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31 DESEMBER

[No. 1326.

GOVERNMENT NOTICE.

DEPARTMENT OF PRISONS.

No. R. 2080.] [31 December 1965.

REGULATIONS IN TERMS OF THE PRISONS ACT,
1959 (ACT No. 8 OF 1959), AS AMENDED.

The State President has been pleased, under the powers vested in him by section *ninety-four* of the Prisons Act, 1959 (Act No. 8 of 1959), as amended, to repeal the Regulations promulgated under Government Notices No. 207 of the 18th February, 1916, No. 871 of the 1st May, 1953, and No. 1352 of the 28th August, 1959, as amended, from time to time, and to make the new Regulations as contained in the Schedule hereto.

SCHEDULE.

CONSOLIDATION AND SUBSTITUTION OF THE
REGULATIONS IN TERMS OF SECTION
NINETY-FOUR OF THE PRISONS ACT, 1959
(ACT No. 8 OF 1959), AS AMENDED, FOR THE
ADMINISTRATION OF PRISONS DEPART-
MENT OF THE REPUBLIC OF SOUTH AFRICA.

PRELIMINARY PROVISIONS.

DEFINITIONS.

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

- (i) "accommodation" means lodging, bedding, meals, liquid refreshment and laundering, excluding alcoholic liquor and dry cleaning, or any combination of these items; (v)
- (ii) "calendar month" means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month, both days inclusive; (ix)
- (iii) "command" means the territory under the control of a commanding officer and may consist of more than one prison and office; (x)
- (iv) "commanding officer" means any commissioned officer appointed as such with command over all the members on the establishment of a command or office or who are attached thereto for duty or discipline and all special warders in the command or office; (ii)
- (v) "cycle" means a period of three years reckoned from the 1st of January, 1959, and each succeeding period of three years; (xxiii)

GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN GEVANGENISSE.

No. R. 2080.] [31 Desember 1965.

REGULASIES KRAGTENS DIE WET OP GEVANGENISSE, 1959 (WET NO. 8 VAN 1959), SOOS GEWYSIG.

Dit het die Staatspresident behaag om, kragtens die bevoegdheid hom verleen by artikel *vier-en-negentig* van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), soos gewysig, die Regulasies uitgevaardig by Goewermenskennisgewings No. 207 van 18 Februarie 1916, No. 871 van 1 Mei 1953 en No. 1352 van 28 Augustus 1959, soos van tyd tot tyd gewysig, te herroep en die nuwe Regulasies uit te vaardig soos in die Bylae hierin vervat.

BYLAE.

KONSOLIDASIE EN VERVANGING VAN DIE
REGULASIES KRAGTENS DIE WET OP
GEVANGENISSE, 1959 (WET NO. 8 VAN 1959),
SOOS GEWYSIG, VIR DIE ADMINISTRASIE
VAN DIE DEPARTEMENT VAN GEVANGENISSE
VAN DIE REPUBLIEK VAN SUID-
AFRIKA.

INLEIDENDE BEPALINGS.

WOORDOMSKRYWING.

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking wat in die Wet omskryf word, dieselfde betekenis as in die Wet en beteken—

- (i) „betaling” salaris of loon wat gewoonlik aan 'n lid of 'n spesiale bewaarder betaalbaar is wanneer hy op diens is, en ook toelaes wat nie deel van sy salaris of loon uitmaak nie, met behoorlike inagneming van regulasies en opdragte wat die Staatsdienskommissie of die Tesourie, of die Tesourie op aanbeveling van die Staatsdienskommissie in verband met sodanige toelaes uitgereik het; (xvi)
- (ii) „bevelvoerende offisier” enige offisier wat as sodanig benoem is en bevel voer oor al die lede op die diensstaat van 'n kommandement of kantoor of wat vir diens of dissipline daaraan toegevoeg is en alle spesiale bewaarders in die kommandement of kantoor; (iv)
- (iii) „buiteland” 'n land of gebied buite die grense van die Republiek en Suidwes-Afrika; (vii)
- (iv) „die Wet”, die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), soos gewysig; (xxvii)

- (vi) "day off" means—
 - (a) a Sunday or public holiday, mentioned in the First Schedule of the Public Holidays Act, 1952 (Act No. 5 of 1952), as amended, in the case of a member or special warder who is not on duty on such a day;
 - (b) in the case of a member or special warder who is on duty on a Sunday or public holiday any other day whereon he may be exempted from duty in lieu thereof; (xxix)
- (vii) "foreign country" means any country or territory beyond the borders of the Republic and South West Africa; (iii)
- (viii) "head of a prison or office" means a member in charge of a prison or office who is directly responsible to the commanding officer for the management thereof; (vii)
- (ix) "headquarters" means the city, town or place where the principal duties of a member or special warder are or have to be performed or which is indicated as his headquarters by the Commissioner; (vi)
- (x) "household" means—
 - (a) the wife of a member and a child (including a legally adopted child) who is permanently resident with and necessarily dependent upon him;
 - (b) a relative of a member who is permanently resident with and necessarily dependent upon him and whose income does not exceed the appropriate maximum amount prescribed in sub-sections (1) and (2) of section *eight* of the Old Age Pensions Act, 1962 (Act No. 38 of 1962), as amended; and
 - (c) not more than two servants (including nursemaids), employed in a full-time capacity by the member; (viii)
- (xi) "incremental month" means the month during which the salary of a member or special warder may be increased in accordance with the scale applicable to him; (xxvi)
- (xii) "incremental period" means a period of twelve calendar months or another approved period which must elapse in regard to a member or special warder before his salary may be increased in accordance with the scale applicable to him; (xvii)
- (xiii) "member" means a member of the Prisons Service; (xi)
- (xiv) "misconduct" means misconduct as defined in sub-section (7) of section *fifty-five* of the Act; (xxx)
- (xv) "month" means a period extending from the first to the last day, both days inclusive, of any one of the twelve months of the year; (xii)
- (xvi) "pay" means the salary or wage normally payable to a member or special warder when on duty and includes allowances which do not form part of salary or wage, due regard being had to regulations and directions in connection with such allowances, issued by the Public Service Commission or Treasury or by Treasury on the recommendation of the Public Service Commission; (i)
- (xvii) "personal effects" means the movable property of a member and of his household, including vehicles, but excluding livestock, domestic animals and pets; (xiv)
- (xviii) "prescribe" or "prescribed", unless otherwise provided, means as the Commissioner may prescribe or as may be prescribed by him; (xxviii)
- (xix) "protectorates" means the protectorates of Swaziland, Bechuanaland and Basutoland; (xv)
- (xx) "reporting member" means any member who, as first party, completes a report in respect of another member; (xxvii)
- (v) „herberg” huisvesting, beddegoed, etes, vloebare verversings en die was en stryk van wasgoed, uitgesonderd alkoholiese drank en droogskoonmaakwerk, of enige kombinasie van hierdie items; (i)
- (vi) „hoofkwartier” die stad, dorp of plek waar die vernaamste werk van ’n lid of spesiale bewaarder verrig word of verrig moet word of wat die Kommissaris as sy hoofkwartier aangewys het; (ix)
- (vii) „hoof van ’n gevangenis of kantoor” ’n lid wat aan die hoof staan van ’n gevangenis of kantoor en wat vir die bestuur daarvan regstreeks aan die bevelvoerende offisier verantwoordelik is; (viii)
- (viii) „huishouding”—
 - (a) die vrou van ’n lid en ’n kind (insluitend ’n wetlik aangenome kind) wat permanent by hom inwoon en noodsaaklikerwys van hom afhanklik is;
 - (b) ’n familiebetrekking van ’n lid wat permanent by hom inwoon en noodsaaklikerwys van hom afhanklik is en wie se inkomste nie die toepaslike maksimum bedrag wat voorgeskryf is by subartikels (1) en (2) van artikel *agt* van die Ouderdomspensioenwet, 1962 (Wet No. 38 van 1962), soos gewysig, oorskry nie; en
 - (c) hoogstens twee bediendes (insluitende kinderoppassers) wat in ’n voltydse hoedanigheid by ’n lid in diens is; (x)
- (ix) „kalendermaand” ’n tydperk wat strek van ’n dag in een maand tot en met die dag onmiddellik voor die dag wat in die daaropvolgende maand numeriek met daardie dag ooreenstem; (ii)
- (x) „kommandant” die gebied onder beheer van ’n bevelvoerende offisier en kan dit uit meer as een gevangenis en kantoor bestaan; (iii)
- (xi) „lid” ’n lid van die Gevangensidiens; (xiii)
- (xii) „maand” ’n tydperk wat van die eerste tot en met die laaste dag van enigen van die twaalf maande van die jaar strek; (xv)
- (xiii) „notuleer” om skriftelik of in snelskrif of op meganiese wyse af te neem en het „genotuleer” ’n ooreenstemmende betekenis (xxviii)
- (xiv) „persoonlike besittings” die roerende goed van ’n lid en van sy huishouding, met inbegrip van voertuie, maar uitgesonderd lewende hawe, huis- en troeteldiere; (xvii)
- (xv) „protektorate” die protektorate Swaziland, Betsjoeanaland en Basoetoland; (xix)
- (xvi) „salarisverhoging” die goedgekeurde bedrag waarmee ’n salaris volgens die toepaslike skaal verhoog kan word; (xxi)
- (xvii) „salarisverhogingstydperk” ’n tydperk van twaalf kalendermaande of ’n ander goedgekeurde tydperk wat met betrekking tot ’n lid of spesiale bewaarder moet verstryk voordat sy salaris verhoog kan word volgens ’n skaal wat op hom van toepassing is; (xii)
- (xviii) „sessie-amptenaar” ’n lid of spesiale bewaarder wie se hoofkwartier elders as in Kaapstad is en van wie daar vereis word dat hy vir die hele duur van ’n parlementssitting in Kaapstad diens moet doen; (xxiii)
- (xix) „skaal” met betrekking tot salaris, ook salaris teen ’n vaste bedrag; (xxii)
- (xx) „spesiale bewaarder” iemand wat as sodanig kragtens artikel *nege* van die Wet aangestel is; (xxv)
- (xxi) „Suidwes-Afrika” die gebied Suidwes-Afrika soos bedoel in artikel *ses-en-negentig* van die Wet, en ook die hawe en nedersetting Walvisbaai; (xxiv)
- (xxii) „Tesourie” die Minister van Finansies of ’n beampete in die Departement van Finansies wat deur bedoelde Minister gemagtig is om die werksaamhede wat by hierdie Wet aan die Tesourie toegewys is, te verrig; (xxix)

- (xxi) "salary increment" means the approved amount by which a salary may be increased according to the appropriate scale; (xvi)
- (xxii) "scale", in relation to salary, includes salary at a fixed rate; (xix)
- (xxiii) "sessional officer" means a member or special warder whose headquarters is other than at Cape Town and who is required to be on duty at Cape Town during the whole period of a parliamentary session; (xviii)
- (xxiv) "South West Africa" means the territory of South West Africa, as referred to in section *ninety-six* of the Act and also the port and settlement of Walvis Bay; (xxi)
- (xxv) "special warder" means a person appointed as such in terms of section *nine* of the Act; (xx)
- (xxvi) "subsistence allowance" means payment designed to recompense a member or special warder in respect of reasonable expenses necessarily incurred by him on accommodation, whilst absent from his headquarters on official duty, over and above his normal living expenses at his home; (xxv)
- (xxvii) "the Act" means the Prisons Act, 1959 (Act No. 8 of 1959), as amended; (iv)
- (xxviii) "to record" means to take down in writing or in shorthand or by mechanical means and "recorded" has a corresponding meaning; (xiii)
- (xxix) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act; (xxii)
- (xxx) "uniform" means buttons, badges of rank, distinctive badges and other badges, articles or uniform and equipment, clothing and accoutrement of any nature whatsoever prescribed in terms of regulation 11. (xxiv)

(2) (a) Any expression appearing in Chapter I of these regulations and not defined in this regulation has, unless inconsistent with the context, the same meaning as ascribed thereto by the Public Service Act, 1957 (Act No. 54 of 1957), as amended, and the Public Service Regulations.

(b) The provisions of the Public Service Act, 1957 (Act No. 54 of 1957), as amended, and Regulations thereunder shall be applicable to any aspect pertaining to personnel which has not been dealt with by Chapter I of these regulations.

