



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

**Abuse of Dependence-Producing Substances
and Rehabilitation Centres Act 41 of 1971**

section 52 read with Proclamation R.266 of 1971

Regulations in respect of Blacks

RSA Government Notice R.1003 of 1973

[\(RSA GG 3927\)](#)

came into force on date of publication: 15 June 1973

as amended by

Native Laws Amendment Proclamation, AG 3 of 1979 [\(OG 3898\)](#)

deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979)

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[Throughout the regulations and in the title of the regulation set, terms that incorporate the word “Bantu” have been substituted in accordance with AG Proc. 3 of 1979. These substitutions have not been individually annotated.]

DEFINITIONS

1. In these regulations, and in the forms set out in Schedule 2, unless the context otherwise indicates -

- (i) “attending physician”, in relation to a specified rehabilitation centre, means the medical practitioner attached to that rehabilitation centre or designated thereto contemplated by section 27(2) of the Act, or who has, with the approval of the Secretary been designated to examine or treat the inmates of the rehabilitation centre;
- (ii) “Black language” means a language used by a recognised Black national unit of the Republic of South Africa or Eastern Caprivi or by a native national unit of the Territory of South-West Africa;
- (iii) “financial year”, in relation to any association of persons, registered rehabilitation centre or registered hostel, means the financial year of such association of persons, registered rehabilitation centre or registered hostel;
- (iv) “fire-arm” means an arm as defined in section 1 of the Arms and Ammunition Act, 1969 (Act 78 of 1969);
- (v) “inmate”, in relation to a specified rehabilitation centre, means an inmate of that rehabilitation centre;
- (vi) “local authority” means an urban local authority as defined in section 1 of the Black (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945);
- (vii) “official languages” means the official languages referred to in section 108(1) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961);

[The term “official languages” refers to the period before independence when English and Afrikaans were both official languages of “South West Africa”. The only official language of Namibia is English (Namibian Constitution, Art 3(1)).]

- (viii) “registered social worker” means a social worker registered under the National Welfare Act, 1965 (Act 79 of 1965);

[The registration of social workers is now covered by the Health Professions Act 16 of 2024.]

- (ix) “rehabilitation centre” means a rehabilitation centre established or deemed to have been established under section 18 of the Act, including all land, outbuildings and premises used in connection therewith and all official quarters of members of the

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staff of the rehabilitation centre used in connection with such rehabilitation centre and, in relation to any specified inmate includes all the land, buildings, premises or places to which that inmate is sent or brought or in which he is being detained temporarily:

- (x) “Schedule 1” means Schedule 1 to these regulations;
- (xi) “Schedule 2” means Schedule 2 to these regulations;
- (xii) “Secretary” means the Secretary for Plural Relations and Development;
- (xiii) “social welfare officer” means a social welfare officer, as defined in section 1 of the Act, who is employed in the professional division (welfare) of the Department of Plural Relations and Development;

[In the *Regulations in respect of White Persons* issued under Act 41 of 1971 (RSA Government Notice R.2166 of 1971, RSA GG 3323 as amended), the term “social welfare officer” was replaced throughout with the term “social worker”.]

- (xiv) “the Act” means the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971);

and any reference to any form bearing a specified number shall be construed as a reference to a form in Schedule 2 bearing that number, and any word to which a meaning has been assigned in the Act shall bear that meaning.

CONSTITUTION, PROCEDURE AND FUNCTIONS OF THE
MANAGEMENTS OF REHABILITATION CENTRES

2. (1) The Superintendent shall act as chairman at all meetings of the Management.

(2) If the Superintendent is absent from any meeting of the Management, a chairman shall be elected for the specific meeting by the members present.

3. The Superintendent shall designate a member of the staff of the rehabilitation centre as the secretary of the Management.

4. (1) The Management shall meet not less than once every calendar month in the rehabilitation centre to consider matters relating to the inmates or a specified inmate thereof.

(2) If the Director deems it unnecessary that the Management so meets once in every calendar month, he may direct that the Management shall so meet at such intervals, not exceeding three months, as he may determine.

(3) Every member of the Management shall be notified not less than seven days before the meeting by the secretary of the Management in writing, of the time at which any meeting of the Management, as referred to in the notification, shall be held.

[The word “calendar” is misspelt in the *Government Gazette*, as reproduced in subregulations (1) and (2) above.]

5. (1) Every member of the Management shall attend every meeting of the Management, unless he has been granted leave by the Management to be absent from a specified meeting.

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(2) If any member of the Management is absent from three successive meetings of the Management without such leave, such absence shall be reported to the Director who may take such steps as he may deem fit to ensure plenary meetings of the Management.

6. At a meeting of the Management two members shall form a quorum.

7. Every member of the Management, including the Chairman, shall have one vote and the Chairman shall, in the case of an equality of votes, also have a casting vote.

8. (1) The secretary of the Management shall keep minutes of the proceedings at all meetings of the Management and shall, as soon as possible after any meeting, submit to the Director a copy of the minutes.

(2) The minutes of the proceedings at any meeting shall at the next meeting of the Management be submitted for approval and if approved by the Management, with or without amendments, they shall be signed by the Chairman and the secretary of the Management.

9. The Management shall, annually before the 31st day of March, in consultation with the Director, draw up a program for the rehabilitative treatment and the training of the inmates and shall submit such program for approval by the Secretary.

10. The Management shall as soon as possible after the first day of April in every year submit to the Director a report on its activities during the previous year.

RULES FOR THE DOMESTIC ADMINISTRATION AND
 CONTROL OF REHABILITATION CENTRES

11. (1) The Management of a rehabilitation centre shall prescribe rules relating to -

- (a) the working hours, meal-times, refreshment times, bedtimes and recreation times of the inmates of the rehabilitation centre;
- (b) the places and the times at which the inmates shall report for treatment or training, and the medical, psychiatric or psychological examination or the medical immunisation to which they shall submit themselves;
- (c) the correspondence or communication by inmates with any other person inside or outside the rehabilitation centre;
- (d) the recreation of inmates;
- (e) the dress, tidiness and personal hygiene of inmates;
- (f) the places within the rehabilitation centre which shall not be visited by inmates without the consent of the Superintendent or a member of the staff of the rehabilitation centre;
- (g) the times at and conditions on which inmates may be visited in the rehabilitation centre by members of their families or by their friends;
- (h) the keeping and use of radio sets in the rehabilitation centre by inmates;

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- (i) the amount of money which any inmate may keep in his possession;
- (j) the introduction or receipt of any article, object or money in the rehabilitation centre by inmates;
- (k) the tidying and keeping tidy of sleeping quarters, beds, wardrobes, bathrooms and toilets;
- (l) the attendance by inmates of meals, interviews, group discussions or any other meetings, except divine services;
- (m) the places and the times at which and the manner and circumstances in which any inmate shall be entitled to appear before the Management or any member of the Management and the manner in which the complaints of inmates shall be received and investigated;
- (n) the place where and the manner in which any inmate who is uncontrollable or who is alleged to have committed a contravention of these regulations or of the rules or who is undergoing any punishment prescribed by regulation 16(1)(c) may be detained separately from the other inmates of the rehabilitation centre.

(2) No rule prescribed under subregulation (1)(l) shall authorise the Management of a rehabilitation centre to compel any inmate to attend any religious gathering.

