



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS MADE IN TERMS OF

**Ordinance for the Prevention and Combating of  
Alcoholism and Anti-Social Conduct 11 of 1965**  
section 25

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**General Regulations**

Government Notice 182 of 1965

(OG 2670)

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[The individual regulations do not have headings,  
but are grouped under chapter headings.]

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DEFINITIONS.

1. In these regulations -
  - (a) unless the context indicates otherwise, any expression to which a meaning has been assigned by section *one* of the ordinance, shall bear that meaning, and
    - (i) “Administrator” means the Administrator of South West Africa;
    - (ii) “section” means a section of the ordinance;
    - (iii) “the ordinance” means the Ordinance for the Prevention and Combating of Alcoholism and Anti-social Conduct, 1965;
    - (iv) “certified copy” when used in relation to the records of any proceedings in a court or any document forming part of such records, or any document or record retained in terms of and for the purposes of the ordinance or these regulations by any officer of a department of state, means a copy certified to be a true and correct copy of such record or document by a magistrate presiding in, or the clerk of, such court or by the officer having official custody of such record or document, as the case may be;
    - (v) “chief social welfare officer” means the officer who is in charge of the Social Welfare Branch of the Administration of South West Africa;
    - (vi) “Secretary” means the Secretary for South West Africa;

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- (b) any reference to any form bearing a stated number, is a reference to the form bearing that number appearing in the schedule to these regulations, or a form substantially corresponding to that form.

CHAPTER I.

CERTIFICATION AND MANAGEMENT OF CERTIFIED RETREATS.

2. (1) An application by the management of an institution for the certification thereof as a retreat under section *three* shall be lodged with the chief social welfare officer in a form approved by the Secretary.

- (2) The application shall be accompanied by the constitution of the institution.

3. On receipt of the application the chief social welfare officer shall inspect the institution and transmit the application together with his report and recommendation to the Secretary who shall submit it to the Administrator, and the Administrator may grant the management a certificate in the form of form 1 subject to the conditions he deems necessary.

4. The Administrator may designate an officer of the Administration to attend meetings of the management of a certified retreat in an advisory capacity.

5. The conditions and other provisions of a certificate granted by the Administrator to a retreat may from time to time be varied by the Administrator with the consent of the management: Provided that nothing in these regulations shall be interpreted as a limitation of the powers granted to the Administrator under sub-section (2) of section *three* to withdraw any certificate or the management's right to surrender it.

6. The management shall cause a register to be kept of all inmates admitted to the certified retreat, in which the date of admission of every inmate, his full name, race and sex, the date of his birth, his usual place of residence immediately before his admission, the names and addresses of his next of kin, the dates of expiry of his term of detention and further supervision, the order or authorisation for his admission granted under the ordinance and a record of his release on licence, discharge, transfer or readmission shall be entered.

7. The management shall further, in respect of every inmate admitted to the retreat cause a personal file to be kept which shall contain the following:-

- (a) all documents in connection with the inmate received at the time of his admission;
- (b) a report on his home and environment received by the management;
- (c) A report on a physical, psychiatric or psychological examination of the inmate and the report of any treatment given;

**[The first word in paragraph (c) should not be capitalised.]**

- (d) the social report on an inmate while in the retreat including particulars of breaches of discipline and of any punishments inflicted;
- (e) other information received by the management relevant to the study and treatment of the inmate.

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**8.** If an inmate is transferred to a retreat or rehabilitation centre in terms of sub-section (1) of section *thirteen*, the personal file kept under regulation 7 in respect of the inmate shall be transferred to that retreat or rehabilitation centre, as the case may be.

**9.** The management shall cause proper books of account to be kept which shall indicate accurately -

- (a) all amounts of money received and the value of each receipt in kind and the date and source thereof;
- (b) all disbursements with the date of payment, name of receiver and the nature of the consideration received for each disbursement;
- (c) the value of the assets of the retreat, duly classified, e.g. land, buildings, furniture, equipment, recoverable debts;
- (d) the amount of liabilities indicating the amount owing to every creditor and his name and the cause of the debt;
- (e) any other particulars which the Secretary may determine.