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

CHAPTER I.

PERSONNEL REGULATIONS.

ESTABLISHMENT.

(A) *Determination of Establishment.*

Fixed Establishment.

2. (1) The fixed establishment of the Prisons Department is constituted of the posts, which have been created for the normal and regular requirements of the Department from time to time by the Commissioner, on the recommendation of the Public Service Commission and the approval of Treasury.

Determination of Commands and Distribution of the Prisons Service.

(2) The Commissioner shall from time to time, as may be necessary, with the approval of the Minister, determine and alter commands and the Commissioner shall determine the distribution of the Prisons Service in such commands.

- (xxiii) „tydkring” 'n tydperk van drie jaar gereken vanaf 1 Januarie 1959, en elke daaropvolgende tydperk van drie jaar; (v)
- (xxiv) „uniform” knope, rang-, onderskeidings- en ander kentekens, uniform- en uitrustingsartikels, kledingstukke en toebehorens, van watter aard ook al, wat kragtens regulasie 11 voorgeskryf is; (xxx)
- (xxv) „verblyftoelae” betaling wat bedoel is om 'n lid of spesiale bewaarder te vergoed vir redelike uitgawes wat hy, benewens sy gewone bestaans- uitgawes by sy tuiste, noodsaaklikerwys aan herberg moet aangaan wanneer hy op amptelike diens van sy hoofkwartier afwesig is; (xxvi)
- (xxvi) „verhogingsmaand” die maand waarin die salaris van 'n lid of spesiale bewaarder verhoog kan word volgens die skaal wat op hom van toepassing is; (xi)
- (xxvii) „verslaggewende lid” enige lid wat as die eerste party 'n verslag ten opsigte van 'n ander lid opstel; (xx)
- (xxviii) „voorskryf”, „voorgeskryf” of „voorgeskrewe”, tensy anders bepaal, soos die Kommissaris mag voorskryf of deur hom voorgeskryf mag word; (xviii)
- (xxix) „vry dag” —

(a) 'n Sondag of 'n openbare feesdag genoem in die Eerste Bylae van die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), soos gewysig in die geval van 'n lid of spesiale bewaarder wat nie op so 'n dag diens doen nie;

(b) in die geval van 'n lid of spesiale bewaarder wat diens doen op 'n Sondag of 'n openbare feesdag, enige ander dag waarop hy, in plaas daarvan, van diens vrygestel is; (vi)

(xxx) „wangedrag” wangedrag soos omskryf in sub-artikel (7) van artikel vyf-en-vyftig van die Wet. (xiv)

(2) (a) 'n Uitdrukking wat in Hoofstuk I van hierdie regulasies voorkom en wat nie in hierdie regulasie omskryf word nie, het, tensy dit met die samehang onbestaanbaar is, dieselfde betekenis as wat in die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, en die Staatsdiensregulasies daaraan geheg word.

(b) Die bepaling van die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, en die regulasies wat daarkragtens uitgevaardig is, is van toepassing op enige personeelaspek wat nie in Hoofstuk I van hierdie regulasies behandel word nie.

(c) As daar twyfel ontstaan oor die uitleg van die bepaling van hierdie regulasies, moet die saak aan die Kommissaris vir beslissing voorgelê word.

HOOFSTUK I.

PERSONEELREGULASIES.

DIENSSTAAT.

(A) *Vasstelling van Diensstaat.*

Vaste diensstaat.

2. (1) Die vaste diensstaat van die Departement van Gevangenisse bestaan uit die poste wat van tyd tot tyd deur die Kommissaris op aanbeveling van die Staatsdienskommissie en met die goedkeuring van die Tesourie geskep word vir die gewone en gereelde vereistes van die Departement.

Bepaling van kommandemente en verdeling van Gevangenisdiens.

(2) Kommandemente word van tyd tot tyd, wanneer nodig, deur die Kommissaris met die goedkeuring van die Minister bepaal en gewysig, en die verdeling van die Gevangenisdiens in sodanige kommandemente word deur die Kommissaris gedoen.

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

(3) Whenever the interests of the Department require, a member shall be liable to serve in any part of the Republic or South West Africa and he may be transferred from one prison to another, or from a prison to an office or from an office to a prison or from one office to another or from one branch of the Prisons Department to another.

*(B) Ranks and Designations.**Order of Precedence.*

3. (1) The ranks and designations of the Prisons Service shall be as follows and in the order of precedence indicated:—

(a) Whites—Officers.

The Commissioner of Prisons: Major-General.
Deputy-Commissioner: Brigadier.
Assistant Commissioner: Brigadier.
Brigadier.
Colonel.
Lieutenant-Colonel.
Major.
Captain.
Lieutenant.

(b) Whites—Other Ranks.

Males.
Chief Warder.
Head Warder.
Warder: Warder.
Probationary Warder.
Special Warder.
Females.
Matron, Senior Grade.
Sister.
Matron, Grade I.
Matron, Grade II.
Wardress: Wardress.
Probationary Wardress.
Special Wardress.

(c) Non-Whites.

Males.
Senior Chief Warder.
Chief Warder, Grade I.
Chief Warder, Grade II.
Head Warder.
Indian Interpreter, Grade I.
Indian Interpreter, Grade II.
Warder: Warder.
Probationary Warder.
Special Warder.
Females.
Matron, Grade I.
Matron, Grade II.
Sister.
Staff Nurse.
Midwife.
Wardress: Wardress.
Probationary Wardress.
Special Wardress.

Use of Designations: Commissioner, Deputy and Assistant Commissioner.

(2) The Commissioner, the Deputy or an Assistant Commissioner may at any time use either one or both the designations assigned to his respective rank.

Precedence of Members.

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

Lid dienspligtig op enige plek in Republiek of Suidwes-Afrika.

(3) Wanneer die belange van die Departement dit vereis, is 'n lid verplig om in enige deel van die Republiek of Suidwes-Afrika diens te doen en kan hy van een gevangenis na 'n ander of van 'n gevangenis na 'n kantoor of van 'n kantoor na 'n gevangenis of van die een kantoor na 'n ander of van die een afdeling van die Departement van Gevangenis na 'n ander oorgeplaas word.

*(B) Range en ampstitels.**Voorranglys.*

3. (1) Die range en ampstitels van die Gevangenisdiens is soos volg en word in die volgorde van voorrang aangegee:—

(a) Blankes—Offisiere.

Die Kommissaris van Gevangenis: Generaal-majoor.
Adjunk-kommissaris: Brigadier.
Assistent-kommissaris: Brigadier.
Brigadier.
Kolonel.
Luitenant-kolonel.
Majoor.
Kaptein.
Luitenant.

(b) Blankes—Ander range.

Mans.
Opperbewaarder.
Hoofbewaarder.
Bewaarder: Bewaarder.
Proefbewaarder.
Spesiale Bewaarder.

Vrouens.

Matrone Senior Graad.
Suster.
Matrone Graad I.
Matrone Graad II.
Bewaarster: Bewaarster.
Proefbewaarster.
Spesiale Bewaarster.

(c) Nie-Blankes.

Mans.
Senior Opperbewaarder.
Opperbewaarder Graad I.
Opperbewaarder Graad II.
Hoofbewaarder.
Indiërtolk Graad I.
Indiërtolk Graad II.
Bewaarder: Bewaarder.
Proefbewaarder.
Spesiale Bewaarder.

Vrouens.

Matrone Graad I.
Matrone Graad II.
Suster.
Stafverpleegster.
Vroedvrou.
Bewaarster: Bewaarster.
Proefbewaarder.
Spesiale Bewaarster.

Gebruik van ampstitels: Kommissaris, Adjunk- en Assistent-kommissaris.

(2) Die Kommissaris, 'n Adjunk- of 'n Assistent-kommissaris kan te eniger tyd een van of albei die ampstitels wat aan sy betrokke rang toegewys is gebruik.

Voorrang van lede.

(3) Die voorrang van lede van dieselfde rang word bepaal volgens die onderskeie datums van hul aanstelling in sodanige rang: Met dien verstande dat 'n bevelvoerende offisier of die hoof van 'n gevangenis of kantoor oor alle ander lede en spesiale bewaarders in daardie kommando of gevangenis of kantoor bevel voer afgesien van

or prison or office, irrespective of date of appointment: Provided further that if on appeal in terms of sub-section (2) of section *thirteen* of the Act, an order of reduction of rank or seniority of a member is set aside or altered such member shall be reinstated in and take precedence of rank in accordance with any such order by the Minister.

Precedence of Rank in Lower Ranks.

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

Precedence of Rank of White over non-White Members.

(5) Irrespective of rank, White members shall have precedence over non-White members of any rank.

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

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

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

- (i) To a lieutenant, the honorary rank of captain provided he has served at least five years as a commissioned officer;
- (ii) To a captain, the honorary rank of major provided he has served at least ten years as a commissioned officer or has held the rank of captain for at least five years;
- (iii) To a major, the honorary rank of lieutenant-colonel provided he has served at least fifteen years as a commissioned officer or has held the rank of a major for at least five years;
- (iv) To a lieutenant-colonel, the honorary rank of colonel provided he has served at least twenty years as a commissioned officer or has held the rank of lieutenant-colonel for at least five years;
- (v) To a colonel or an officer of higher rank, the next higher honorary rank, provided he has served at least twenty-five years as a commissioned officer or has served at least five years in the rank held by him on the date of his retirement or resignation:

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

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

FUNCTIONS AND DUTIES.

(A) Commissioner, Deputy and Assistant Commissioner.

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

die datum van aanstelling: Met dien verstande voorts dat, indien by appél ooreenkomstig subartikel (2) van artikel *dertien* van die Wet, 'n bevel waarby die rang of ansiënniteit van 'n lid verlaag word, ter syde gestel of gewysig word, so 'n lid in rang herstel moet word en voorrang moet neem ooreenkomstig sodanige bevel deur die Minister.

Voorrang in laer range.

(4) Indien twee of meer lede van dieselfde rang op dieselfde datum aangestel is, word hul voorrang, behoudens die eerste voorbehoudsbepaling van sub-regulasie (3), bepaal volgens die datum van hul aanstelling in die vorige laer rang of range.

Voorrang van Blanke lede bo nie-Blanke lede van enige rang.

(5) Afgesien van rang, het Blanke lede voorrang bo nie-Blanke lede van enige rang.

Behoud van rang by uitdienststreding en toekenning van ererang.

(6) (a) Behoudens die bepalings van paragraaf (b), verbeur 'n persoon wat die Gevangenisdiens om die een of ander rede verlaat, sy rang by uitdienststreding, bedanking of oorplasing na 'n ander Staatsdepartement.

(b) By die uitdienststreding of bedanking, om die een of ander rede, van 'n offisier wat deurentyd sy werksaamhede bevreëdigend verrig het en wat 'n onberispelike karakter en voorbeeldige gedrag aan die dag gelê het, kan die Minister, op aanbeveling van die Kommissaris, goedkeur dat hy sy rang behou en, in 'n besondere verdienstelike geval, kan hy aan hom, behoudens die volgende vereistes, 'n hoër ererang soos volg toeken:—

- (i) Aan 'n luitenant, die ererang van kaptein mits hy minstens vyf jaar as offisier gedien het;
- (ii) aan 'n kaptein die ererang van majoor mits hy minstens tien jaar as offisier gedien het of minstens vyf jaar kapteinsrang beklee het;
- (iii) aan 'n majoor, die ererang van luitenant-kolonel mits hy minstens vyftien jaar as offisier gedien het of minstens vyf jaar majoor-rang beklee het;
- (iv) aan 'n luitenant-kolonel die ererang van kolonel mits hy minstens twintig jaar as offisier gedien het of minstens vyf jaar die rang van luitenant-kolonel beklee het;
- (v) aan 'n kolonel of 'n offisier met 'n hoër rang, die volgende hoër ererang, mits hy minstens vyf-en-twintig jaar as offisier gedien het of minstens vyf jaar gedien het in die rang wat hy op die datum van sy aftreding of bedanking beklee het:

Met dien verstande dat die Minister, na sy goedvinde, in 'n buitengewone geval aan so 'n offisier wat besonder verdienstelike of voorbeeldige diens gelewer het, die volgende hoër ererang kan toeken ondanks die feit dat daar nie aan die betrokke vereistes van subparagrafe (b) (i) tot en met (b) (v) voldoen is nie.