12. Every rule prescribed under regulation 11(1), including any amendment or withdrawal thereof, shall be promulgated by posting up on a notice board at the rehabilitation centre concerned to which the inmates of such rehabilitation centre have unrestricted access, a copy thereof in both official languages and in the Black language which is most spoken by the inmates of the rehabilitation centre, duly certified by the Superintendent of such rehabilitation centre to the effect that such rule, amendment or withdrawal, as the case may be, has been prescribed or effected by the Management of such rehabilitation centre by virtue of the powers vested in such Management by regulation 11(1) or 17, as the case may be.

13. The Superintendent of the rehabilitation centre concerned shall forward to the Commissioner of the district in which such rehabilitation centre is situated a copy, in each of the official languages, of every rule, including any amendment or withdrawal thereof, promulgated in terms of regulation 12 and shall certify thereon that such rule, amendment or withdrawal has been prescribed or effected by the Management of such rehabilitation centre by virtue of the powers vested in such Management by regulation 11(1) or 17, as the case may be, and that such rule, amendment or withdrawal, as the case may be, has been promulgated as provided by regulation 12.

14. Any copy of such rule, amendment or withdrawal forwarded to the Commissioner in terms of regulation 13 shall on its mere production in any court of law be conclusive evidence of the provisions of such rule, amendment or withdrawal, as the case may be, and of the promulgation thereof in terms of regulation 12.

15. A copy, in each of the official languages and of the Black language into which the rules have been translated, of any rule, including any amendment or withdrawal thereof, shall at all reasonable times be available for inspection in the office of the Superintendent of the rehabilitation centre concerned by any inmate of such rehabilitation centre.

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16. (1) Any inmate contravening the provisions of any rule promulgated in terms of regulation 12 shall, on conviction by the Superintendent or the person presiding at the enquiry referred to in regulation 83, be liable to one or more of the following punishments:

- (a) Forfeiture of one or more specified privileges for a period not exceeding three months;
- (b) forfeiture of allowances, wholly or in part, for a period not exceeding two months;
- (c) separation from the other inmates in a place set aside for the purpose at the rehabilitation centre, for a period not exceeding five days.

(2) No punishment referred to in subregulation (1)(c) shall be imposed on any inmate, unless the attending physician has certified that such punishment will in his opinion, not be harmful to the health of the inmate concerned.

17. Any rules prescribed under regulation 11(1) may be amended or withdrawn at any time by the Management of the rehabilitation centre concerned.

APPOINTMENT, POWERS, FUNCTIONS AND DUTIES OF STAFF

18. Every member of the staff of a rehabilitation centre shall exercise the powers and perform the functions and duties conferred upon or entrusted to him by the Act or these regulations and shall in addition perform such functions as may be entrusted or assigned to him from time to time by the Secretary or the Director or the Superintendent.

19. The Superintendent shall be subject to the administrative control of the Director.

[The word "Superintendent" is misspelt in the *Government Gazette*, as reproduced above.]

20. The Superintendent shall be responsible for the proper management of the rehabilitation centre and shall take such measures as may be necessary to ensure that the inmates receive or undergo the treatment and training and perform the work determined in terms of section 19 of the Act.

21. The Superintendent of a rehabilitation centre shall -

- (a) as soon as an inmate has been admitted to the rehabilitation centre, direct his attention to the provisions of sections 46 and 47 of the Act and to the provisions of these regulations and of the rules prescribed thereunder;
- (b) take such measures as may be necessary to ensure the safety of the inmates of the rehabilitation centre;
- (c) control the functions of the staff of the rehabilitation centre and give such directions as may reasonably be necessary for the performance of such functions;
- (d) immediately notify an inmate's next of kin, if any, and the Director of the death of such inmate.

[The term "next-of-kin" appears with hyphens elsewhere in these regulations.]

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22. (1) If the Superintendent on reasonable grounds suspects that any person other than an inmate of the rehabilitation centre has, in the rehabilitation centre, in his possession or custody any alcoholic liquor or dependence-producing drug or any plant from which such drug can be manufactured or any fire-arm, or that any alcoholic liquor or dependence-producing drug or such plant or fire-arm is in or upon any container or vehicle which is in the rehabilitation centre, the Superintendent or any person designated thereto by him may without any warrant search such other person, container or vehicle and he may seize such alcoholic liquor, dependence-producing drug, plant or fire-arm and he shall, as soon as possible, deliver any alcoholic liquor, dependence-producing drug, plant or fire-arm so seized by him to a police officer.

(2) In searching a woman, the provisions of section 36(3) of the Criminal Procedure Act, 1955 (Act 56 of 1955), shall *mutatis mutandis* apply.

[The Criminal Procedure Act 56 of 1955 is a South African statute that was not made applicable to Namibia. Criminal procedure is covered in Namibia by the Criminal Procedure Act 51 of 1977.]

23. The Superintendent or any member of the staff of a rehabilitation centre authorised thereto by the Superintendent may open any letter, book, document or publication or any article addressed to or intended for any inmate of the rehabilitation centre or any letter, book, document or publication or any article directed or sent by any inmate to any other person and he may retain any such letter, book, document or publication or article or any part thereof if he deems it necessary in the interest of the good order or administration of the rehabilitation centre: Provided that the Superintendent or such member so retaining such letter, book, document, publication or article shall submit it as soon as possible to the Management who may order that it shall be delivered to the inmate concerned or returned to the sender or otherwise be disposed of as the Management may determine.

24. (1) The social work treatment of the inmates shall be undertaken by the staff appointed for that purpose.

(2) A record of such treatment shall be kept in the file referred to in regulation 32(b).

25. The member of the staff referred to in regulation 24(1) treating an inmate shall, in so far as it may be necessary, regularly consult the social welfare officer or registered social worker who is responsible for the social work treatment of the inmate's family.

26. The staff referred to in regulation 24(1) shall assist the attending physician in the performance of his functions and shall carry out the directions of the attending physician and shall in addition perform the functions which the Superintendent may, subject to such directions, assign to him or her from time to time.

27. The staff referred to in regulation 24(1) shall -

- (a) supervise the inmates of the rehabilitation centre and shall exercise the powers and perform the functions and duties conferred upon or entrusted to him by the Act or these regulations or assigned to him by the Superintendent;
- (b) as soon as possible bring to the attention of the Superintendent any act of disobedience, impudence, laziness or insubordination on the part of any inmate;
- (c) on the instructions of the Superintendent, report regularly to the Superintendent on the conduct, behaviour, habits, diligence and progress of every inmate under his

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supervision and shall communicate to the Superintendent any information relating to any specified inmate which may come to his knowledge; and

- (d) notify the Superintendent if any inmate desires to see the Superintendent or to lay a complaint or is aggrieved by some matter or other.

COMMITTAL OF PERSONS TO REHABILITATION CENTRES

- 28.** (1) (a) If it appears to a Commissioner holding an enquiry under section 30 of the Act at the conclusion and as a result of the enquiry that the person concerned is such a person as is referred to in paragraphs (a) and (b) or paragraphs (a) and (c) of subsection (6) of that section, he shall, before making any order under that subsection, request the Director to designate a rehabilitation centre or registered rehabilitation centre in terms of that subsection for the detention of the person concerned.