**10.** The management of a certified retreat shall, with the approval of the Secretary, frame domestic rules with reference *inter alia* to -

- (a) the practising by inmates of their religion;
- (b) the right of access of inmates to the management and *vice versa*;
- (c) visitors' access to inmates;
- (d) bringing of intoxicating liquor, drugs or any other article into the institution;
- (e) the work to be performed by inmates and the hours of work;
- (f) the classification of inmates;
- (g) the care, treatment and training of inmates;
- (h) the maintenance of discipline and order in the institution;
- (i) the functions and duties of the staff of the institution.

**11.** The management shall furnish to the Secretary on forms approved by him, statistical returns for any period which the Secretary may determine of inmates living in, entering and leaving the certified retreat, with particulars in respect of age, sex and race, manner and cause of departure, destination and such other particulars as the Secretary may reasonably require, and returns of equipment and staff accommodation.

**12.** The management shall furnish annually to the Secretary within three months of the close of its financial year a report on its activities, as well as audited statements of account for the year, including a balance sheet and a statement of revenue and expenditure framed in such manner as the Secretary may determine.

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CHAPTER II.

APPROVAL OF HOSTELS.

**13.** (1) An application by the management of a hostel for approval thereof in terms of section *five* shall be lodged with the chief social welfare officer in a form approved by the Secretary.

(2) The application shall be accompanied by the constitution of the hostel.

**14.** On receipt of the application the chief social welfare officer shall inspect the hostel and transmit the application together with his report and recommendation to the Secretary who shall submit it to the Administrator, and the Administrator may, subject to such conditions as he may deem desirable, grant a certificate in the form of form 2.

**15.** The Administrator may designate an officer of the Administration to attend meetings of the management of an approved hostel in an advisory capacity.

**16.** The conditions and other provisions of a certificate granted by the Administrator to an approved hostel may from time to time be varied by the Administrator.

**17.** The management shall furnish annually to the Secretary within three months of the close of its financial year a report on its activities as well as audited statements of account for the year including a balance sheet and a statement of revenue and expenditure framed in such manner as the Secretary may determine.

**18.** The management shall furnish to the Secretary on forms approved by him statistical returns for a year or any period which the Secretary may determine of inmates living in, entering and leaving, the hostel with particulars in respect of age, sex and race, manner and cause of departure, destination and such other particulars as the Secretary may reasonably require.

**19.** The management of an approved hostel shall, with the approval of the Secretary, frame domestic rules.

CHAPTER III.

FINANCIAL AID TO ASSOCIATIONS.

**20.** An application for a grant under sub-section (1) of section *six* shall, in a form approved by the Secretary, be lodged with the chief social welfare officer, who shall after an investigation, transmit it together with his report and recommendation to the Secretary for submission to the Administrator.

**21.** Any grant to an association of persons referred to in sub-section (1) of section *six* shall be made subject to such conditions as the Administrator may determine.

**22.** The association shall furnish annually to the Secretary within three months of the close of its financial year audited statements of account for the year, including a balance sheet and a statement of revenue and expenditure framed in such manner as the Secretary may determine.

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

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23. A report on the activities of the association shall be submitted to the Secretary once every year on a date determined by him.

CHAPTER IV.

COMMITTAL AND ADMISSION OF PERSONS TO CERTIFIED RETREATS,  
RETREATS AND REHABILITATION CENTRES.

24. If at the conclusion and as a result of an enquiry held under section *eight* a magistrate is satisfied that a person should be sent to a certified retreat, he shall make an order in the form of form 3 for the admission of such person in a certified retreat designated by him and shall make arrangements for the removal of the person to the institution concerned: Provided that before making an order for the admission of a person to a certified retreat the magistrate shall satisfy himself that there is a vacancy in the institution concerned.

25. (1) If at the conclusion and as a result of an enquiry held under section *eight* a magistrate is satisfied that a person should be sent to a retreat or rehabilitation centre, he shall send to the Secretary a certified copy of the records of the proceedings at the enquiry together with any other relevant documents.

(2) After the Secretary has satisfied himself that there is a vacancy in a suitable retreat or rehabilitation centre and that the provisions of the agreement referred to in sub-section (1) of section *twenty-three* have been complied with, he shall in terms of sub-section (2) of the said section authorise the removal of the person concerned to the retreat or rehabilitation centre concerned and he shall forthwith send the authorisation in the form of form 4 to the magistrate concerned.

(3) On receipt of the authorisation from the Secretary the magistrate shall make an order in the form of form 3 for the admission of such person to the retreat or rehabilitation centre mentioned in the said authorisation and make arrangements for the removal of such person to the retreat or rehabilitation centre concerned.