(c) 'n Persoon aan wie daar kragtens paragraaf (b) goedkeuring verleen is om sy rang te behou of aan wie 'n hoër ererang toegeken is, mag die uniform wat op sy rang of ererang van toepassing is, by staats- of ander voorgeskrewe geleenthede dra, maar die feit dat daar aan hom toestemming verleen is om sy rang te behou of dat 'n hoër ererang aan hom toegeken is, beklee hom nie met enige bevoegdheid kragtens die Wet of hierdie regulasies nadat hy die Gevangenisdiens verlaat het nie.

WERKSAAMHEDE EN PLIGTE.

(A) Kommissaris, Adjunk- en Assistent-kommissaris.

4. (1) Benewens enige werksaamheid of plig hom wettiglik opgedra of opgelê, is die Kommissaris aan die Minister verantwoordelik vir die doeltreffende verrigting van die werksaamhede van die Departement van Gevangenissoos in artikel *twee* van die Wet beskryf, die handhawing van tug, doeltreffende administrasie en die behoorlike gebruik en versorging van staatseiendom wat aan sy Departement behoort.

Deputy and Assistant Commissioner.

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

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

Commanding Officer.

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

*(B) Accountant.**Duties.*

5. The Accountant shall be directly responsible to the Commissioner for all financial affairs of the Prisons Department, and he shall perform his duties in accordance with the provisions of the Financial Regulations as published from time to time under section *sixty-one* of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), as amended.

*(C) Medical Officers.**Duties of a Resident Medical Officer.*

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

(ii) Subject to such conditions as are prescribed, the resident medical officer shall attend a member, special warder, as referred to in sub-paragraph (i) of this paragraph and the wife and dependent child of a White member, as described in regulation 19.

(b) The resident medical officer shall comply with the provisions of the Act as well as the instructions issued by the Commissioner.

Duties of District Surgeon or Other Medical Practitioner.

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

*(D) Members and Special Warders.**Full Services and Time at Disposal of State.*

7. (1) (a) A member or special warder shall place his full services at the disposal of the State, and he may, as the Commissioner generally or specially determines, be required to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place of work or elsewhere for such duty.

(b) No member or special warder shall without the permission of the Minister, perform or engage himself to perform remunerative work outside his employment in the Prisons Department.

On Duty, Services at Exclusive Disposal of State.

(2) No member or special warder may, otherwise than for the exclusive benefit of the State, employ or permit or authorise the employment of the services of another member or special warder or such officer or employee, as is defined in the Public Service Act, 1957 (Act No. 54 of 1957), as amended, during such times when such other member, special warder, officer or employee is actually on duty in the service of the State.

Adjunk- en Assistent-kommissaris.

(2) (a) Behoudens die voorskrifte van die Kommissaris, moet 'n Adjunk-kommissaris dié pligte uitvoer en dié bevoegdhede uitoefen en werksaamhede verrig wat kragtens artikel *drie-en-negentig* van die Wet of op 'n ander manier deur die Kommissaris aan hom gedelegeer of toegewys word.

(b) 'n Assistent-kommissaris moet dié pligte uitvoer wat die Kommissaris of die Adjunk-kommissaris aan hom deleger of toewys.

Bevelvoerende Offisier.

(3) 'n Bevelvoerende Offisier is aan die Kommissaris verantwoordelik vir die handhawing van doeltreffende administrasie, tug en die behoorlike gebruik en versorging van staatseiendom by enige gevangenis, kantoor of werkplek in sy kommandement.

*(B) Rekenmeester.**Pligte.*

5. Die Rekenmeester is vir alle geldelike sake van die Departement van Gevangenisregeerstryke aan die Kommissaris verantwoordelik en moet sy pligte uitvoer ooreenkomstig die bepalings van die Finansiële Regulasies soos van tyd tot tyd kragtens artikel *een-en-sestig* van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), soos gewysig, uitgevaardig.

*(C) Geneeskundige Beamptes.**Pligte van Resident-geneesheer.*

6. (1) (a) (i) 'n Resident-geneesheer is verantwoordelik vir die algemene behandeling en gesondheid van 'n lid, 'n spesiale bewaarder soos in paragraaf (a) van sub-regulasie (1) van regulasie 9 bedoel en 'n gevangene.

(ii) Behoudens dié voorwaardes wat die Kommissaris voorskryf, moet 'n resident-geneesheer 'n lid, 'n spesiale bewaarder soos in subparagraaf (i) van hierdie paragraaf bedoel en die vrou en afhanklike kind van 'n Blanke lid soos in regulasie 19 omskryf, behandel.

(b) Die resident-geneesheer moet die bepalings van die Wet asook die opdragte uitgereik deur die Kommissaris, nakom.

Pligte van Distriks-geneesheer of ander mediese praktisyn.

(2) 'n Distriks-geneesheer of ander mediese praktisyn wat deur die Sekretaris van Gesondheid goedgekeur is om die pligte van 'n geneeskundige beampte te verrig, moet gedurende die afwesigheid of onvermoë van 'n resident-geneesheer of, indien daar geen resident-geneesheer vir 'n gevangenis aangestel is nie, dié besoeke aflê en dié inspeksies hou op dié tye en so dikwels as wat in sy aanstellingsvoorwaardes bepaal word of deur die Kommissaris of omstandighede vereis word, en in die algemeen die pligte van die resident-geneesheer verrig soos in subregulasie (1) omskryf.

*(D) Lede en Spesiale Bewaarders.**Volle dienste en tyd ter beskikking van Staat.*

7. (1) (a) 'n Lid of spesiale bewaarder moet sy volle dienste ter beskikking van die Staat stel, en daar kan, soos die Kommissaris in die algemeen of spesiaal bepaal, van hom vereis word om op enige dag van die week of op enige tyd van die dag of die nag amptelike diens te verrig of om by sy gewone werkplek of elders teenwoordig te wees vir sodanige diens.

(b) Geen lid of spesiale bewaarder mag, sonder die toestemming van die Minister, lonende werk buite sy diens in die Departement van Gevangenisregeerstryke verrig of hom verbind om dit te verrig nie.

Terwyl op diens, dienste uitsluitlik tot beskikking van Staat.

(2) Geen lid of spesiale bewaarder mag vir 'n ander doel as die uitsluitlike voordeel van die Staat, die dienste van 'n ander lid of spesiale bewaarder of 'n beampte of werknemer soos omskryf in die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, gebruik of toelaat of goedkeur dat die dienste van sodanige ander lid of spesiale bewaarder of sodanige beampte of werknemer gebruik word nie gedurende tye wat sodanige ander lid of spesiale bewaarder of sodanige beampte of werknemer werklik in diens van die Staat op diens is.

No Right of Claim for Additional Remuneration for Services.

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

ENROLMENT AND APPOINTMENT.

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

Qualifications.

8. (1) Subject to the provisions of sub-regulation (2), an applicant shall not be appointed unless—

(a) in the case of a White male, he—

- (i) is a South African citizen;
- (ii) on appointment is at least sixteen years and not more than thirty-five years of age, satisfactory proof whereof shall be produced;
- (iii) is at least five feet six inches in height without shoes and has a normal chest measurement of at least thirty-four inches;
- (iv) is of good physical build, has a strong constitution, is suitable for service in the Prisons Department, and, in the opinion of the Commissioner, is free from any mental or physical defect, disease or infirmity which is likely to interfere with the proper performance of his duties or to render necessary his retirement from the Prisons Service before reaching the pensionable age;
- (v) is of good character; and
- (vi) shall have passed at least the eighth standard of education or an equivalent thereof;

(b) in the case of a White female, she—

- (i) complies with the requirements of subparagraphs (i), (iv), (v) and (vi) of paragraph (a);
- (ii) on appointment is at least eighteen years and under thirty-five years of age, satisfactory proof whereof shall be produced;
- (iii) is at least five feet three inches in height without shoes; and
- (iv) is unmarried or a widow;

(c) in the case of a non-White male, he—

- (i) complies with the requirements of subparagraphs (i), (iii), (iv), (v) and (vi) of paragraph (a);
- (ii) on appointment is at least eighteen years and not more than thirty-five years of age, satisfactory proof whereof shall be produced; and
- (iii) is able to speak, read or write to the satisfaction of the Commissioner one or both official languages of the Republic; and

(d) in the case of a non-White female, she—

- (i) complies with the requirements of subparagraphs (i), (iv), (v) and (vi) of paragraph (a);
- (ii) on appointment is at least eighteen years and under thirty-five years of age, satisfactory proof whereof shall be produced;
- (iii) is at least five feet three inches in height without shoes;
- (iv) is unmarried or a widow; and
- (v) is able to speak, read or write one or both official languages of the Republic to the satisfaction of the Commissioner.

Minister may Waive Qualifications.

(2) Notwithstanding sub-regulation (1) but subject to sub-section (1) of section twelve of the Act, the Minister may—

- (a) in his discretion, in exceptional circumstances, waive any or all the requirements of subparagraphs (i), (ii), (iii) and (vi) of paragraph (a) of sub-regulation (1) in the case of a White male applicant; subparagraphs (i) and (vi) of paragraph (a) [read with

Geen aanspraak op addisionele besoldiging vir dienste.

(3) Geen lid of spesiale bewaarder kan regtens aanspraak maak op addisionele besoldiging ten opsigte van amptelike diens of werk wat 'n bevoegde owerheid van hom vereis om te verrig nie.

INSKRYWING EN AANSTELLING.

(A) Inskrywing en aanstelling van 'n lid wat nie 'n offisier is nie.

Kwalifikasies.

8. (1) Behoudens die bepalinge van subregulasie (2), moet 'n applikant nie aangestel word nie tensy—

(a) in die geval van 'n Blanke man, hy—

- (i) 'n Suid-Afrikaanse burger is;
- (ii) by aanstelling minstens sestien jaar maar hoogstens vyf-en-dertig jaar oud is en bevredigende bewys daarvan lewer;
- (iii) sonder skoene minstens vyf voet ses duim lank is en 'n normale borsmaat van minstens vier-en-dertig duim het;
- (iv) 'n goeie liggaamsbou en 'n sterk gestel het, geskik is vir diens in die Departement van Gevangenis en na die mening van die Kommissaris vry is van enige verstandelike of liggaamlike gebrek, siekte of swaakteit wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of dit nodig sal maak dat hy uit die Gevangenisdiens moet tree voordat hy die pensioenleefyd bereik;
- (v) 'n goeie karakter het; en
- (vi) minstens in die Standaard 8-eksamen of 'n ekwivalent daarvan geslaag het;

(b) in die geval van 'n Blanke vrou, sy—

- (i) aan die vereistes van subparagraaf (i), (iv), (v) en (vi) van paragraaf (a) voldoen;
- (ii) by aanstelling minstens agtien jaar maar hoogstens vyf-en-dertig jaar oud is en bevredigende bewys daarvan lewer;
- (iii) sonder skoene minstens vyf voet drie duim lank is; en
- (iv) ongetroud of 'n weduwee is;

(c) in die geval van 'n nie-Blanke man, hy—

- (i) aan die vereistes van subparagraaf (i), (iii), (iv), (v) en (vi) van paragraaf (a) voldoen;
- (ii) by aanstelling minstens agtien jaar maar hoogstens vyf-en-dertig is en bevredigende bewys daarvan lewer; en
- (iii) in staat is om een van of albei die amptelike tale van die Republiek tot tevredeheid van die Kommissaris te praat, lees en skryf; en

(d) in die geval van 'n nie-Blanke vrou, sy—

- (i) aan die vereistes van subparagraaf (i), (iv), (v) en (vi) van paragraaf (a) voldoen;
- (ii) by aanstelling minstens agtien jaar maar hoogstens vyf-en-dertig jaar is en bevredigende bewys daarvan lewer;
- (iii) sonder skoene minstens vyf voet drie duim lank is;
- (iv) ongetroud of 'n weduwee is; en
- (v) in staat is om een van of albei die amptelike tale van die Republiek tot tevredeheid van die Kommissaris te praat, lees en skryf.

Minister mag van kwalifikasies afsien.