- (b) The Director shall not designate a registered rehabilitation centre in terms of paragraph (a) unless the Superintendent of the registered rehabilitation centre has agreed to admit the person concerned.

(2) If the Director is unable so to designate a rehabilitation centre or registered rehabilitation centre, he shall immediately inform the Commissioner.

- 29.** An order under section 30(6) of the Act shall be made in the form of Form BA 715.

30. Whenever a Commissioner has made an order under section 30(6) of the Act, he shall forthwith cause two copies of the order and of the record of proceedings at the enquiry, including two copies of all the reports and documents handed in at the enquiry, properly certified by the clerk of the court as true copies of the original order, record of proceedings; report or documents, to be transmitted to the Director and he shall notify the Director, in writing, of the result of any appeal against the order or of the review of the proceedings in terms of the provisions referred to in section 33 of the Act as soon as he gets to know such result.

31. The Commissioner who has made an order in terms of section 30(6) of the Act shall as soon as possible thereafter make arrangements for the removal of the person concerned to the rehabilitation centre or registered rehabilitation centre designated by the Director in respect of that person.

RECORDS AND REGISTERS TO BE KEPT BY THE
SUPERINTENDENT OF A REHABILITATION CENTRE

- 32.** (1) The Superintendent of a rehabilitation centre shall -
- (a) keep a register in which he shall record or cause to be recorded in respect of each inmate -
- (i) his full name, population group and sex, occupation and the address where he was resident immediately prior to his admission to the rehabilitation centre;
- (ii) the identity number assigned to him in terms of section 6 of the Population Registration Act, 1950 (Act 30 of 1950), if it is available;

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[The Population Registration Act 30 of 1950 (SA) (SA GG 4422) was not directly applicable to South West Africa. Section 22 of Act 30 of 1950 stated:

"The Governor-General may, after consultation with the Extension of Executive Committee of the territory of South-West Africa, application by proclamation in the *Gazette* and subject to such conditions, of Act, modifications and exceptions as may be prescribed in the proclamation, apply the provisions of this Act to the said territory."

No such Proclamation has been located. Section 22 was repealed by the Population Registration Amendment Act 29 of 1970 (RSA), although other amendments made to Act 30 of 1950 by Act 29 of 1970 provided that the register maintained under Act 30 of 1950 would include all persons to whom identity documents were issued in terms of the Identity Documents in South-West Africa Act 37 of 1970 (RSA) (RSA GG 2789).]

- (iii) if available, the names, addresses and telephone numbers of his next-of-kin;
 - (iv) the date of his birth;
 - (v) the date of his admission to such rehabilitation centre;
 - (vi) in the case of an inmate committed in terms of section 30 of the Act to the rehabilitation centre, the name of the court by which and the date on which he was so committed;
 - (vii) in the case of an inmate transferred or retransferred in terms of any of the provisions of the Act or any other law to or from such rehabilitation centre or any other rehabilitation centre, registered rehabilitation centre, prison, children's home or reform school; the date of such transfer or retransfer;
 - (viii) particulars of any leave of absence granted to him or of any licence according to which he has been released and of any revocation of such licence;
 - (ix) in the case of an inmate who has absconded from such rehabilitation centre or is deemed in terms of the Act to have so absconded, the date on which he has so absconded or is deemed to have so absconded and, if he has been brought back to the rehabilitation centre or has returned thereto, the date on which he was so brought back or so returned and also particulars of any order made by the Director in terms of section 43(4) of the Act and of the term of any imprisonment, if any, imposed upon him in respect of such abscondment;
 - (x) in the case of any inmate who has died whilst he was subject to detention in such rehabilitation centre, the date of his death;
 - (xi) the date of his discharge from the provisions of the Act;
- (b) keep or cause to be kept up to date a separate file in respect of every inmate in which shall be kept -
- (i) the documents relating to his committal under section 30 or his admission under section 44 of the Act or to his transfer or retransfer under any provision of the Act or of any other law or to his release on licence or discharge from the provisions of the Act;
 - (ii) all reports or records relating to his treatment by a medical practitioner, psychiatrist, clinical psychologist, social welfare officer or registered social worker or to any other treatment or training undergone or received by him;

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- (iii) copies of all reports, documents or correspondence relating to him and received, furnished or conducted by the Superintendent;
 - (iv) a return of his personal effects:
 - (v) particulars of and all documents relating to any disciplinary steps instituted against him under the Act or these regulations.
- (2) The contents of the register and files shall be treated as confidential.

DISPOSAL OF PERSONAL EFFECTS, ETC., OF INMATES

33. The Superintendent may search or cause to be searched any inmate or his effects on admission to the rehabilitation centre or any time thereafter: Provided that any specified inmate shall be searched by a person of the same sex only.

34. (1) All money, personal effects or any article found in the possession of any inmate, whether at or after his admission to a rehabilitation centre, may be taken into custody and kept in safe custody by the Superintendent or any member of the staff of the rehabilitation centre authorised thereto by him until the inmate is released on licence in terms of the Act or is discharged from the provisions of the Act or until such money, effects or article is otherwise legally disposed of.

(2) The Superintendent or member of the staff of the rehabilitation centre who takes into custody any money, personal effects or articles from an inmate shall record particulars thereof in an inventory, cause the inmate to sign such inventory and furnish him forthwith with a copy thereof.

(3) If the Superintendent is of the opinion that the safekeeping of an inmate's clothing or other personal effects is not conducive to the hygiene of the institution or if he deems such safekeeping impracticable, taking into consideration the duration of the period of detention of the inmate, he may with the approval of the Management and with the knowledge of the inmate destroy such belongings and shall make a note to this effect on the inventory referred to in subregulation (2), and cause the entry to be signed by the inmate.

(4) No inmate shall, without the consent of the Superintendent, be entitled to keep any vehicle or any animal in or at the rehabilitation centre.

35. Any money so taken into custody may, at the written request of the inmate and with the approval of the Superintendent, at any time be returned to the inmate or delivered to any other person to be administered on behalf of the inmate.

36. Whenever any money, personal effects or article so taken into custody has been returned the inmate concerned or to any other person, such inmate or such other person shall acknowledge, in writing, the receipt thereof in a receipt signed by him in the presence of a witness who has witnessed the return thereof and who countersigns such receipt.

37. (1) If any inmate has absconded or is deemed under the Act to have absconded from a rehabilitation centre and has failed to claim or take delivery of any money, personal effects or article which has been found in his possession and which has, in terms of these regulations, been taken into custody, the Superintendent shall after the expiration of a period of 90 days after the date on which he has so absconded or is so deemed to have absconded or the date on which he left the rehabilitation centre, whichever is the later date, deliver any personal effects or

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article of an inmate in his custody to the Commissioner of the district in which the rehabilitation centre is situated.

(2) The Commissioner shall on receipt of the personal effects or articles mentioned in subregulation (1) sell such personal effects or articles by public auction to the highest bidder and shall pay the proceeds into the Consolidated Revenue Account.

(3) If the Commissioner is unable to sell by public auction the effects or articles mentioned in subregulation (2), such effects or articles shall be destroyed and he shall notify the Superintendent accordingly.