(4) If the Secretary is for any good reason unable to authorise the removal of a person to a retreat or rehabilitation centre, he shall inform the magistrate concerned of such fact and the magistrate may order that such person be detained in a certified retreat or may act in terms of section *nine*.

26. (1) The magistrate who has made an order in terms of section *eight* shall cause to be transmitted to the management of the certified retreat concerned, or to the superintendent of the retreat or rehabilitation centre concerned, as the case may be, the following documents in respect of such person:-

- (a) a certified copy of the record of the proceedings at the enquiry, including any other relevant documents;
- (b) a certified copy of the medical certificate of the person, if any (on the form approved by the Secretary);
- (c) a certified copy of the report by the social welfare officer and any other reports on the person, submitted to him;
- (d) a copy of the order made by him.

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(2) On receipt of the document referred to in subregulation (1) the management of a certified retreat shall submit a personal report on the person concerned to the Secretary in a form approved by the Secretary.

CHAPTER V.

LEAVE, LICENSING AND DISCHARGE OF INMATES OF  
CERTIFIED RETREATS. GRANTING OF LEAVE.

**27.** (1) The management of a certified retreat may grant to any inmate, including a voluntary inmate, leave of absence for periods not exceeding fourteen days (which may be extended in special circumstances only by a period not exceeding fourteen days) subject to such conditions as it may deem necessary in addition to the conditions set out below, if the management is satisfied that special circumstances exist which make it imperative or at least highly desirable that such leave of absence be granted.

(2) Before granting leave of absence to any inmate the management shall obtain from a social welfare officer a written report on the home conditions and general way of living of the person in the home or place in which the inmate will stay during his leave of absence and satisfy itself that the home or place in which the inmate is to stay during his absence on leave is suitable for that purpose and that nothing detrimental to the general welfare of the inmate will result from the granting of such leave.

(3) The social welfare officer shall submit his report through the chief social welfare officer to the management and in such report shall make specific recommendations as to whether or not leave of absence should be granted.

(4) Where in a case of urgency it is not deemed to be in the interests of the inmate to await a written report from a social welfare officer, the management may request the social welfare officer to submit an oral or telegraphic report, provided such report is subsequently confirmed by a written report, or may grant such urgent leave.

(5) The management shall keep a separate record of every inmate granted leave of absence and enter therein such particulars as the management may consider necessary.

**28.** (1) The management may at any time on good cause shown of its own accord revoke the leave of absence granted by it to an inmate and instruct the inmate to return to the certified retreat without delay. The management shall by registered post give notice of the revocation and the instruction to return to the inmate at his last-known address or shall cause such notice to be served by a social welfare officer or a police officer.

(2) A copy of the notice referred to in sub-regulation (1) shall be sent to the chief social welfare officer.

(3) If any inmate fails, on the expiry or revocation of leave of absence, to return to the institution concerned the management shall notify the chief social welfare officer thereof.

RELEASE ON LICENCE.

**29.** (1) No inmate of a certified retreat may be released on licence until at least twelve months after the order has been made in terms of section *eight* committing him to a certified retreat: Provided that, for special reasons and subject to the prior approval of the Administrator, the management may release an inmate on licence before the expiry of the said period.

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(2) Before considering the release of an inmate on licence, the management shall obtain from a social welfare officer a written report on the home conditions and general way of living of the persons in the home in which the inmate will stay during his release on licence. If the inmate has no home to which he can go on his release, the report shall state whether other suitable accommodation can be found for him. The report shall also state whether employment is available or can be found for the inmate and shall give details of such employment. The report shall give any other information as may be required by the management or deemed necessary by the social welfare officer.

(3) A social welfare officer shall submit his report through the chief social welfare officer to the management and in such report shall make specific recommendations as to whether or not the inmate should be released on licence and shall give reasons in support of such recommendations.

(4) In addition to the report referred to in sub-regulation (2) the management shall obtain -

- (a) a written report from the medical practitioner charged with the general medical care of the inmates;
- (b) an oral or written report on the progress and conduct of the inmate concerned for the period during which he stayed in the certified retreat; and
- (c) if deemed necessary, any other report or reports from a psychiatrist, visiting chaplain or any other person.