(2) Ondanks subregulasie (1) maar behoudens subartikel (1) van artikel twaalf van die Wet, kan die Minister—

- (a) na sy goedvinde, in buitengewone omstandighede afsien van enigeen of al die vereistes van subparagraaf (i), (ii), (iii), en (vi) van paragraaf (a) van subregulasie (1) in die geval van 'n Blanke manlike applikant; subparagraaf (i) en (vi) van paragraaf (a) [gelees met subparagraaf (i) van paragraaf (b)] en subparagraaf (ii), (iii), en (iv) van paragraaf (b) van subregulasie (1) in die geval van 'n Blanke vroulike applikant; subparagraaf (i),

sub-paragraph (i) of paragraph (b)] and sub-paragraphs (ii), (iii) and (iv) of paragraph (b) of sub-regulation (1) in the case of a White female applicant; sub-paragraphs (i), (iii) and (vi) of paragraph (a) [read with sub-paragraph (i) of paragraph (c)] and sub-paragraphs (ii) and (iii) of paragraph (c) of sub-regulation (1) in the case of a non-White male applicant; and sub-paragraphs (i) and (vi) of paragraph (a) [read with sub-paragraph (i) of paragraph (d)] and sub-paragraphs (ii), (iii), (iv) and (v) of paragraph (d) of sub-regulation (1) in the case of a non-White female applicant.

Incidental Formalities and Requirements to Enrolment and Appointment.

- (3) An applicant may not be appointed unless he has—
 (a) duly completed the prescribed form of application;
 (b) confirmed by affidavit the correctness of his application;
 (c) signed the conditions of service applicable to appointment; and
 (d) furnished a full set of finger and palm prints.

Transport of Applicant.

(4) An applicant, resident in the Republic of South West Africa, who is enlisted for appointment shall be entitled to free transport from any station in the Republic or South West Africa to a training centre or any other place where he is to be stationed, and the Commissioner may refund to him reasonable additional road transport expenses actually and necessarily incurred by him in connection with his journey to his official destination.

Transport of Unsuccessful Applicant or of Member on Termination of Appointment during Probation.

(5) An applicant, who has been rejected or a member whose services have been terminated during his probationary period, may, in the discretion of the Commissioner, be granted transport at the expense of the State to the place within the Republic or South West Africa, at which he was recruited, and may be reimbursed in respect of incidental expenses connected with his journey but not exceeding the tariff approved in terms of regulations 43 to 54 inclusive.

Conditions of Probation and Confirmation of Appointment.

(6) (a) Subject to the provisions of this sub-regulation, the appointment of a member shall be made on a yearly basis with effect from the date of his assumption of duty.

(b) The first year of service of a member shall be on probation: Provided that the probationary period of service of a member shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(c) The probationary period of a member may on good and sufficient grounds be extended by the Commissioner for such further period as he considers necessary, but not exceeding one year.

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

(e) If a commanding officer certifies that the member concerned has been diligent and his conduct uniformly satisfactory during the period of probation or extended period of probation and that he is in all respects suitable for further retention in the service of the Prisons Department the Commissioner may confirm the appointment of such member.

(f) On confirmation of appointment in terms of paragraph (e) the appointment shall be deemed to be on an annual basis of renewal with effect from the date of appointment on probation, unless the Commissioner or the member concerned shall have given written notice of termination of service at least one month before the expiration of the second or any subsequent year of the service of such member.

(iii) en (vi) van paragraaf (a) [gelees met subparagraaf (i) van paragraaf (c)] en subparagraawe (ii) en (iii) van paragraaf (c) van subregulasie (1) in die geval van 'n nie-Blanke manlike applikant; en subparagraawe (i) en (vi) van paragraaf (a) [gelees met subparagraaf (i) van paragraaf (d)] en subparagraawe (ii), (iii), (iv) en (v) van paragraaf (d) van subregulasie (1) in die geval van 'n nie-Blanke vroulike applikant.

Bykomstige formaliteite en vereistes by inskrywing en aanstelling.

- (3) 'n Applikant mag nie aangestel word nie tensy hy—
 (a) die voorgeskrewe aansoekvorm behoorlik ingevul het;
 (b) deur middel van 'n beëdigde verklaring die juistheid van sy aansoek bevestig het;
 (c) die diensvoorwaardes van toepassing op sy aanstelling, onderteken het; en
 (d) 'n volledige stel vinger- en palmafdrukke verskaf het.

Vervoer van applikant.

(4) 'n Applikant, in die Republiek of Suidwes-Afrika woonagtig, wat vir aanstelling gewerf is, is geregtig op gratis vervoer vanaf enige stasie in die Republiek of Suidwes-Afrika na 'n opleidingsentrum of enige ander plek waar hy gestasioneer gaan word, en die Kommissaris kan aan hom redelike bykomstige uitgawes wat hy, werklik en noodsaaklikerwys aan padvervoer aangegaan het in verband met sy reis na sy amptelike bestemming, terugbetaal.

Vervoer van onsuksesvolle applikant of van lid by beëindiging van sy aanstelling gedurende proeftydperk.

(5) 'n Applikant wat afgekeur word of 'n lid wie se dienste gedurende sy proeftydperk beëindig word, mag na die goedvinde van die Kommissaris vervoer op staatskoste toegestaan word na die plek binne die Republiek of Suidwes-Afrika waar hy gewerf is en mag ten opsigte van toevallige uitgawes in verband met sy reis vergoed word teen hoogstens die tarief wat kragtens regulasies 43 tot en met 54 goedgekeur is.

Voorwaardes van proef en bevestiging van aanstelling.

(6) (a) Behoudens die bepalinge van hierdie subregulasie, word 'n lid met ingang van die datum van sy diensaanvaarding op 'n jaarlikse grondslag aangestel.

(b) Die eerste jaar van die diens van 'n lid geskied op proef: Met dien verstande dat die proeftydperk van 'n lid verleng word met die getal dae verlof wat hy gedurende die proeftydperk of enige verlenging daarvan geneem het.

(c) Die Kommissaris mag die proeftydperk van 'n lid om 'n afdoende rede verleng vir dié verdere tydperk wat hy nodig ag maar nie vir langer as een jaar nie.

(d) Indien dit te enigertyd gedurende die proeftydperk of verlengde proeftydperk blyk dat 'n lid wat op proef is, nie geskik is nie of om die een of ander rede ongeskik is vir verdere indienshouding in die Departement van Gevangenis, kan die Kommissaris sy dienste met vier-entwintig uur kennisgewing beëindig: Met dien verstande dat so 'n lid teen sodanige beslissing na die Minister kan appelleer.

(e) As 'n bevelvoerende offisier sertifiseer dat die betrokke lid ywerig en sy gedrag deurentyd bevredigend was gedurende die proeftydperk of verlengde proeftydperk en dat hy in alle opsigte geskik is vir verdere indienshouding in die Departement van Gevangenis, kan die Kommissaris die aanstelling van sodanige lid bekragtig.

(f) By bekragtiging van die aanstelling ooreenkomstig paragraaf (e) word die aanstelling geag op 'n jaarlikse grondslag van hernuwing te wees met ingang van die datum van aanstelling op proef, tensy die Kommissaris of die betrokke lid minstens een maand voor die verstryking van die tweede of enige daaropvolgende jaar diens van sodanige lid skriftelik kennis van diensbeëindiging gegee het.

Oath of Office.

(7) On appointment the member shall take the oath of office in the prescribed form.

(B) Appointment of Special Warders.

Scope of Appointment.

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

- (a) in a vacancy on the fixed establishment—
- (b) additional to the fixed establishment—
 - (i) under a special contract, whether in a full-time or part-time capacity;
 - (ii) for the removal of a prisoner from one prison to another or to and from court or other place;
 - (iii) for the safe custody of prisoners—
 - (aa) whenever abnormal circumstances at a prison require such appointment;
 - (bb) where such person is also the hirer of the prison labour concerned; or
 - (cc) where such person is the employee of the hirer of the prison labour concerned.

Conditions of Appointment.

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

TRAINING, UNIFORM AND PROMOTION.

(A) Training Course.

Prescribed Course of Training.

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

(B) Uniform.

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

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

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

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

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

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

Issue to Non-White Member on Enrolment.

(3) A non-White member shall, on enrolment, be supplied at public expense with the articles of uniform and equipment and accoutrement, which is prescribed for his rank or according to the duties he performs: Provided that if he resigns or is discharged or dismissed within twelve calendar months after enrolment such articles of uniform and equipment and accoutrement shall be returned by him in which event such articles of uniform and equipment and accoutrement shall be sold to the best advantage and the proceeds paid into Revenue.

Ampseed.

(7) By aanstelling moet die applikant die ampseed in die voorgeskrewe vorm aflê.

(B) Aanstelling van spesiale bewaarders.

Bestek van aanstelling.

9. (1) Die Kommissaris kan, kragtens artikel nege van die Wet, 'n spesiale bewaarder aanstel—

- (a) in 'n vakature op die vaste diensstaat;
- (b) addisioneel tot die vaste diensstaat—
 - (i) ooreenkomstig 'n spesiale kontrak, hetsy in 'n voltydse of deeltydse hoedanigheid;
 - (ii) vir die verwydering van 'n gevangene van een gevangenis na 'n ander of na en van 'n hof of ander plek;
 - (iii) vir die veilige bewaring van gevangenes—
 - (aa) wanneer abnormale omstandighede by 'n gevangenis sodanige aanstelling vereis;
 - (bb) waar sodanige persoon ook die huurder van die betrokke gevangenisarbeid is; of
 - (cc) waar sodanige persoon die werknemer is van die huurder van die betrokke gevangenisarbeid.

Aanstellingsvoorwaardes.

(2) (a) Die aanstelling van 'n spesiale bewaarder kragtens subregulasie (1) is onderworpe aan die toepaslike voorwaardes soos vervat in die Eerste Bylae en aan die aflegging van 'n ampseed soos daarin voorgeskryf.

OPLEIDING, UNIFORM EN BEVORDERING.

(A) Opleidingskursus.

Voorgeskrewe opleidingskursus.

10. Die Kommissaris kan na sy goedvinde gelas dat 'n lid 'n voorgeskrewe opleidingskursus by 'n opleidingskollege of ander plek volg en by voltooiing van sodanige opleidingskursus dié verdere opleiding ontvang soos hy bepaal.

(B) Uniform.

Uitreiking, dra en instandhouding van voorgeskrewe uniform- en uitrustingsartikels.

11. (1) (a) Die soort, gehalte, model, ontwerp of patroon en die getal of hoeveelheid uniform- en uitrustingsartikels en toebehore, van watter aard ook al, wat 'n lid in verband met die uitvoering van sy pligte moet besit en in stand hou, en wat of op staatskoste of deur die Staat teen terugbetaling verskaf kan word, asook die tye van uitreiking en die tydperke van bruikbaarheid van sodanige uniform- en uitrustingsartikels en toebehore word van tyd tot tyd voorgeskryf met behoorlike inagneming van so 'n lid se werksaamhede en die rang wat hy beklee.

(b) Die uniform bedoel in hierdie regulasie, word slegs ooreenkomstig voorgeskrewe tennuevoorskifte gedra.

(c) Tensy vrygestel ooreenkomstig subregulasie (2), moet 'n lid altyd in besit wees van volledige en bruikbare uniform- en uitrustingsartikels wat kragtens paragraaf (a) voorgeskryf is ten opsigte van die rang wat hy beklee.

Vrystelling deur Kommissaris van bepalinge van sub-regulasie (1).

(2) Die Kommissaris kan op dié voorwaardes wat hy mag stel, 'n lid vrystel van enigeen van die bepalinge van subregulasie (1).

Uitreiking aan nie-Blanke lid by indiensneming.

(3) By indiensneming word 'n nie-Blanke lid op staatskoste voorsien van die uniform- en uitrustingsartikels en toebehore soos voorgeskryf, vir sy rang of volgens die pligte wat hy verrig: Met dien verstande dat as hy binne twaalf kalendermaande na indiensneming bedank, afgedank of ontslaan word, hy sodanige uniform- en uitrustingsartikels en toebehore moet teruggee, en in so 'n geval word sodanige uniform- en uitrustingsartikels en toebehore so voordelig moontlik verkoop en die opbrengs in die Skatkis gestort.

Uniform Allowance.

(4) Subject to Treasury authority, the Commissioner may, from time to time, determine an amount which may be paid to a member on initial appointment to the rank of a commissioned officer for the provision of the prescribed uniform and personal equipment.