38. (1) If any inmate of a rehabilitation centre dies whilst the Superintendent has in his custody any money, personal effects or article which belonged to the inmate the Superintendent shall deliver such money, personal effects or article, as the case may be, to the Commissioner of the district in which the rehabilitation centre is situated, for disposal in accordance with the statutory provisions relating thereto.

(2) The Superintendent shall furnish the Commissioner referred to in subregulation (1) with all particulars at his disposal in respect of the domicile, next-of-kin, and dependants of the deceased inmate.

CLASSIFICATION AND SEPARATION OF VARIOUS GROUPS OF INMATES

39. There shall be not more than four groups for classification of the inmates of a rehabilitation centre as indicated in Schedule 1.

40. The placing of a specified inmate in or his transfer to a specified group shall be determined by the Superintendent with reference to the nature and degree of his dependence on alcoholic liquor or dependence-producing drugs, his ability to understand and resolve his problems, his reaction to treatment, his co-operation in the treatment programme determined by the Management, his progress in the treatment situation and his rehabilitation potential, and with due regard to the findings and recommendations of the attending physician, psychiatrist or clinical psychologist by whom he was examined or treated.

41. Inmates classified in a specific group shall in so far as practicable be accommodated separate from inmates classified in any other group.

42. Any inmate transferred from a lower group to a higher group shall be entitled to the privileges determined by the Management from time to time in respect of the higher group to which he has been transferred.

MEDICAL EXAMINATION AND TREATMENT OF INMATES

43. The medical examination and treatment of the inmates of a rehabilitation centre shall be performed by the attending physician.

44. Every inmate shall as soon as possible after his admission to a rehabilitation centre be medically examined by the attending physician.

45. The attending physician shall have access to any inmate at any time and may at any time and shall at the request of the Superintendent medically examine any inmate.

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46. If it appears to the Superintendent that any inmate requires medical treatment, he shall bring such inmate as soon as possible before the attending physician for medical examination and treatment.

47. (1) The attending physician who medically examines an inmate, shall record his findings at such examination on a form supplied to him by the Superintendent or a member of the staff of the rehabilitation centre and shall sign that form before he delivers or forwards it to the Superintendent.

(2) Every such form received by the Superintendent shall be kept in the file to be kept by the Superintendent in terms of regulation 32(b) in respect of the inmate concerned.

48. If the attending physician deems it in the interests of any inmate who is indisposed, he may also have the inmate examined by any other medical practitioner or psychiatrist or have the inmate admitted to a hospital for medical treatment or observation.

49. If the attending physician is of opinion that the state of health of any inmate is such that the next-of-kin of the inmate should be informed thereof, he shall communicate his opinion to the Superintendent who shall, if the place of residence of the inmate's next-of-kin is known, notify the said next-of-kin forthwith of the inmate's indisposition.

50. Whenever any inmate dies in a rehabilitation centre or in a hospital to which he has been admitted or at a place where he was detained or employed in terms of the provisions of the Act or of these regulations, the Superintendent shall obtain from the Registrar of Births, Marriages and Deaths a certificate in which the date of the deceased inmate's death and the causes of his death are mentioned and he shall keep such certificate in the file to be kept by him in terms of regulation 32(b) in respect of the deceased inmate.

51. Every inmate detained in a rehabilitation centre immediately before he is, in terms of the provisions of the Act, released on licence or discharged from the provisions of the Act, shall, before he is so released on licence or discharged from the provisions of the Act, be medically examined by the attending physician.

TREATMENT, TRAINING AND CARE OF INMATES

52. (1) Subject to the provisions of section 19 of the Act, every inmate shall be entitled to receive medical, dental and ophthalmological treatment free of charge.

(2) No inmate shall, however, except with the approval of the Secretary, be supplied with more than one set of dentures or one pair of spectacles during his detention in a rehabilitation centre.

53. (1) Every inmate shall from time to time be supplied with such clothing as the Superintendent may, with the approval of the Secretary, deem necessary.

(2) Any clothing so supplied to any inmate, except any clothing specially supplied to him on his release on licence or on his discharge from the provisions of the Act, shall remain the property of the State.

54. Every inmate shall be supplied with three meals per day in accordance with a ration scale determined by the Secretary from time to time: Provided that if the attending physician prescribes a special diet in respect of a specified inmate, such inmate shall, during the period specified by the attending physician, be supplied meals according to the diet so prescribed.

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55. Inmates shall at the place and times determined by the Superintendent be allowed to participate in such sport and recreation and to pursue such hobbies as the Superintendent may in consultation with the Director from time to time determine.

56. If any inmate sustains, during his detention in a rehabilitation centre, any injury, except a minor or negligible injury, the Superintendent shall make the necessary arrangements for the medical treatment of the inmate for such injury and he shall obtain statements from the inmate and, as far as is possible, from eyewitnesses on the circumstances in which the inmate was injured and he shall obtain from the medical practitioner treating the inmate for the injury a report on the nature and extent of the injury.

WORK PERFORMED BY INMATES

57. An inmate shall not, without his consent, be obliged to work more than eight hours per day.

58. If the attending physician certifies that a specified inmate is for reasons of health unable to perform any work whatsoever or any specified work, such inmate shall be exempt from performing such work during the period mentioned in the certificate.

59. No inmate shall be obliged to perform any work for or on behalf of any person other than the State.

60. No inmate shall perform any work for the private purposes of any member of the staff of a rehabilitation centre.

DETENTION OF PERSONS IN TERMS OF SECTION 32 OF THE ACT

61. Any person detained in a rehabilitation centre in terms of the provisions of section 32 of the Act, shall be detained therein as if he were an inmate of the rehabilitation centre concerned and he shall be subject to these regulations and the rules as if he were such an inmate.

FINANCIAL ARRANGEMENTS

62. The rates of the allowances which may be paid to the inmates of a rehabilitation centre in terms of section 45 of the Act and the times when such payments shall be made, shall be as specified in Schedule 1.

63. An allowance which according to Schedule 1 becomes payable to an inmate only on or after his discharge from the provisions of the Act or on or after his release on licence in terms of the Act -

- (a) shall, in the case of an inmate who has for a continuous period of more than three weeks in any month, been too ill to perform any work, be reduced by the amount of 50c for each month wherein he was ill;
- (b) may, in the discretion of the Management of the rehabilitation centre concerned, be paid to any person designated by the Management for administration on behalf of such inmate.

64. (1) Whenever any inmate who has been committed to a rehabilitation centre in terms of section 30(6) of the Act is discharged from the provisions of the Act or is released on

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licence in terms of the said provisions or when his licence is revoked in terms of the said provisions, the cost of his transport from the rehabilitation centre to the place in the Republic, including the Territory of South-West Africa, approved by the Secretary or from the place where he happens to be at the time of such revocation, to the rehabilitation centre, as the case may be, shall be paid from public funds.

(2) Whenever the transport expenses of any inmate are, in terms of subregulation (1), paid out of public funds, the means of his transport and the rate at which such transport shall be effected, shall be specified by the Secretary.

65. (1) Subject to the provisions of subregulation (2), any person admitted to a rehabilitation centre in terms of section 44 of the Act (hereinafter in this regulation referred to as voluntary inmate), shall pay his transport expenses to the rehabilitation centre or from the rehabilitation centre to his home and he shall pay the cost of his maintenance and of the other services rendered to him in the rehabilitation centre (hereinafter in this regulation jointly referred to as maintenance), calculated at the rate of 50c per day for every day he remains in the rehabilitation centre.