(5) Before recommending to the Administrator that an inmate be released on licence the management shall satisfy itself that, in the light of the reports and other information placed before it, the release of the inmate will be in his interests and those of the community.

(6) A licence granted by a management shall be in a form approved by the Secretary and shall be made out in quadruplicate. The management shall keep one copy and shall transmit one copy to the inmate and two to the chief social welfare officer. The licence shall be transmitted to the chief social welfare officer at least seven days before the inmate is released.

(7) When the management requests a social welfare officer to submit a report in terms of sub-regulation (2), a progress report in respect of the inmate shall accompany such request.

**30.** The chief social welfare officer shall submit a report on the conduct, progress and well-being of the inmate to the management of the certified retreat from which the inmate has been released on licence one month after such release and thereafter at least once every six months during the period the inmate is under his supervision.

**31.** (1) The chief social welfare officer may at any time on good cause shown recommend to the management of a certified retreat that an inmate's licence be revoked.

(2) The management shall in terms of section *sixteen* and in a form approved by the Secretary by registered post give notice to the inmate of the revocation of a licence and the order to return or shall cause such notice to be served upon the inmate by a social welfare officer or a police officer. One copy of such notice shall be sent to the chief social welfare officer.

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(3) In calculating the period of detention of an inmate in terms of section *twelve* the period which elapsed between the date of revocation of his licence and the date on which he was readmitted to the institution shall not be deemed to be part of his period of detention.

(4) The management of the institution concerned shall notify the Secretary of the readmission of an inmate to the institution.

**32.** The management shall keep a record of every inmate released on licence, in which shall be entered such details as the management may determine.

**33.** (1) The expenditure incurred in transferring the inmate from the certified retreat to the place where he is to reside while released on licence shall be borne by the State: Provided that the Secretary shall determine what means of transport shall be made available to the inmate.

(2) If the magistrate or the chief social welfare officer considers that the payment of the cost by an inmate whose licence has been revoked of the return to the institution to which he is recalled will be the cause of hardship, the cost may be borne by the State: Provided that the Secretary shall determine what means of transport shall be made available to the inmate.

DISCHARGE OF INMATES FROM THE PROVISIONS OF THE ORDINANCE.

**34.** (1) The management of a certified retreat may at any time before the expiry of the period of detention of any inmate other than a voluntary inmate, or of the period for which he was released on licence, recommend to the Administrator that the inmate be discharged from the provisions of the ordinance, and shall state full reasons therefor.

(2) The expenditure incurred in returning the inmate so discharged to his home shall be borne by the State subject to the proviso to sub-regulation (1) of regulation 33.

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

(3) The management shall keep a record of every inmate discharged from the provisions of the ordinance, in which shall be entered such details as the management may determine.

CHAPTER V.

ABSCONDERS FROM CERTIFIED RETREATS, RETREATS  
AND REHABILITATION CENTRES.

[This Chapter is incorrectly numbered in the *Official Gazette*; it should be Chapter VI.]

**35.** In calculating the period of detention of an inmate in terms of section *twelve* the period which elapsed between the date on which the inmate absconded or is deemed to have absconded from a certified retreat and the date of his readmission to the institution concerned shall not be deemed to be part of his period of detention.

**36.** On receipt of a report referred to in paragraph (c) of sub-section (6) of section *seventeen* the Secretary shall study its contents and shall send it together with such remarks and a recommendation as he may deem fit, but which shall not be contrary to the provisions of the agreement mentioned in sub-section (1) of section *twenty-three*, to the head of the state department of the Republic of South Africa charged with the application of the Retreats and Rehabilitation Centres Act, 1963 (Act 86 of 1963) in so far as it applies to the inmate concerned for submission to the minister concerned.

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CHAPTER VI.

VOLUNTARY INMATES OF CERTIFIED RETREATS.

**[This Chapter is incorrectly numbered in the *Official Gazette*; it should be Chapter VII.]**

37. Authority in terms of sub-section (4) of section *eighteen* for the admission of a person to a certified retreat designated by the magistrate shall be granted in the form of form 5.

38. The magistrate who has granted the said authority in terms of section *eighteen* shall cause the following documents to be transmitted to the management of the certified retreat concerned:-

- (a) a certified copy of the applicant's application for admission to a certified retreat together with a copy of the minutes of the proceedings;
- (b) a certified copy of any reports submitted to him in respect of the applicant;
- (c) two copies of the authority granted by him in the form of form 5.

