gold, red, gold and green, respectively a quarter inch, one thirty-second of an inch, thirteen-sixteenths of an inch, one thirty-second of an inch, and a quarter inch in width.

5. The bar, which may be awarded in terms of rule 7, shall be of gold, 1 3/8 inches in length and five-sixteenths of an inch in width, charged in the centre with the obverse of the decoration in relief. A clasp corresponding to the above description, shall be issued in respect of every bar awarded.
6. The decoration may be awarded only to a person who as a member of the Prisons Service, established under the provisions of section 2 of the Prisons Act, 1959 (Act No. 8 of 1959), as amended, has on or after the first day of December 1966 displayed conspicuous and exceptional gallantry or who has performed a fearless or pre-eminent act whereby he has lost or actually imperilled his own life in -

(a) the performance of any of his duties; or

(b) the protecting or saving or endeavouring to protect or save life or property.

7. Should a person to whom this decoration has already been awarded, thereafter again distinguish himself in the manner laid down in rule 6, while still serving as a member of the Prisons Service, he may be awarded a bar in respect of every such additional distinction.

8. The decoration, as well as a bar in respect thereof, may be awarded posthumously.

9. On the reverse of each decoration or bar awarded, shall be stamped the service number, rank and name of the person who has acquired the distinction.

10. The name of each person to whom the decoration or bar is awarded, shall be published officially and shall, together with such particulars as the Commissioner of Prisons may deem fit, be recorded in a register in his office.

11. The provisions of rule 10 shall mutatis mutandis be applicable in respect of the cancellation, annulment, forfeiture and restoration of a decoration or bar.

12. The decoration shall be worn on the left breast, and a bar awarded in respect thereof shall be attached to the ribbon. When the decoration is not worn, only the ribbon in respect thereof shall be worn on the left breast, and where a bar has been awarded, the clasp which is issued with the bar, shall be attached to the ribbon as an indication of the award of such bar.

13. The conferment of the decoration, as well as a bar, shall not entitle the recipient of any personal precedence, but shall entitle him to add after his name the letters C.P.V., the abbreviation for “CUSTODI PRO VIRTUTE”.

14. A miniature reproduction of the decoration, half the size of the decoration, may be worn on appropriate occasions.

15. A sealed model of the decoration as well as of the bar and the ribbon in respect thereof, shall, together with a model of the miniature reproduction thereof, be kept in safe custody in the office of the Commissioner of Prisons or in such other place as the Council of Ministers may decide.

WARRANT
BY THE ACTING STATE PRESIDENT OF THE SOUTH WEST AFRICA OF SOUTH AFRICA BY WHICH IS INSTITUTED “THE MEDAL FOR MERIT IN THE SOUTH AFRICAN PRISONS SERVICE”
1. The medal shall take precedence immediately after “THE DECORATION FOR VALOUR IN THE SOUTH AFRICAN PRISONS SERVICE” in respect of decorations, orders or medals which may be awarded exclusively to members of the South African Prisons Service.

2. The medal, as well as a bar in respect thereof, shall be awarded by the Council of Ministers of Prisons of the South West Africa of South Africa, and may by him be cancelled, annulled, declared forfeited, restored or replaced.

3. The medal shall be of silver and shall be circular in form, with a diameter of 1 3/8 inches. On the obverse side shall appear in relief the ordinary coat of arms of the South West Africa of South Africa with the circumscription DEPARTEMENT VAN GEVANGENISSE on the upper side and PRISONS SERVICE on the lower side. On the reverse side shall appear the words FOR MERIT above and VIR VERDIENSTELIKHEID below, with space for engraving the name and date in the centre.

   The silver clasp which is cast in one piece with the medal, shall be in the form of a life-buoy, half an inch in diameter.

4. The watered silk ribbon from which the medal depends, shall have coloured stripes of blue, white, orange, white, orange, white and blue, respectively a quarter inch, three-sixteenths of an inch, fifteen sixty-fourths of an inch, three-sixteenths of an inch and a quarter inch in width.

5. The bar, which may be awarded in terms of rule 7, shall be of silver, 1 3/8 inches in length and five-sixteenths of an inch in width, charged in the centre with the coat of arms of the South West Africa of South Africa in relief. A clasp corresponding to the aforementioned description shall be issued in respect of each bar awarded.

6. The medal may be awarded only to a person who on or at any time after 1 December 1966, is or was a member of the South African Prisons Service, established under the provisions of section 2 of the Prisons Act, 1959 (Act No. 8 of 1959), as amended, and has -

   (a) in the performance of his duties, rendered services of a particularly meritorious or exemplary nature or distinguished himself by ingenuity, proficiency or perseverance; or

   (b) for a period of not less than 35 years service, which need not be continuous, displayed an irreproachable character and exemplary conduct.

7. Should a person to whom this medal has already been awarded, thereafter again distinguish himself in the manner laid down in rule 6, while still serving as a member of the Prisons Service, he may be awarded a bar in respect of every such additional distinction.

8. The medal, as well as a bar in respect thereof, may be awarded posthumously.

9. On the reverse of each medal or bar awarded, shall be stamped the service number, rank and name of the person who has acquired the distinction.
10. The name of each person to whom the medal or bar is awarded, shall be published officially and shall, together with such particulars as the Commissioner of Prisons may deem fit, be recorded in a register in his office.

11. The provisions of rule 10 shall *mutatis mutandis* be applicable in respect of the cancellation, annulment, forfeiture and restoration of a medal or bar.

12. The medal shall be worn on the left breast, and a bar awarded in respect thereof shall be attached to the ribbon. When the medal is not worn, only the ribbon shall be worn on the left breast, and where a bar has been awarded, the clasp which is issued with the bar, shall be attached to the ribbon as an indication of the award of such bar.

13. The conferment of the medal, as well as a bar, shall not entitle the recipient to any personal precedence.

14. A miniature reproduction of the medal, half the size of the medal, may be worn on appropriate occasion.

15. A sealed model of the medal, as well as of the bar and the ribbon in respect thereof, shall, together with a model of the miniature reproduction thereof, be kept in safe custody in the office of the Commissioner of Prisons or in such other place as the Council of Ministers may decide.

[paragraph 15 amended by AG 144/1981]

[warrant inserted by GN 801/1968]

[Third Schedule deleted by AG 144/1981.]