(2) If the Secretary is satisfied that a voluntary inmate or his parent or guardian who is legally liable for his maintenance, is unable to pay the transport expenses and maintenance referred to in subregulation (1), he may consent that such transport expenses or maintenance be paid fully or to the extent determined by him in any specified case from public funds.

FINANCIAL GRANTS

66. Any grant made in terms of section 28(1) of the Act, shall be subject to the condition that the Management of the association of persons or institution in respect of which the grant is made, shall -

- (a) keep proper and complete books of account of all its financial transactions;
- (b) furnish the Secretary immediately after the conclusion of every financial year with statements of account, including a balance sheet and a statement of receipts and expenditure for the financial year concerned, duly audited by an auditor registered under the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951);
- (c) furnish the Director at the conclusion of every financial year with a report on the activities of such association of persons or institution, as the case may be, and with the other particulars specified by the Director from time to time.

PRACTISING OF RELIGION BY INMATES AND ACCESS OF MINISTERS OF RELIGION TO INMATES

67. The Director may, after consultation with the Management of a rehabilitation centre, make arrangements for a specified minister of religion or any minister of religion of any denomination specified by the Director to hold divine services for the inmates of the rehabilitation centre or to give religious instruction to such inmates.

68. Such divine services or religious instruction shall be held or given, as the case may be, at such places and times as the Superintendent, may determine.

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69. (1) The Superintendent may, at the request of any inmate, consent to that inmate's being attended to at the time specified by the Superintendent, by any minister of religion specified by such inmate.

(2) If the Superintendent refuses such request, he shall furnish his reasons for the refusal to the inmate concerned in writing and Director and cause a copy thereof to be filed in the file referred to in regulation 32(b).

70. No minister of religion attending a rehabilitation centre shall -

- (a) be entitled to canvass any inmate belonging to a specified denomination for membership of any other denomination;
- (b) without the permission of the Superintendent, convey to any person who is not an inmate of the rehabilitation centre any information given by any inmate of the rehabilitation centre, or convey to any inmate any information given by any person who is not an inmate of the rehabilitation centre.

LEAVE OF ABSENCE

71. Subject to the provisions of the Act and of regulations 72, 73 and 74, the Management of a rehabilitation centre may grant an inmate leave of absence for a period not exceeding 30 days per annum: Provided that any period of absence of leave so granted may be extended for such period not exceeding 30 days as the Management may deem fit if the Management is satisfied that the extension of such leave of absence would be in the interests of the inmate concerned.

72. No leave of absence shall be granted to any inmate in terms of regulation 71, unless the Management is satisfied that such leave of absence will not prejudice or seriously delay the treatment or rehabilitation of the inmate concerned and that suitable arrangements have been made for his accommodation and care during such leave of absence.

73. Any leave of absence granted to an inmate under regulation 71, may be granted on condition that the inmate concerned shall during such leave of absence -

- (a) report at such places and at such times as the Management may specify;
- (b) undergo, at such places and at such times as the Management may specify, such medical or psychiatric or psychological treatment as the Management may determine;
- (c) regularly inform the Superintendent of the rehabilitation centre concerned of the address where he happens to be;
- (d) submit himself to the supervision of a social welfare officer designated by the Superintendent.

74. Any leave of absence granted to an inmate may, for good reasons, be revoked at any time by the Management.

RELEASE ON LICENCE

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75. The Management of a rehabilitation centre may, prior to releasing any inmate of such rehabilitation centre on licence under section 41 of the Act, obtain and consider a social work report from a social welfare officer on the family of the inmate or on the person with whom the inmate will reside during the period he is so released and may in considering the question whether any specified inmate should be so released consider any relevant information which the Management may have at its disposal or may obtain in any manner whatsoever in respect of such inmate.

76. (1) On release of any inmate of a rehabilitation centre on licence in terms of the provisions of section 41 of the Act, the Superintendent of such rehabilitation centre shall issue to the inmate concerned a licence signed by him in which shall be stated -

- (a) the full names of the inmate and the address where he will reside during the period of his release;
- (b) the period of validity of the licence;
- (c) the social welfare officer, society or person under whose supervision he will remain in terms of section 41(2) of the Act; and
- (d) the conditions on which he is being released on licence.

(2) A copy of any licence issued under subregulation (1) shall forthwith be forwarded to the Director and to the office to which the social welfare officer is attached, society or person under whose supervision the inmate remains in terms of section 41(2) of the Act and to such other person or office-bearer specified generally or in a particular case by the Director.

77. The social welfare officer, society or person to whom a copy of the licence has been forwarded in accordance with regulation 76(2) or any social welfare officer requested thereto by the Superintendent, shall furnish the Superintendent, after the expiration of a period of one month after the release of the inmate on licence, with a report on the conduct, progress and welfare and general circumstances of the inmate and on his adjustment to the normal life of the community and shall furnish the Superintendent every six months thereafter during the period of validity of the licence with a further such report on the inmate.

78. If the licence of an inmate who has been released on licence in terms of section 41 of the Act has not been revoked and he has not been discharged from the provisions of the Act after the expiration of a period of 12 months after the date of the making of an order under section 30(6) of the Act in respect of him, the Superintendent of the rehabilitation centre concerned shall report to the Director as contemplated in section 34(2) of the Act.

79. (1) Whenever the licence of any inmate is revoked in terms of section 42 of the Act and he is recalled to the rehabilitation centre, a written notice which purports to have been signed by the Superintendent of the rehabilitation centre and in which the inmate is informed of such revocation and recall shall be delivered or tendered to him by a social welfare officer or a police officer.

(2) A certificate which purports to have been signed by a social welfare officer or a police officer and in which it is stated that such notice has been delivered or tendered to a person referred to in the certificate, shall in any court of law, be prima facie evidence of the particulars mentioned therein.

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80. The Superintendent of a rehabilitation centre shall notify the Director of the date on which any inmate whose licence has been revoked has been readmitted to the rehabilitation centre.

MAINTENANCE OF GOOD ORDER AND DISCIPLINE

81. Every inmate of a rehabilitation centre who -

- (a) obstructs or hinders the Superintendent or any member of the staff of the rehabilitation centre or the attending physician or a psychiatrist or clinical psychologist of the rehabilitation centre in the exercise of his powers or the performance of his functions or duties;
- (b) refuses or fails to carry out any order or direction given by the Superintendent or by any member of the staff of the rehabilitation centre in the exercise of his powers or the performance of his functions or duties under the Act or these regulations or the rules prescribed under regulation 11(1), or to comply therewith;
- (c) in any manner whatsoever, incites, encourages or advises any other inmate to create, cause or participate in any unrest or discontent or to commit any act of insubordination;
- (d) incites or encourages any other inmate to acts of violence or to endanger or interfere with the good order or administration of the rehabilitation centre or who provokes any other inmate or member of the staff of the rehabilitation centre to acts of violence;
- (e) wilfully or by gross negligence damages or destroys any property of the State or of any other inmate or of any member of the staff of the rehabilitation centre or of any other person;
- (f) commits any improper or indecent act;
- (g) uses improper, indecent or abusive language;
- (h) uses or appropriates the property of any other person without such person's consent;
- (i) refuses to have himself or his property searched or prevents or attempts to prevent any member of the staff of the rehabilitation centre from searching him or his property;
- (j) encourages any other inmate to abscond from the rehabilitation centre;
- (k) introduces into the rehabilitation centre or receives therein any alcoholic liquor or any dependence-producing drug or plant from which such dependence-producing drug can be manufactured or any firearm;

[The term "fire-arm" appears with a hyphen elsewhere in these regulations.]