Damage and Abnormal Wear and Tear of Uniform.

(5) The Commissioner may, in his discretion, approve of the payment of full or partial compensation for the repair or replacement of any piece of uniform or private property of a member, or special warder, which has unavoidably been damaged or lost in the performance of duty by such member or special warder, or which has had to be subjected to abnormal wear and tear in the performance of any special type of duty or work.

Additional Personal Equipment Required for Work.

(6) A member employed as an artisan, hospital attendant, chauffeur or the like may be supplied with a free issue of personal equipment necessary for such employment or work as determined by the Commissioner.

Re-imbursement on Change of or Additions to Uniform.

(7) The reasonable cost of any articles of uniform or equipment, which a member in consequence of a change of pattern or addition to the prescribed uniform, necessarily has had to acquire, may be refunded to him by the Commissioner, with the approval of Treasury.

Issue on Refresher Course.

(8) The Commissioner may, in his discretion, authorise a free issue from stores of any prescribed articles of uniform or equipment to a member who has been ordered to attend a refresher course.

Compensation on Change of Work.

(9) If, in the opinion of the Commissioner, a member, who has been transferred from one class of work to another in the Prisons Service, has in consequence of such transfer had to incur excessive expense in acquiring additional articles of uniform or equipment, he may authorise a payment to such member, from public funds, of an amount not exceeding half the stores issue cost of such articles: Provided that, if such transfer has been ordered on account of misconduct or inefficiency on the part of such member, the full cost of such articles shall be borne by him.

(C) Promotion.

Requirements for Promotion.

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

Prescribed Test and Medical Examination.

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

- (a) he has passed a departmental test as from time to time prescribed: Provided that such member who has technical or other special qualifications or who, on a personal assessment as provided for in sub-regulation (1), is found to be highly efficient in the performance of his duties and who is otherwise specially deserving of consideration for promotion, may be exempted from the requirement to pass such test; and
- (b) in the opinion of the Commissioner, he is physically and mentally fit to perform the duties of a post of higher rank for which purpose he shall undergo such medical examination as may be required by the Commissioner.

Uniformtoelae.

(4) Behoudens Tesouriegoedkeuring, kan die Kommissaris van tyd tot tyd 'n bedrag bepaal wat by aanvanklike aanstelling in die rang van 'n offisier aan 'n lid betaal mag word vir die aanskaf van die voorgeskrewe uniform en persoonlike uitrusting.

Beskadiging of abnormale slytasie van uniform.

(5) Die Kommissaris kan na sy goedvinde die betaling goedkeur van volle of gedeeltelike vergoeding vir die herstel of vervanging van enige uniformstuk of privaateiendom van 'n lid of spesiale bewaarder wat onvermydelik beskadig is of verlore geraak het in die uitvoering deur sodanige lid of spesiale bewaarder van sy pligte of wat aan buitengewone slytasie in die uitvoering van 'n spesiale tipe plig of werk onderworpe was.

Bykomstige persoonlike uitrusting nodig vir werk.

(6) Aan 'n lid wat as ambagsman, hospitaalordonnans, motorbestuurder of in 'n soortgelyke hoedanigheid werksaam is, kan dié persoonlike uitrusting wat vir sodanige werksaamheid of werk nodig is gratis uitgereik word soos deur die Kommissaris bepaal.

Terugbetaling by verandering van of byvoegings tot uniform.

(7) Die Kommissaris kan, met die goedkeuring van Tesourie, die redelike koste van enige stuk uniform of uitrusting wat 'n lid as gevolg van 'n verandering van patroon of byvoeging tot die voorgeskrewe uniform noodsaaklikerwyse moes aanskaf, aan sodanige lid terugbetaal.

Uitreiking by opknappingskursus.

(8) Die Kommissaris kan, na sy goedvinde, magtiging daartoe verleen dat enige voorgeskrewe stuk uniform of uitrusting gratis uit voorrade uitgereik word aan 'n lid wat gelas is om 'n opknappingskursus by te woon.

Vergoeding by verandering van werk.

(9) Indien 'n lid wat van die een soort werk na 'n ander in die Gevangenisdiens oorgeplaas is, na die mening van die Kommissaris, as gevolg van sodanige oorplasing oormatige onkoste moes aangaan vir die aanskaffing van bykomstige stukke uniform of uitrusting, kan hy magtiging daartoe verleen dat 'n bedrag van hoogstens die helfte van die magasynuitreikingskoste van sodanige artikels uit staatsfondse aan sodanige lid betaal word: Met dien verstande dat, indien sodanige oorplasing weens die wan-gedrag of onbekwaamheid van sodanige lid gelas is, die volle koste van sodanige artikels deur die lid gedra moet word.

(C) Bevordering.

Vereistes vir bevordering.

12. (1) Die Kommissaris besluit oor die bevordering van 'n bewaarder of onderoffisier volgens die personeel-vereistes van die Departement en 'n voorgeskrewe persoonlike aanslag van die verdienstelikheid en doeltreffendheid, met behoorlike inagneming van ansiënniteit en kwalifikasies, van sodanige bewaarder of onderoffisier.

Voorgeskrewe toets en geneeskundige ondersoek.

(2) 'n Onderoffisier kan nie bevorder word nie tensy—

- (a) hy in 'n departementele toets soos van tyd tot tyd voorgeskryf, geslaag het: Met dien verstande dat sodanige lid wat tegniese of ander spesiale kwalifikasies besit of wat volgens 'n persoonlike aanslag soos in subregulasie (1) bepaal, uiters bekwaam in die uitvoering van sy pligte bevind is en wat andersins besondere oorweging vir bevordering verdien, vrygestel kan word van die vereiste dat hy in sodanige toets slaag; en
- (b) hy, na die mening van die Kommissaris, liggaamlik en geestelik geskik is om die pligte verbonde aan 'n pos van hoër rang, te verrig, en vir hierdie doel moet hy dié geneeskundige ondersoek deurmaak wat die Kommissaris mag vereis.

Promotion within Appropriate Branch.

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

PAY.**(A) Salary.***Scales.*

13. (1) The scales applicable to members and special warders referred to in paragraphs (a) and (b) (i), (ii) and (iii) (aa) of sub-regulation (1) of regulation 9, shall be as provided from time to time in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

Salary Increment.

(2) (a) Subject to the provisions of paragraph (b), the salary of a member and a special warder shall be increased by one salary increment within the limits of the applicable scale after completion of each incremental period and with effect from the first day of such member's or special warder's incremental month.

(b) If the commanding officer certifies in writing that the conduct of a member or special warder in respect of industry, discipline, punctuality or sobriety or the performance of his work was not uniformly satisfactory during an incremental period, the salary of such member or special warder shall not be increased in terms of paragraph (a): Provided that the Commissioner may, in his discretion, approve that the salary of a member or special warder be increased in accordance with the provisions of paragraph (a) notwithstanding the fact that a certificate as described in this paragraph has been issued.

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

(d) If the period stipulated in paragraph (c) is shorter than an incremental period, the Commissioner shall grant the member or special warder one salary increment with effect from the first day of the month following the date on which such period expired: Provided that such salary increment shall be awarded only if the commanding officer certifies in writing that during such period the performance of duty and conduct of the member or special warder was satisfactory in respect of the qualities mentioned in paragraph (b).

(e) If a member or special warder has been granted a salary increment in terms of paragraph (d), the Commissioner shall grant him a further salary increment after the expiry of an incremental period calculated from the date on which his salary would have been increased in terms of paragraph (a) had such salary increment not been withheld in terms of paragraph (b): Provided that such salary increment shall be granted only if the commanding officer certifies in writing that the performance of duty and conduct of the member or special warder in respect of the qualities mentioned in paragraph (b) were uniformly satisfactory from the date of granting of the salary increment, referred to in paragraph (d), to the date preceding that on which a salary increment may be

Bevordering binne toepaslike tak.

(3) Die bevordering van 'n bewaarder of onderoffisier is beperk tot die tak waaraan hy verbonde is: Met dien verstande dat sodanige lid, indien hy geskik en gekwalifiseerd en andersins bevoeg is vir aanstelling in 'n ander tak na 'n pos in sodanige ander tak bevorder mag word: Met dien verstande, voorts, dat die Kommissaris, na sy goedvinde, 'n lid van een tak na 'n ander mag oorplaas, hetsy met bevordering of andersins.

BETALING.**(A) Salaris.***Skale.*

13. (1) Die skale van toepassing op die lede en spesiale bewaarders wat in paragrawe (a) en (b) (i), (ii) en (iii) (aa) van regulasie 9 bedoel, is soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

Salarisverhoging.

(2) (a) Behoudens die bepalinge van paragraaf (b), word die salaris van 'n lid en 'n spesiale bewaarder met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is, verhoog na voltooiing van elke salarisverhogingstydperk en wel met ingang van die eerste dag van sodanige lid of spesiale bewaarder se verhogingsmaand.

(b) As die bevelvoerende offisier skriftelik sertifiseer dat 'n lid of 'n spesiale bewaarder se gedrag met betrekking tot ywer, dissipline, stiptheid of matigheid of die verrigting van sy werk gedurende 'n salarisverhogingstydperk nie deurentyd bevredigend was nie, word die salaris van sodanige lid of spesiale bewaarder nie ooreenkomstig die bepalinge van paragraaf (a) verhoog nie: Met dien verstande dat die Kommissaris na sy goedvinde, kan goedkeur dat die salaris van 'n lid of spesiale bewaarder ooreenkomstig die bepalinge van paragraaf (a) verhoog word ondanks die feit dat 'n sertifikaat soos in hierdie paragraaf beskryf, uitgereik is.

(c) Indien die salaris van 'n lid of 'n spesiale bewaarder nie ooreenkomstig paragraaf (a) of die voorbehoudsbepaling van paragraaf (b) verhoog word nie vanweë die uitreiking van 'n sertifikaat soos in paragraaf (b) gemeld, moet die Kommissaris sodanige lid of spesiale bewaarder skriftelik verwittig van die redes daarvoor asook dat, by verstryking van 'n aaneenlopende tydperk, wat gemeld moet word en wat nie langer as 'n salarisverhogingstydperk mag wees nie, 'n salarisverhoging deur die Kommissaris toegeken kan word op voorwaarde dat 'n sertifikaat deur die bevelvoerende offisier uitgereik word waarin verklaar word dat die lid of spesiale bewaarder se werkverrigting en gedrag met betrekking tot die eienskappe gemeld in paragraaf (b), gedurende sodanige tydperk bevredigend was.

(d) Indien die tydperk in paragraaf (c) bepaal, korter is as 'n salarisverhogingstydperk, moet die Kommissaris een salarisverhoging aan die lid of spesiale bewaarder toeken met ingang van die eerste dag van die maand wat volg op die datum waarop sodanige tydperk verstryk: Met dien verstande dat sodanige salarisverhoging toegeken kan word alleenlik as die bevelvoerende offisier skriftelik sertifiseer dat die lid of spesiale bewaarder se werkverrigting en gedrag met betrekking tot die eienskappe in paragraaf (b) gemeld, gedurende sodanige tydperk bevredigend was.

(e) Indien 'n salarisverhoging ooreenkomstig paragraaf (d) aan 'n lid of spesiale bewaarder toegeken is, moet die Kommissaris 'n verdere salarisverhoging aan hom toeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris ooreenkomstig paragraaf (a) verhoog sou gewees het as sodanige verhoging nie ooreenkomstig die bepalinge van paragraaf (b) teruggehou was nie: Met dien verstande dat sodanige salarisverhoging toegeken kan word alleenlik as die bevelvoerende offisier skriftelik sertifiseer dat die lid of spesiale bewaarder se werkverrigting en gedrag met betrekking tot die eienskappe in paragraaf (b) gemeld, deurentyd bevredigend was vanaf die datum van toekenning van die salarisverhoging wat in paragraaf (d) bedoel word tot die datum onmiddelik voor die datum waarop 'n salarisverhoging ooreenkomstig hierdie paragraaf toegeken kan word: Met dien verstande voorts dat die bepalinge van

granted in terms of this paragraph: Provided further, that the provisions of this paragraph shall not be applicable to a member or special warder if his salary has reached the maximum notch of the applicable scale.