(2) On receipt of the documents mentioned in sub-regulation (1) the management shall transmit a personal report on the person concerned in a form approved by the Secretary, together with a copy of the authority mentioned in paragraph (c) of sub-regulation (1) to the chief social welfare officer.

39. (1) A voluntary inmate of a certified retreat shall bear the expenditure incurred in transporting him to and from the institution concerned as well as fees payable for his maintenance and other services rendered to him: Provided that if the chief social welfare officer certifies that the payment of such expenditure will cause undue hardship the expenditure may be borne partly or in full by the State, subject to the provisions of sub-regulation (2).

(2) The amount which may be contributed or paid from State funds in respect of the maintenance or other services rendered to a voluntary inmate shall be determined by the Treasury.

40. While any person is a voluntary inmate of a certified retreat he shall be subject to all the relevant rules and regulations governing the administration of such institution.

CHAPTER VII.

CARE OF PERSONS DETAINED IN CERTIFIED RETREATS OR  
APPROVED HOSTELS IN TERMS OF SECTION *TEN*.

**[This Chapter is incorrectly numbered in the *Official Gazette*; it should be Chapter VIII.]**

41. (1) A person detained temporarily in a certified retreat or approved hostel in terms of section *ten* shall be issued with such articles of clothing as the management deems necessary for him to be properly clothed from funds made available for the purpose under sub-section (1) of section *six*.

(2) Any articles of clothing issued under sub-regulation (1) shall remain the property of the management: Provided that if, after an enquiry in terms of section *eight*, any person is discharged or committed to an institution other than the certified retreat or approved hostel in

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which he has been detained, he may be allowed to retain free of charge the articles of clothing which are necessary for him to be properly clothed.

42. Proper provision shall be made for the physical and mental care of persons detained temporarily.

43. Persons detained temporarily shall, unless prevented by illness, perform such duties as the management may determine.

44. The regulations applying to inmates in respect of visitors shall *mutatis mutandis* apply to persons detained temporarily.

45. The regulations applying to inmates in respect of the maintenance of good order and discipline in a certified retreat or approved hostel shall *mutatis mutandis* apply to persons detained temporarily therein.

46. The proviso to regulation 24 shall *mutatis mutandis* apply to persons temporarily detained in a certified retreat or approved hostel.

CHAPTER VIII.

POSTPONEMENT OF ORDER IN TERMS OF SECTION *NINE*.

**[This Chapter is incorrectly numbered in the *Official Gazette*; it should be Chapter IX.]**

47. (1) An order under sub-section (1) of section *nine* postponing the making of an order under sub-section (6) of section *eight* shall be made in the form of form 5.

(2) The magistrate who has made an order under sub-section (1) of section *nine* may order that the person concerned shall comply with any one or more of the following requirements as the magistrate may determine -

- (a) that he shall report to the social welfare officer designated in the order forthwith and thereafter at such times and places as the social welfare officer may determine;
- (b) that he shall co-operate with the social welfare officer at all times and report on his progress at such times as the social welfare officer may determine;
- (c) that he shall refrain from the use of intoxicating liquor, dagga or any other drugs;
- (d) that he shall find employment or work regularly and that he shall not lose or change his work in an irresponsible or rash manner;
- (e) that he shall submit to medical, psychiatric or psychological treatment or any other necessary treatment;
- (f) that he shall use his earnings or income to the advantage, and for the proper maintenance, of himself and his dependants;
- (g) that he shall hand over for administration the whole of his earnings or income or any part thereof to a particular welfare organisation or a competent person designated by the magistrate;

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- (h) that he shall reside in a place designated by the magistrate;
- (i) that he shall not associate with criminals or personse who are known to have a bad reputation;

[The word “persons” is misspelt in the *Official Gazette*, as reproduced above.]

- (j) that he shall not change his address without the prior approval of the social welfare officer.

(3) The requirements which have to be complied with under sub-regulation (2) shall be part of the order and shall be fully set out in an annexure thereto and may at any time be varied, extended or cancelled by a magistrate after he has obtained a report from a social welfare officer.

**48.** When the making of an order under sub-section (1) of section *nine* has been postponed the magistrate shall forward a copy of the documents mentioned in sub-regulation (1) of regulation 26 to the chief social welfare officer.