- (l) conducts himself inside or outside the rehabilitation centre in a manner prejudicial to the discipline, good order or administration of the rehabilitation centre;
- (m) attempts to commit any act referred to in paragraph (a), (c), (d), (e), (f), (b), (j) or (k);

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shall be guilty of a contravention of these regulations and on conviction liable -

- (i) in the case of disciplinary steps taken in terms of paragraph (a) of section 47(1) of the Act, to the punishments prescribed by regulation 16; and
- (ii) in the case where he has been brought before a Commissioner's Court in terms of paragraph (b) of the said section to the penalties specified in the last-mentioned paragraph.

82. Any inmate who is alleged to have contravened any of the provisions of the Act or of these regulations or the rules, may, if he is in the rehabilitation centre and the Superintendent so orders, be detained separately from the other inmates of the rehabilitation centre until such time as disciplinary steps can be taken against him in terms of section 47(1)(a) of the Act or until such time as he can be brought before a Commissioner's Court in terms of section 47(1)(b): Provided that such detention shall not exceed a period of five days.

83. If the Superintendent of a rehabilitation centre or any person designated under section 47(1) of the Act is of the opinion that disciplinary steps should be taken against a specified inmate in terms of paragraph (a) of that section, he shall cause the inmate concerned to be brought before him as soon as possible at a place and at a time specified by him in order to enquire into any alleged contravention by the inmate of any of these regulations or of the rules.

84. The Superintendent or person so designated may designate any member of the staff of the rehabilitation centre to lead the evidence at such enquiry and to cross-examine witnesses called by the inmate concerned.

85. On the appearance of the inmate concerned at the enquiry the person designated to lead the evidence at the enquiry or the Superintendent or person presiding at the enquiry shall inform the inmate of the particulars of the contravention alleged to have been committed by him and shall request the inmate to admit or deny that he has committed the alleged contravention, and the Superintendent or person presiding at the enquiry shall record the inmate's admission or denial, as the case may be, in the record of the proceedings at the enquiry.

86. The Superintendent or person presiding at the enquiry may call witnesses to give evidence at the enquiry and may administer an oath to any person giving evidence at the enquiry or accept an affirmation from him and may examine any witness at the enquiry. At the enquiry the statutory provisions on hearsay evidence shall *mutatis mutandis* apply.

87. Any inmate in respect of whom such enquiry is held, shall be entitled to call and examine witnesses and may cross-examine any witness who has been called by the Superintendent or the person presiding at the enquiry and who has given evidence, and the inmate concerned may give evidence himself.

88. (1) The Superintendent or person presiding at the enquiry shall keep a record of the proceedings at the enquiry in one of the official languages.

(2) Such record shall lie for inspection by the inmate concerned and copies thereof may be made by him before such record is forwarded to the clerk of the Commissioner's Court.

89. If the Superintendent or person presiding at the enquiry convicts the inmate of any contravention of these regulations or of the rules, he may caution and discharge him or impose on him any punishment referred to in regulation 16.

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90. (1) If the Superintendent or person presiding at the enquiry convicts the inmate of any contravention of these regulations or of the rules, he shall direct the inmate's attention to the provisions of section 47(2)(a) of the Act and inform him that any written statements or arguments which he may desire to have appended to the record of the proceedings will be forwarded together with such record to the clerk of the Commissioner's Court in terms of those provisions.

(2) The Superintendent or person presiding at the enquiry shall endorse the record of the proceedings to the effect that he has complied with the provisions of subregulation (1).

91. (1) Any person other than an inmate who -

- (a) incites, encourages, advises or assists any inmate to abscond from or leave a rehabilitation centre or to contravene any of these regulations or the rules;
- (b) obstructs or hinders the Superintendent or any member of the staff of a rehabilitation centre in the exercise of his powers or the performance of his functions or duties under the Act or these regulations or the rules;
- (c) harbours or conceals any inmate or hinders or hampers his detection;
- (d) introduces or attempts to introduce any alcoholic liquor or a firearm into a rehabilitation centre;

[The term "fire-arm" appears with a hyphen elsewhere in these regulations.]

- (e) fails to leave a rehabilitation centre immediately after being ordered by the Superintendent or any member of the staff of the rehabilitation centre to do so;

shall be guilty of offence and liable on conviction to a fine not exceeding R100 or imprisonment for three months or both.

(2) For the purposes of regulations 81 to 91 inclusive, "inmate" shall include any person detained in a rehabilitation centre under section 32 of the Act.

POSTPONEMENT OF ORDER UNDER SECTION 31

92. Any order under section 31(1) of the Act whereby the making of an order under section 30(6) of the Act is postponed, shall be made in the form of Form BA 719.

93. Any order made under section 31(1) of the Act, may be made subject to the condition that the person referred to in the order shall -

- (a) undergo the medical, psychiatric or psychological treatment referred to in the order;
- (b) use no alcoholic liquor;
- (c) use no dependence-producing drug, except in so far as it has been prescribed by a medical practitioner in the interests of his health;
- (d) refrain from begging or from squandering his means in the manner referred to in the order or from participating in any manner in betting or gambling;

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- (e) not fail or refuse to provide properly for the maintenance of any person for whose maintenance he is legally liable;
- (f) not lead an idle, dissolute or disorderly life;
- (g) if he is unemployed, take the steps referred to in the order, to obtain employment;
- (h) not terminate or leave his employment or service without notifying in writing, the social welfare officer referred to in the order;
- (i) deliver his earnings or income or any specified portion thereof, at the times and to the person or organisation referred to in the order to be administered on his behalf or on behalf of his family;
- (j) not change his place of residence referred to in the order without notifying in writing the social welfare officer so referred to of the address of his new place of residence.

94. The Commissioner making an order under section 31(1) of the Act, shall forthwith cause a copy thereof to be forwarded to the social welfare officer under whose supervision the person concerned has been placed in terms of that section.

**REGISTRATION AND MANAGEMENT OF
REGISTERED REHABILITATION CENTRES**

95. (1) An application under section 21 of the Act shall be submitted in duplicate on the appropriate Form BA 716, obtainable from the Director, to the Commissioner of the area in which the institution or place of residence concerned is situated or has been or is to be established.

- (2) Such application shall be accompanied by -
 - (a) the constitution of the organisation managing the institution or place of residence;
 - (b) a properly signed certificate of the local authority in whose area the institution or place of residence is situated or has been or is to be established or, where there is no such local authority, the Department of Health to the effect that such institution or place of residence, in the case of an existing institution or place of residence complies with all the structural and health requirements of such local authority or the Department of Health or, in the case of an institution or place of residence which is to be established, that the plans for the erection thereof have been approved by the local authority or the Department of Health;
 - (c) full particulars of any fees levied or to be levied by the Management of such institution or place of residence on the inmates thereof.

96. On receipt of the application the Commissioner shall inspect the institution or place of residence and shall submit the application together with any documents relating thereto and his report and recommendations to the Director.