(f) If a member or special warder is not granted a salary increment in terms of paragraph (d)—

(i) such member or special warder shall again be notified in writing by the Commissioner of the reasons therefor and also that, at the expiry of a continuous period, which shall be indicated and which shall be equal to the difference between the period mentioned in paragraph (c) and an incremental period, a salary increment may be granted by the Commissioner on condition that a certificate be issued by the commanding officer declaring that the performance of work and conduct of such member or special warder in respect of the qualities mentioned in paragraph (b) were satisfactory during the stipulated continuous period;

(ii) the Commissioner shall grant two salary increments to such member or special warder after the expiry of an incremental period, calculated from the date on which his salary would have been increased in terms of paragraph (a) if such increment had not been withheld in terms of paragraph (b): Provided that such salary increments shall be granted only if the commanding officer certifies in writing that the performance of duty and conduct of the member or special warder was satisfactory in regard to the qualities mentioned in paragraph (b) for the continuous period referred to in subparagraph (i): Provided further, that only one salary increment may be granted to such member or special warder if his salary is already equal to the penultimate notch of the applicable scale.

(g) If the period mentioned in paragraph (c) is equal to an incremental period, the Commissioner shall grant such member or special warder two salary increments after the expiry of such period: Provided that such salary increments may be granted only if the commanding officer certifies in writing that the performance of duty and conduct of the member or special warder in respect of the qualities mentioned in paragraph (b) were satisfactory during such period: Provided further, that only one salary increment may be granted to such member or special warder if his salary is already equal to the penultimate notch of the applicable scale.

(h) If a member or special warder is not granted a salary increment in terms of paragraph (e), subparagraph (ii) of paragraph (f) or paragraph (g), the provisions of paragraphs (b), (c), (d), (e), (f) and (g) shall, *mutatis mutandis*, become operative afresh.

(i) Subject to the provisions of this regulation, the salary of a member or special warder to whom a salary increment has been granted in terms of paragraph (e), subparagraph (ii) of paragraph (f) or paragraph (g), shall at the expiry of each further incremental period be increased by one salary increment within the limits of the scale applicable to him.

Appeal Against Withholding of Salary Increment.

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

Adjustment of Salary on Promotion.

(4) Subject to any direction which may be issued from time to time by Treasury, on the recommendation of the Public Service Commission, a salary increment of at least one full notch on the appropriate scale shall be granted to a member on promotion to a higher rank: In the application of this sub-regulation the granting of "one full notch" shall mean—

(i) the adjustment of salary to the next higher notch on the appropriate scale with the retention of the existing salary incremental date, except in respect

hierdie paragraaf nie op 'n lid of spesiale bewaarder van toepassing is nie as sy salaris reeds die maksimum kerf van die toepaslike skaal bereik het.

(f) Indien 'n salarisverhoging nie ooreenkomstig paragraaf (d) aan 'n lid of spesiale bewaarder toegeken word nie—

(i) word sodanige lid of spesiale bewaarder weer deur die Kommissaris skriftelik verwittig van die redes daarvoor asook dat, by verstryking van 'n aaneenlopende tydperk, wat gemeld moet word en gelyk moet wees aan die verskil tussen die tydperk in paragraaf (c) genoem en 'n salarisverhogings-tydperk, 'n salarisverhoging deur die Kommissaris toegeken kan word op voorwaarde dat 'n sertifikaat deur die bevelvoerende offisier uitgereik word waarin verklaar word dat sodanige lid of spesiale bewaarder se werkverrigting en gedrag met betrekking tot die eienskappe in paragraaf (b) gemeld, bevredigend was gedurende genoemde aaneenlopende tydperk;

(ii) word twee salarisverhogings deur die Kommissaris aan sodanige lid of spesiale bewaarder toegeken na verstryking van 'n salarisverhogingstydperk, gereken vanaf die datum waarop sy salaris ooreenkomstig paragraaf (a) verhoog sou gewees het as sodanige verhoging nie ooreenkomstig die bepalings van paragraaf (b) teruggehou was nie: Met dien verstande dat sodanige salarisverhogings toegeken kan word alleenlik as die bevelvoerende offisier skriftelik sertifiseer dat die lid of spesiale bewaarder se werkverrigting en gedrag met betrekking tot die eienskappe in paragraaf (b) genoem, bevredigend was gedurende die aaneenlopende tydperk in subparagraph (i) gemeld: Met dien verstande, voorts, dat slegs een salarisverhoging aan sodanige lid of spesiale bewaarder toegeken kan word as sy salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike skaal.

(g) Indien die tydperk in paragraaf (c) gemeld, gelyk is aan 'n salarisverhogingstydperk, moet die Kommissaris aan sodanige lid of spesiale bewaarder twee salarisverhogings toeken na verstryking van sodanige tydperk: Met dien verstande dat sodanige salarisverhogings slegs toegeken kan word as die bevelvoerende offisier skriftelik sertifiseer dat die lid of spesiale bewaarder se werkverrigting en gedrag met betrekking tot die eienskappe in paragraaf (b) genoem, gedurende sodanige tydperk bevredigend was: Met dien verstande voorts, dat slegs een salarisverhoging aan sodanige lid of spesiale bewaarder toegeken kan word as sy salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike skaal.

(h) Indien 'n salarisverhoging nie kragtens paragraaf (e), subparagraaf (ii) van paragraaf (f) of paragraaf (g) aan 'n lid of spesiale bewaarder toegeken word nie, tree die bepalings van paragrawe (b), (c), (d), (e), (f) en (g), *mutatis mutandis*, opnuut in werking.

(i) Behoudens die bepalings van hierdie regulasie, moet die salaris van 'n lid of spesiale bewaarder aan wie 'n salarisverhoging kragtens paragraaf (e), subparagraaf (ii) van paragraaf (f) of paragraaf (g) toegeken is, by die verstryking van elke verdere salarisverhogingstydperk verhoog word met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is.

Appel teen terughouding van salarisverhoging.

(3) 'n Lid of spesiale bewaarder wie se salarisverhoging teruggehou is, kan binne een maand nadat hy van sodanige terughouding in kennis gestel is, deur tussenkoms van die Kommissaris na die Minister appelleer.

Aanpassing van salaris by bevordering.

(4) Behoudens die voorskrifte wat Tesourie op die aanbeveling van die Staatsdienskommissie van tyd tot tyd mag uitreik, moet 'n salarisverhoging van ten minste een volle kerf op die toepaslike skaal aan 'n lid toegestaan word by bevordering tot 'n hoër rang: Vir die toepassing van hierdie regulasie beteken „een volle kerf”—

(i) die aanpassing van salaris by die volgende hoër kerf op die toepaslike skaal met behoud van die bestaande salarisverhogingsdatum, behalwe ten

of a member who has already attained the maximum notch of the scale attaching to the rank from which the promotion is effected, in which case the date of promotion becomes the future salary incremental date: Provided that such higher notch shall be at least equivalent to the minimum notch of the higher scale attaching to the rank to which such promotion is effected: Provided further, that if the adjustment of salary to a minimum notch of the higher scale amounts to more than one full notch, the date of promotion shall be the future salary incremental date; and

- (ii) that should the date on which a member would qualify for a normal salary increment and the date of promotion be the same, his salary shall be adjusted to the next higher notch as if the normal salary increment had already been granted.

Salary Notch on Reduction in Rank.

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

(b) Subject to the provisions of sub-regulation (2), the date of reduction in rank shall be the salary incremental date of such member for the period he retains such reduced rank.

Adjustment of Salary on Voluntary Reversion to Lower Rank.

(6) The salary of a member who has voluntarily reverted to lower rank, shall be adjusted to that notch of the appropriate scale of such lower rank to which he would have progressed if he had not been promoted to higher rank: Provided that on reversion he shall not be entitled to a salary in excess of that applicable to him immediately prior to such reversion.

Salary and Allowances during Absence without Leave.

(7) Subject to the provisions of sub-regulation (3) of regulation 28, a member or special warder shall not be entitled to any pay for any period of absence without leave.

Adjustment on Successful Appeal Against Discharge or Reduction in Rank.

(8) Whenever, on appeal in terms of sub-section (2) of section thirteen of the Act, the Minister sets aside an order of discharge or reduction in rank or, subject to the proviso of paragraph (a) of sub-regulation (1) of regulation 77, on appeal, whenever a conviction which has resulted in such discharge or reduction in rank is set aside, the member concerned shall, for the period from the date of his discharge or reduction in rank to the date of his resumption of duty or reinstatement in rank be entitled to the pay to which he otherwise would have been entitled had he not been so discharged or reduced in rank.

(B) Allowances.

Allowance in respect of the Award of the Faithful Service Medal.

14. (1) Subject to the provisions of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), as amended, and in addition to the salaries referred to in sub-regulation (1) of regulation 13, a pensionable allowance, as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended, may be granted by the Commissioner in respect of the award of the Faithful Service Medal to a warder.

opsigte van 'n lid wat reeds die maksimum kerf van die skaal verbonde aan die rang vanwaar hy bevorder word, bereik het, en in so 'n geval word die datum van bevordering die toekomstige salarisverhogingsdatum: Met dien verstande dat sodanige hoër kerf ten minste gelyk is aan die minimum kerf van die hoër skaal verbonde aan die rang waartoe hy bevorder word: Met dien verstande, voorts, dat waar die aanpassing van salaris by die minimum kerf van die hoër skaal op 'n verhoging van meer as een volle kerf te staan kom, die datum van bevordering die toekomstige salarisverhogingsdatum is; en

- (ii) dat indien die datum waarop 'n lid vir 'n gewone salarisverhoging in aanmerking sou kom en die datum van bevordering dieselfde is, sy salaris by die volgende hoër kerf aangepas moet word asof die gewone salarisverhoging reeds toegestaan gewees het.

Salariskerf by verlaging in rang.

(5) (a) As 'n lid in rang verlaag word, kan die Kommissaris besluit by watter kerf van die skaal wat van toepassing is op die rang waartoe hy verlaag is, sy salaris aangepas moet word: Met dien verstande dat sodanige aanpassing nie 'n hoër kerf moet wees as dié waartoe hy sou gevorder het indien hy nie tot die hoër rang bevorder was nie: Met dien verstande, voorts, dat by verlaging in rang, hy nie op 'n hoër salaris as dié wat hy onmiddellik voor sy verlaging ontvang het, geregtig is nie.

(b) Behoudens die bepalings van subregulasie (2), is die datum van verlaging in rang die salarisverhogingsdatum van sodanige lid vir die tydperk wat hy sodanige verlaagde rang behou.

Aanpassing van salaris by vrywillige terugstelling tot 'n laer rang.

(6) Die salaris van 'n lid wat vrywillig tot 'n laer rang teruggegaan het, word aangepas op daardie kerf van die toepaslike skaal van sodanige laer rang waartoe hy sou gevorder het indien hy nie tot 'n hoër rang bevorder was nie: Met dien verstande dat hy by terugstelling nie op 'n hoër salaris geregtig is nie as dié wat onmiddellik voor sodanige terugstelling op hom van toepassing was.

Salaris en toelae gedurende afwesigheid sonder verlof.

(7) Behoudens die bepalings van subregulasie (3) van regulasie 28, is 'n lid of spesiale bewaarder nie op enige betaling vir enige tydperk van afwesigheid sonder verlof geregtig nie.

Aanpassing by suksesvolle appèl teen ontslag of rangverlaging.

(8) Wanneer, by appèl kragtens subartikel (2) van artikel dertien van die Wet, die Minister 'n bevel van ontslag of rangverlaging ter syde stel of, behoudens die voorbehoudbepaling van paragraaf (a) van subregulasie (1) van regulasie 77, wanneer 'n veroordeling wat tot sodanige ontslag of rangverlaging gelei het, by appèl ter syde gestel word, is die betrokke lid vir die tydperk vanaf die datum van sy ontslag of rangverlaging tot die datum van aanvaarding van diens of herstelling van rang, geregtig op dié betaling waarop hy andersins geregtig sou gewees het indien hy nie aldus ontslaan of in rang verlaag was nie.

(B) Toelae.

Toelae ten opsigte van toekenning van die Medalje vir Troue Diens.

14. (1) Behoudens die bepalings van die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955), soos gewysig, en benewens die salarisse bedoel in subregulasie (1) van regulasie 13 kan die Kommissaris 'n pensioengewende toelae soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word, ten opsigte van die toekenning van die Medalje vir Troue Diens aan 'n bewaarder toestaan.

Service and Language Proficiency Allowance.

(2) The Commissioner may authorise a non-pensionable allowance, as may be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended, as follows:—

- (a) An all-inclusive service allowance to a White member and a White special wardress who is appointed, in terms of paragraph (a) of sub-regulation (1) of regulation 9, in the capacity of temporary matron; and
- (b) an allowance to a White member or a White special warder, by virtue of a certificate issued by a qualified person approved of as such by the Commissioner and stating that such member or special warder is competent—
 - (i) either to speak one or more Bantu languages; or
 - (ii) to speak, read or write one or more Bantu languages.

Allowance for Assistance at the Confinement of a Woman Prisoner.

(3) The Commissioner may pay an allowance of R2 to a non-White woman member or to a White or non-White special wardress in respect of her attendance and assistance at the confinement of a woman prisoner.

MEDICAL PROVISIONS.

(A) Medical Examination.

Submission of Member to Medical Examination and Treatment.

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

- (i) who is alleged or suspected to be indisposed, sick, injured or suffering from ill-health, to submit himself to an examination by a medical officer or other registered medical practitioner indicated by the Commissioner or to undergo such examination in a nursing home or military or other hospital;
- (ii) to submit himself to a medical examination as set out in sub-paragraph (i) for the purpose of obtaining a report on his general state of health or with a view to the constitution of a medical board for the further examination of such member.

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

Submission of Report of Unfitness to Commissioner.

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

(B) Medical Board.

Constitution of an Examination by a Medical Board.

16. (1) The Commissioner may at any time require that a member submit himself at a given time and place to an examination by a medical board constituted by the Secretary for Health or an officer authorised thereto by him, and the expenditure connected with such examination shall be met from public funds: Provided that such member may, if he so desires, arrange at his own expense for his private medical practitioner to be present at the proceedings of the medical board.

Record of Proceedings and Submission of Report.

(2) (a) The proceedings of the board shall be recorded and signed by the medical practitioners constituting such board and shall include the board's report, findings, recommendation and any subsidiary medical or other reports, as well as any minority report and the representations or recommendations by the private medical practitioner, if any, of such member.

(b) The Commissioner may determine the form in which the report of a medical board shall be submitted.

Diens- en taalbevoegdheidstoelae.

(2) Die Kommissaris kan 'n nie-pensioengewende toelae, soos kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word, as volg goedkeur:—

- (a) 'n Allesinsluitende dienstoelae aan 'n Blanke lid en aan 'n Blanke spesiale bewaarder wat kragtens paragraaf (a) van subregulasie (1) van regulasie 9 in die hoedanigheid van tydelike matrone aangestel is; en
- (b) 'n toelae aan 'n Blanke lid of 'n Blanke spesiale bewaarder uit hoofde van 'n sertifikaat wat uitgereik is deur 'n persoon wat as sodanig deur die Kommissaris goedgekeur is en waarin verklaar word dat sodanige lid of spesiale bewaarder bevoeg is om—
 - (i) een of meer Bantoetale te praat; òf
 - (ii) een of meer Bantoetale te praat, lees en skryf.

Toelae vir hulp by bevalling van vroulike gevangene.

(3) Die Kommissaris kan 'n toelae van R2 aan 'n nie-Blanke vroulike lid of 'n Blanke of nie-Blanke spesiale bewaarder betaal ten opsigte van haar bywoning van en hulp by die bevalling van 'n vroulike gevangene.

GENEESKUNDIGE BEPALINGS.

(A) Geneeskundige ondersoek.

Onderwerping van lid aan geneeskundige ondersoek en behandeling.

15. (1) (a) Die Kommissaris kan te eniger tyd vereis dat 'n lid—

- (i) wat na beweer word of vermoedelik ongesteld, siek of beseer is of aan swak gesondheid ly, hom onderwerp aan 'n ondersoek deur 'n geneeskundige beampte of ander geregistreerde geneeskundige praktisyn deur die Kommissaris aangewys of dat hy sodanige ondersoek ondergaan in 'n verpleeg-inrigting of militêre- of ander hospitaal;
- (ii) hom onderwerp aan 'n geneeskundige ondersoek soos bedoel in subparagraaf (i), met die doel om 'n verslag omtrent sy algemene gesondheidstoestand te verkry of met die oog op die samestelling van 'n geneeskundige raad vir die verdere ondersoek van sodanige lid.

(b) Die koste van sodanige ondersoek word uit staatsfondse bestry.

Voorlegging van ongeskiktheidsverslag aan Kommissaris.

(2) Wanneer 'n geneeskundige beampte of ander geneeskundige praktisyn rapporteer dat 'n lid na sy mening geneeskundig ongeskik is of waarskynlik ongeskik sal word om in die Gevangenisdiens te bly, moet sodanige verslag sonder versuim aan die Kommissaris voorgelê word.

(B) Geneeskundige Raad.

Samestelling van en ondersoek deur geneeskundige raad.

16. (1) Die Kommissaris kan te eniger tyd vereis dat 'n lid hom op 'n bepaalde tyd en plek onderwerp aan 'n ondersoek deur 'n geneeskundige raad saamgestel deur die Sekretaris van Gesondheid of 'n beampte deur hom daartoe gemagtig, en die koste verbonde aan sodanige ondersoek, word uit staatsfondse bestry: Met dien verstande dat sodanige lid, indien hy dit verlang, op eie koste kan reël dat sy private geneesheer teenwoordig is by die verrigtinge van die geneeskundige raad.

Oorkonde van verrigtinge en voorlegging van verslag.

(2) (a) Die verrigtinge van die raad moet genotuleer en onderteken word deur die geneeskundige praktisyns uit wie sodanige raad saamgestel is en moet die raad se verslag, bevindings, aanbeveling en enige aanvullende geneeskundige of ander verslae insluit asook enige minderheidsverslag en die vertoë of aanbevelings van die private geneesheer, as daar een is, van sodanige lid.

(b) Die Kommissaris kan die vorm bepaal waarin die verslag van 'n geneeskundige raad voorgelê moet word.

(c) The record of the proceedings of the board, referred to in paragraph (a), shall be transmitted without delay to the Commissioner, who may decide whether such member shall be—

- (i) discharged as medically unfit for further service;
- (ii) granted leave of absence;
- (iii) medically re-examined; or
- (iv) instructed to resume duty.

(C) Hospital Treatment.

Medical and Hospital Treatment.

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

- (a) a member shall be entitled to medical and hospital treatment, including drugs and dressings, at public expense; and
- (b) the Commissioner may, at any time, require a member who is alleged or suspected to be indisposed, sick, injured or suffering from ill-health, to be admitted to any hospital or nursing home and to undergo medical treatment there.

Scope of Treatment.

(2) The medical and hospital treatment provided for in this regulation, includes—

- (a) medical examination and treatment by a medical officer or other medical practitioner in the service of the State or, in the event of such services not being available, by a private medical practitioner;
- (b) admission to, care and nursing in, a military or public hospital as well as any medical or supplementary medical service rendered by such hospital to a member whilst being cared for therein;
- (c) admission to, care and nursing in, a private hospital or nursing home in cases of special urgency or if suitable accommodation is not available in a public hospital, as well as any medical or supplementary medical service rendered by such private hospital or nursing home to a member whilst being cared for therein;
- (d) employment of a registered nurse if, in the opinion of the medical officer or other authorised medical practitioner in attendance, such nursing service is essential; and
- (e) the provision of medical comforts, aids and appliances, the cost of which may, subject to the approval of the Commissioner, be defrayed from public funds.

Conformity to Rules of Hospital.

(3) While under treatment in a military or other hospital or nursing home, a member shall conform to the regulations and rules thereof.

(D) Payment for Additional Medical Treatment by State.

Conditions of Payment.

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

- (a) if such treatment or assistance is provided on the written recommendation of the medical officer or other medical practitioner in the service of the State; and
- (b) in so far as it does not exceed the amount laid down for the particular service in a scale of fees approved of by Treasury: Provided that in all cases where such additional medical treatment or assistance is occasioned in the circumstances defined in sub-regulation 36 (1), the whole cost thereof shall be defrayed from public funds.

(c) Die oorkonde van die verrigtinge van die raad soos bedoel in paragraaf (a), moet sonder versuim aan die Kommissaris deurgestuur word, wat kan besluit of sodanige lid—

- (i) as geneeskundig ongeskik vir verdere diens ontslaan moet word;
- (ii) verlof verleen moet word;
- (iii) weer geneeskundig ondersoek moet word; of
- (iv) gelas moet word om diens te hervat.

(C) Hospitaalbehandeling.

Geneeskundige en hospitaalbehandeling.

17. (1) Behoudens die bepalings van hierdie regulasie en van regulasies 18, 19, 20 en 21—

- (a) is 'n lid geregtig op geneeskundige en hospitaalbehandeling, met inbegrip van medisyne en verbandmiddels, op staatskoste; en
- (b) kan die Kommissaris te eniger tyd vereis dat 'n lid wat, na beweer word, of vermoedelik ongesteld, siek of beseer is of aan swak gesondheid ly, in 'n hospitaal of verpleeginrigting opgeneem word en geneeskundige behandeling aldaar ondergaan.

Omvang van behandeling.

(2) Die geneeskundige en hospitaalbehandeling waarvoor daar in hierdie regulasie voorsiening gemaak word, behels—

- (a) geneeskundige ondersoek en behandeling deur 'n geneeskundige beampte of ander geneesheer in diens van die Staat of, ingeval sodanige dienste nie beskikbaar is nie, deur 'n private geneesheer;
- (b) opneming, versorging en verpleging in 'n militêre of openbare hospitaal asook enige geneeskundige of aanvullende geneeskundige diens wat deur so 'n hospitaal aan 'n lid gelewer word terwyl hy daarin versorg word;
- (c) opneming, versorging en verpleging in 'n private hospitaal of verpleeginrigting in besonder dringende gevalle of indien geskikte akkommodasie nie in 'n openbare hospitaal beskikbaar is nie, asook enige geneeskundige of aanvullende geneeskundige diens wat deur so 'n private hospitaal of verpleeginrigting aan 'n lid gelewer word terwyl hy daarin versorg word;
- (d) indiensneming van 'n geregistreerde verpleegster indien die geneeskundige beampte of ander gemagtigde geneesheer wat die geval behandel, van mening is dat sodanige verpleegdiens noodsaaklik is; en
- (e) die verskaffing van geneeskundige geriewe, hulpmiddels en toestelle waarvan die koste behoudens die Kommissarisse goedkeuring, uitbetaal kan word.

Nakoming van hospitaalreëls.

(3) Terwyl onder behandeling in 'n militêre of ander hospitaal of verpleeginrigting, moet 'n lid die regulasies en reëls daarvan nakom.

(D) Betaling vir bykomende geneeskundige behandeling deur Staat.

Voorwaardes van betaling.

18. (1) Die koste verbonde aan bykomende geneeskundige behandeling of hulp (benewens dié wat in regulasie 17 voorgeskryf word) deur 'n geneesheer, spesialis of persoon wat aanvullende geneeskundige dienste lewer en wat as sodanig by die Suid-Afrikaanse Geneeskundige Raad geregistreer is, word uit staatsfondse betaal slegs—

- (a) as die behandeling of hulp verskaf word op die skriftelike aanbeveling van die geneeskundige beampte of ander geneesheer in diens van die Staat; en
- (b) vir sover dit nie die bedrag wat vir die bepaalde diens voorgeskryf is in 'n tariefskaal wat deur Tesourie goedgekeur is, oorskryf nie: Met dien verstande dat in alle gevalle waar sodanige bykomende geneeskundige behandeling of hulp genoodsaak word onder omstandighede soos in subregulasie (1) van regulasie 36 omskryf, al die koste daaraan verbonde, uit staatsfondse bestry moet word.

Refund of Cost of Dental Treatment.

(2) A member who is not a commissioned officer may be refunded from public funds half the cost incurred by him for such dental treatment as, in the opinion of the Commissioner, was necessary to render him fit for further efficient service in the Prisons Department.

Free Dental Treatment.

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

Refund of Cost of Dental Treatment for Injury sustained on Duty.