**REQUIREMENTS WITH WHICH REGISTERED
REHABILITATION CENTRES SHALL COMPLY**

97. Subject to the provisions of the Act and of these regulations, no institution or place of residence shall be registered under section 21 of the Act, unless -

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- (a) the Director is satisfied that proper arrangements have been made or will be made -
 - (i) for the treatment of the inmates of the institution or place of residence by a registered social worker;
 - (ii) for the medical and psychiatric or psychological treatment of such inmates whenever necessary;
 - (iii) for the proper nourishment and physical care of the inmates of the institution or place of residence and for the treatment and training which may be reasonably necessary for their rehabilitation;
 - (b) the floor area of all kitchens and dining rooms of the institution or place of residence is in the aggregate not less than a floor area calculated at 2 square metres per inmate;
 - (c) the floor area of all lounges of the institution or place of residence is in the aggregate not less than a floor area calculated at 1,3 square metres per inmate;
 - (d) the floor area of every single bedroom is not less than 10 square metres;
 - (e) the floor area of every dormitory is not less than a floor area calculated at 7,4 square metres per bed-space unit and the number of bed-space units in every such dormitory does not exceed six;
 - (f) not less than one bathroom, comprising a floor area of not less than 2,5 square metres and equipped with a 1,5-metre bath or a shower which is connected to a permanent supply of hot and cold water, is provided for every seven of the male and for every seven of the female inmates thereof;
 - (g) not less than one water-closet is provided for every seven of the male and for every seven of the females inmates;
- [The word "females" should be "female".]**
- (h) not less than one urinal is provided for the male residents;
 - (i) not less than one sluice room, equipped with a slop hopper, is provided;
 - (j) in the case of an institution or place of residence accommodating not less than 25 inmates, a separate sick bay comprising not less than two bed-space units occupying a floor area of not less than 7,4 square metres each, is provided for the males as well as for the female residents;
 - (k) provision is made for a medical examination room comprising a floor area of not less than 10 square metres, and equipped with a wash-hand-basin which, on the outside, is not less than 500 millimetres by 300 millimetres and which is connected to a permanent supply of hot and cold water;
 - (l) a library or reading-room with a floor area of not less than 10 square metres.

98. (1) If the Director in considering any application for the registration of an institution or place of residence established before the commencement of these regulations is of

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the opinion that such institution or place of residence does not comply with all the provisions of paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i) of regulation 97 but that the institution or place of residence is reasonably suitable for the accommodation of the inmates, he may, in his discretion and subject to such conditions as he may determine, grant the application for the registration of the institution or place of residence in terms of section 21 of the Act.

(2) The Director may in his discretion and on such conditions as he may deem fit, exempt an applicant for the registration under section 21 of the Act of an institution or place of residence from any or all of the provisions of subparagraph (i) or (ii) of regulation 97(a).

99. When the Director grants an application for the registration of an institution or place of residence in terms of section 21(3) of the Act, he shall issue to the applicant a registration certificate in the form of Form BA 716 in which the conditions imposed in connection with the registration of the institution shall be specified.

100. A temporary registration certificate in terms of section 21(4) of the Act shall be issued in the form of Form BA 718 and signed by the Director and shall contain the conditions imposed in connection therewith.

101. The Director may issue a registration certificate in terms of regulation 99 or a temporary registration certificate in terms of regulation 100 subject to the condition that a social welfare officer designated by him shall attend all meetings or such meetings of the Management of the institution or place of residence concerned as he may determine.

102. The Management of a registered rehabilitation centre or of an institution or place of residence in respect of which a temporary registration certificate has been issued in terms of section 21(4) of the Act, shall keep proper books of account in which all the financial transactions and the assets and liabilities of the rehabilitation centre or of the institution or place of residence, as the case may be, shall be fully recorded.

103. (1) The provisions of regulations 9, 11, 12, 17, 20, 21, 22, 23, 32 up to and including 38, 43 up to and including 52(1), 53 up to and including 58, 60, 61, 66, 67, 70 and 71 up to and including 91, shall *mutatis mutandis* apply in respect of registered rehabilitation centres, the persons who have been or are admitted thereto, and the managements and staff of registered rehabilitation centres: Provided that the provisions of regulations 81 up to and including 90 shall not so apply in respect of any person admitted to a registered rehabilitation centre otherwise than in terms of an order made under section 30(6) of the Act.

(2) For the purposes of the provisions of subregulation (1) any reference in the regulations referred to therein, to -

- (a) “the Superintendent” shall be construed as a reference to the person at the head of a registered rehabilitation centre;
- (b) “any property of the State” shall be construed as a reference to any property of a registered rehabilitation centre;
- (c) “the attending physician” shall be construed as a reference to the medical practitioner responsible for the medical care of the persons admitted to a registered rehabilitation centre;
- (d) “the Director” in regulation 67 shall be construed as a reference to the person at the head of a registered rehabilitation centre;

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- (e) “inmate” shall be construed as a patient of a registered rehabilitation centre;
- (f) “social welfare officer”, except in the case of regulations 76(1)(c), 76(2) and 77, shall be construed as a reference to a registered social worker.

RETURNS AND REPORTS TO BE FURNISHED BY THE
MANAGEMENT OF A REGISTERED REHABILITATION CENTRE

104. (1) The Management of a registered rehabilitation centre or of an institution or place of residence in respect of which a temporary registration certificate has been issued in terms of section 21(4) of the Act, shall furnish the Director -

- (a) as soon as may be after the conclusion of every financial year with audited statements of account, including a balance sheet and a statement of receipts and expenditure, in respect of such registered rehabilitation centre, institution or place of residence for the financial year concerned;
- (b) at such times as the Director may specify, with such statistics relating to such registered rehabilitation centre, institution or place of residence or the inmates thereof as the Director may determine;
- (c) at such times as the Director may specify, with such reports and particulars relating to such registered rehabilitation centre, institution or place of residence or the inmates thereof as the Director may determine.

(2) Whenever an inmate of a registered rehabilitation centre is transferred in terms of section 35 of the Act to a rehabilitation centre or other registered rehabilitation centre or is retransferred in terms of section 39 of the Act to a children’s home or reform school, the Management of the first-mentioned registered rehabilitation centre shall furnish the Management or person in charge or the institution to which the inmate is transferred or retransferred and the Director with a full report on the treatment and training which such inmate has received or undergone in the first-mentioned registered rehabilitation centre and on the progress made by him in such registered rehabilitation centre.

REGISTRATION OF HOSTELS

105. (1) An application under section 24(2) of the Act shall be submitted in duplicate on the appropriate Form BA 717, obtainable from the Director, to the Commissioner of the area in which the institution or place of residence concerned is situated or is to be established.

- (2) Such application shall be accompanied by -
 - (a) the constitution of the organisation managing the institution or place of residence;
 - (b) a properly signed certificate of the local authority in whose area the institution or place of residence is situated or is to be established or, where there is no local authority, the Department of Health, to the effect that such institution or place of residence, in the case of an existing institution or place of residence, complies with all the structural and health requirements of such local authority or the Department of Health or, in the case of an institution or place of residence which is to be established, that the plans for the erection thereof have been approved by the local authority or the Department of Health;

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- (c) full particulars of any fees levied or to be levied by the Management of such institution or place of residence on the inmates thereof.

106. On receipt of the application by the Commissioner, he shall cause the institution or place of residence to be inspected by a social welfare officer and shall submit the application together with any documents relating thereto and his report and recommendations to the Director.

107. (1) The registration certificate referred to in section 24(2) of the Act shall be issued in the form of Form BA 717.

(2) Such registration certificate may be issued subject to the condition that a social welfare officer designated by the Director shall attend all the meetings or such meetings of the Management of the hostel concerned as the Director may determine.

108. The Management of every registered hostel shall furnish the Director -

- (a) annually within six months of the close of the financial year of the registered hostel with a report on its activities, as well as audited statements of account, including a balance sheet and a statement of receipts and expenditure, in respect of the registered hostel, for the financial year concerned;
- (b) with such statistics relating to such hostel or the persons admitted thereto as the Director may determine;
- (c) at such times as the Director may specify, with the reports and particulars relating to such registered hostel or the persons admitted thereto as the Director may determine.

109. (1) The Management of a registered hostel may prescribe rules relating to -

- (a) the mealtimes, refreshment times and bedtimes of the persons admitted thereto;
- (b) the conduct of such persons;
- (c) the dress, tidiness and personal hygiene of such persons;
- (d) the places within such registered hostel, which may not be visited by such persons without the consent of the person in charge of the registered hostel;
- (e) the times and conditions on which such persons may be visited in the registered hostel by members of their family or friends;
- (f) the keeping and use in the registered hostel of radio sets by such persons;
- (g) the tidying and keeping tidy of sleeping quarters, beds, wardrobes, bathrooms and toilets;
- (h) the conditions on which persons may be admitted to and remain in the registered hostel.

(2) Rules prescribed under subregulation (1) shall be promulgated *mutatis mutandis* in the manner prescribed by regulation 12.

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(3) Any rules prescribed under subregulation (1) may at any time be amended or revoked by the Management of the registered hostel concerned.

APPLICATION OF REGULATIONS IN SOUTH-WEST AFRICA
 AND DATE OF COMMENCEMENT

110. These regulations shall also apply in the Territory of South-West Africa, including Eastern Caprivi.

SCHEDULES

To view content without printing, scroll down.

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Schedules

FIRST SCHEDULE

RATES OF ALLOWANCES PAYABLE IN TERMS OF SECTION 45 OF THE ACT

Category	Amount which shall, subject to the provisions of regulations 66 (2) and 67, be paid monthly direct to inmates	Amounts which shall, subject to the provisions of regulations 66 (2) and 67, be allocated monthly to inmates in respect of a period not exceeding 18 months and which shall be paid to inmates only on or after discharge or release on licence	
		Inmates with dependants	Inmates without dependants
A	R 5,00	R 10,00	R 2,50
B	4,25	10,00	2,50
C	3,75	10,00	2,50
D	3,00	10,00	2,50

REGULATIONS
Abuse of Dependence-Producing Substances and Rehabilitation Centres Act 41 of 1971
Regulations in respect of Blacks

SECOND SCHEDULE

Form 1

**ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
 REHABILITATION CENTRES ACT, 1971 (ACT 41 OF 1971)**
ORDER OF COURT

Magistrate's Court _____
 In the matter of an enquiry held in respect of _____

 (full name of person)
 born on the _____ day of _____, 19____
 Before magistrate _____
 on the _____ day of _____, 19____
 Having heard _____ and
 having considered other evidence adduced and the report of the
 Social Welfare Officer, _____ (place),
 and it having appeared that the said person is such a person as is
 described in section 30 (6) and that he should receive treatment
 and training in an institution;
 Now, therefore, it is ordered that the said _____
 be detained in _____

 (name of rehabilitation centre or registered rehabili-
 tation centre)
 Dated at _____
 this _____ day of _____, 19____

 Magistrate

Form 2

**ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
 REHABILITATION CENTRES ACT, 1971 (ACT 41 OF 1971)**
**CERTIFICATE OF REGISTRATION OF REHABILITATION
 CENTRE**

Whereas the management of _____

 (name and address of rehabilitation centre)
 of postal address _____
 has applied for the registration thereof in terms of section 21 (2)
 of the Abuse of Dependence-producing Substances and Rehabil-
 itation Centres Act, 1971;
 And whereas it appears that the said institution/place of residence
 is so managed and conducted that it is suitable for the reception,
 maintenance, treatment and training of persons referred thereto
 in terms of the Act;
 Now, therefore, I, the undersigned, acting by virtue of the powers
 vested in me by section 21 (3) of the Act, hereby register the said
 institution/place of residence in terms of the said section and subject
 to the following conditions:

 Given under my hand at _____
 this _____ day of _____, 19____

 Director of Rehabilitation
 Services

Form 3

**ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
 REHABILITATION CENTRES ACT, 1971 (ACT 41 OF 1971)**
CERTIFICATE OF REGISTRATION OF A HOSTEL

Whereas the management of _____

 (name and address of hostel)
 postal address _____
 has applied for the registration of the said hostel in terms of section
 24 of the Abuse of Dependence-producing Substances and Rehabil-
 itation Centres Act, 1971;
 And whereas it appears that the said hostel is intended to provide
 a home for the persons referred to in section 23 (1), and is suitable
 therefor;
 Now, therefore, I, the undersigned, acting by virtue of the powers
 vested in me by section 24 (2) of the Act, hereby register the said
 hostel in terms of the said section and subject to the following condi-
 tions:

 Given under my hand at _____
 this _____ day of _____, 19____

 Director of Rehabilitation
 Services

REGULATIONS
Abuse of Dependence-Producing Substances and Rehabilitation Centres Act 41 of 1971
Regulations in respect of Blacks

Form 4

**ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
REHABILITATION CENTRES ACT, 1971 (ACT 41 OF 1971)**
**TEMPORARY CERTIFICATE OF REGISTRATION OF INSTI-
TUTION OR PLACE OF RESIDENCE**

Issued to _____

It is hereby certified that the institution or place of residence known
under the name of _____,

and situated at _____,

has today been registered under the said name and subject to the
following conditions, in terms of section 21 (4) of the Abuse of Depen-
dence-producing Substances and Rehabilitation Centres Act, 1971,
for the period ending on the _____, 19____
day of _____,

Conditions: _____

Given under my hand at _____,
this _____ day of _____,
19____

Director of Rehabilitation
Services

Form 5

**ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
REHABILITATION CENTRES ACT, 1971 (ACT 41 OF 1971)**
POSTPONEMENT OF ORDER

Magistrate's Court _____

In the matter of an enquiry held in respect of _____

(full name of person)

born on the _____ day of _____, 19____

Before magistrate _____

on the _____ day of _____, 19____,

having heard _____,

and having considered other evidence adduced and the report of the
Social Welfare Officer _____ (place),
and it having appeared that the said person is such a person as is
described in section 30 (6) and that he should receive treatment;

Now, therefore, the making of an order in respect of the said

is postponed in terms of section 31 for a period of _____

(months or years) from _____,

subject to the following conditions:

(a) he shall submit himself to supervision by the Social Welfare
Officer at _____ (place);

(b) he shall comply with the following requirements: _____

Given under my hand at _____,
this _____ day of _____, 19____

Magistrate