(4) Whenever dental treatment is rendered in consequence of an injury sustained by a member in the circumstances set out in sub-regulation (1) of regulation 36, the Commissioner may, in his discretion, refund from public funds the full cost incurred, or any portion thereof, to such member.

(E) Medical Treatment of Wife and Child.

Medical and Hospital Treatment of the Wife and Child of a White Member.

19. (1) (a) Subject to the provisions of this regulation and regulations 20 and 21, the wife and dependent children of a White member shall be entitled to free medical and hospital treatment, including drugs and dressings, at public expense.

(b) The medical and hospital treatment provided for under this regulation includes—

- (i) medical examination and treatment by a medical officer or other medical practitioner in the service of the State or, in the event of such services not being available, by a private medical practitioner;
- (ii) admission to, care and nursing in, a military or public hospital, other than a leper or mental hospital or institution, as well as any medical or supplementary medical service rendered by such hospital to the wife or children of a White member whilst being cared for therein;
- (iii) admission to, care and nursing in a private hospital or nursing home in cases of special urgency or when suitable accommodation is not available in a public hospital, as well as any medical or supplementary medical service rendered by such private hospital or nursing home to the wife and children of a White member whilst being cared for therein;
- (iv) employment of a registered nurse if, in the opinion of the medical officer or other authorised medical practitioner in attendance, the services of such nurse are essential; and
- (v) the provision of medical comforts, aids and appliances, the cost of which may, subject to the approval of the Commissioner, be defrayed from public funds.

Definition of "Child".

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

- (a) under the age of 18 years and not in adequately remunerative employment;
- (b) 18 years of age or older, is a full-time scholar or student at a school, university or other educational institution and is entirely dependent on such member for his maintenance; or
- (c) over the age of 18 years and entirely dependent on such member for his maintenance owing to a physical or mental infirmity;

Provided that a child who temporarily resides elsewhere than with the member concerned, either for the purpose of attending a school, university or other educational institution or because of the member's inability, owing to

Terugbetaling van koste van tandheelkundige behandeling.

(2) Aan 'n lid wat nie 'n offisier is nie, kan die helfte van die koste wat hy aangegaan het vir tandheelkundige behandeling wat volgens die mening van die Kommissaris nodig was om vir verdere doeltreffende diens in die Departement van Gevangenisgeeskik te maak, uit staatsfondse terugbetaal word.

Kostelose tandheelkundige behandeling.

(3) 'n Lid is geregtig op kostelose tandheelkundige behandeling wat deur 'n geneeskundige beamppte gelewer word.

Terugbetaling van koste van tandheelkundige behandeling meegebring deur besering op diens.

(4) Wanneer tandheelkundige behandeling gelewer word as gevolg van 'n besering deur 'n lid opgedoen onder die omstandighede soos in subregulasie (1) van regulasie 36 gemeld, kan die Kommissaris na sy goedvinde die volle koste wat aangegaan is, of 'n gedeelte daarvan, aan sodanige lid terugbetaal.

(E) Geneeskundige behandeling van 'n vrou en kind.

Geneeskundige en hospitaalbehandeling van die vrou en kind van 'n Blanke lid.

19. (1) (a) Behoudens die bepalinge van hierdie regulasie en van regulasies 20 en 21, is die vrou en afhanklike kinders van 'n Blanke lid daarop geregtig om geneeskundige en hospitaalbehandeling, met inbegrip van medisyne en verbandmiddels, gratis op staatskoste te ontvang.

(b) Die geneeskundige en hospitaalbehandeling waarvoor daar in hierdie regulasie voorsiening gemaak word, behels—

- (i) geneeskundige ondersoek en behandeling deur 'n geneeskundige beamppte of ander geneesheer in diens van die Staat of, indien sodanige dienste nie beskikbaar is nie, deur 'n private geneesheer;
- (ii) opneming, versorging en verpleging in 'n militêre of openbare hospitaal, uitgesonderd 'n hospitaal of inrigting vir melaatses of sielsiekes, asook enige geneeskundige of aanvullende geneeskundige diens wat deur so 'n hospitaal aan die vrou of kinders van 'n Blanke lid gelewer word terwyl hulle daarin versorg word;
- (iii) opneming, versorging en verpleging in 'n private hospitaal of verpleeginrigting in besonder dringende gevalle of wanneer geskikte akkommodasie nie in 'n openbare hospitaal beskikbaar is nie, asook enige geneeskundige of aanvullende geneeskundige diens wat deur so 'n private hospitaal of verpleeginrigting aan die vrou en kinders van 'n Blanke lid gelewer terwyl hulle daarin versorg word;
- (iv) indiensneming van 'n geregistreerde verpleegster indien die geneeskundige beamppte of ander gemagtigde geneesheer wat die geval behandel, van mening is dat die dienste van sodanige verpleegster noodsaaklik is; en
- (v) die verskaffing van geneeskundige geriewe, hulpmiddels en toestelle waarvan die koste, behoudens die Kommissaris se goekeuring, uit staatsfondse bestry kan word.

Omskrywing van „kind”.

(2) In hierdie regulasie, asook in regulasie 20, beteken „kind” met betrekking tot 'n lid, enige kind, stiefkind of wetlike aangenome kind van daardie lid wat permanent by sodanige lid inwoon en wat—

- (a) onder die leeftyd van agtien jaar is en nie werk verrig wat lonend genoeg is nie;
- (b) 18 jaar of ouer is, 'n voltydse skolier of student aan 'n skool, universiteit of ander opvoedkundige inrigting is en geheel en al van so 'n lid vir sy onderhoud afhanklik is; of
- (c) ouer as 18 jaar is en geheel en al van so 'n lid vir sy onderhoud afhanklik is vanweë 'n geestelike of liggaamlike gebrek;

Met dien verstande dat 'n kind wat tydelik elders as by die betrokke lid inwoon, hetsy met die doel om 'n skool, universiteit of ander opvoedkundige inrigting by te woon of omdat die lid weens omstandighede in verband met sy

circumstances connected with his employment, to care for the child personally, shall be deemed to be permanently resident with such member: Provided further, that where the maintenance paid or payable in respect of a child by any person other than the member concerned or where any earnings or income of any nature whatsoever received by or on behalf of a child is, in the opinion of the Commissioner, insufficient to provide that child with adequate food, clothing, lodging and medical treatment, such child shall be deemed to be entirely dependent on such member for his maintenance.

(F) Additional Medical Treatment of a Wife and Child. Treatment of a Wife and Child of a White Member.

20. (1) The cost of any medical treatment or assistance (additional to that provided for in regulation 19) in respect of the wife and child of a White member by any medical practitioner, specialist or other person who renders supplementary medical services and who is duly registered as such by the South African Medical Council, shall be met from public funds only—

- (a) if such treatment or assistance is provided on the written recommendation of a medical officer or other medical practitioner in the service of the State; and
- (b) in so far as such cost is not in excess of the amount prescribed for the particular service according to the tariff approved of by Treasury.

Grant-in-Aid towards Miscarriage Confinement.

(2) A White member shall be entitled to a grant-in-aid not exceeding R10.50 or such amount as, from time to time may, on the recommendation of the Commissioner, be approved by Treasury, towards the cost of medical assistance and nursing services in case of the pregnancy, miscarriage or confinement of his wife: Provided that the Commissioner may, in his discretion, approve of medical and hospital treatment in terms of regulation 19 or sub-regulation (1) of this regulation in a case in which, in the opinion of the Commissioner after consultation with the Secretary for Health, a latent disease or constitutional weakness has developed or has become aggravated as a result of pregnancy or childbirth, as well as in which a disease or disorder in the opinion of the Secretary for Health has arisen from such pregnancy or childbirth.

Free Dental Treatment by Medical Officer.

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

(G) Drugs.

Definition of Drug.

21. For the purpose of paragraph (a) of sub-regulation (1) of regulation 17 and paragraph (a) of sub-regulation (1) of regulation 19, the term "drug" shall mean any medical preparation which is required for the treatment of any indisposition, disease, injury or for the restoration of health and which is prescribed by a medical officer or duly authorised medical practitioner, but shall not include the following:—

- (a) Virol, medicinal wine, infant or invalid food and similar preparations;
- (b) lip salve, toilet powder, cosmetic preparations for the skin or hair, soap, dentifrice, and similar preparations;
- (c) alcoholic stimulants; and
- (d) drugs required in a case of pregnancy, miscarriage or confinement.

(H) Medical Treatment on Discharge.

Further Medical Treatment.

22. Apart from any treatment and nursing provided for in section sixty-eight of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), as amended, a member who, on dismissal, resignation or discharge from the

werk nie in staat is om die kind persoonlik te versorg nie, geag word permanent by so 'n lid in te woon: Met dien verstande, voorts, dat waar die onderhoud wat deur iemand anders as die betrokke lid ten opsigte van 'n kind betaal word of betaalbaar is of waar enige verdienste of inkomste van watter aard ook al deur of namens 'n kind ontvang word, na die mening van die Kommissaris onvoldoende is om daardie kind van toereikende voedsel, kleding, huisvesting of geneeskundige behandeling te voorsien, so 'n kind geag word geheel en al van so 'n lid vir onderhoud afhanklik te wees.

(F) Bykomende geneeskundige behandeling van 'n vrou en kind.

Behandeling van 'n vrou en kind van 'n Blanke lid.

20. (1) Die koste van enige bykomende geneeskundige behandeling of hulp (benewens dié waarvoor regulasie 19 voorsiening maak), ten opsigte van die vrou en kind van 'n Blanke lid deur enige geneesheer of spesialis of ander persoon wat aanvullende geneeskundige dienste lewer en wat as sodanig deur die Suid-Afrikaanse Geneeskundige Raad geregistreer is, word uit staatsfondse betaal slegs—

- (a) as sodanige behandeling of hulp verskaf word op die skriftelike aanbeveling van 'n geneeskundige beamppte of ander geneesheer in die diens van die Staat; en
- (b) vir sover sodanige koste nie die bedrag wat ooreenkomstig die tarief soos deur Tesourie goedgekeur, vir die bepaalde diens voorgeskryf is, oorskryf nie.

Hulptoelae by miskraam of bevalling.

(2) 'n Blanke lid is geregtig op 'n hulptoelae van hoogstens R10.50 of dié bedrag soos van tyd tot tyd op aanbeveling van die Kommissaris deur Tesourie goedgekeur mag word, ter bestryding van die koste verbonde aan geneeskundige hulp en verplegingsdienste in geval van die swangerskap, miskraam of bevalling van sy vrou: Met dien verstande dat die Kommissaris, na sy goedvinde, geneeskundige en hospitaalbehandeling kragtens die bepalinge van regulasie 19 of subregulasie (1) van hierdie regulasie kan goedkeur in 'n geval waar, volgens die mening van die Kommissaris na oorlegpleging met die Sekretaris van Gesondheid, 'n latente siekte of swaakteit van die gestel ontstaan het of vererger is as gevolg van swangerskap of bevalling, en ook waar 'n siekte of ongesteldheid volgens die mening van die Sekretaris van Gesondheid uit sodanige swangerskap of bevalling voortgespruit het.

Kostelose tandheelkundige behandeling deur geneeskundige beamppte.

(3) Die vrou en kind, soos in regulasie 19 omskryf, van 'n Blanke lid is daarop geregtig om tandheelkundige behandeling wat deur 'n geneeskundige beamppte gelewer word, gratis te ontvang.

(G) Medisyne.

Omskrywing van medisyne.

21. Vir die toepassing van paragraaf (a) van sub-regulasie (1) van regulasie 17 en paragraaf (a) van sub-regulasie (1) van regulasie 19, beteken die woord „medisyne” 'n geneeskundige preparaat wat nodig is vir die behandeling van 'n ongesteldheid, siekte of besering of vir die herstel van gesondheid en wat deur 'n geneeskundige beamppte of behoorlike gemagtigde geneesheer voorgeskryf word, maar omvat dit nie ook die volgende nie:—

- (a) Virol, geneeskragtige wyn, baba- en invalidevoedsel en soortgelyke preparate;
- (b) lipsalf, toiletpoeier, skoonheidsmiddels vir die vel of hare, seep, tandepasta en soortgelyke preparate;
- (c) alkoholiese stimuleermiddels; en
- (d) medisyne wat nodig is in gevalle van swangerskap, miskraam en bevalling.

(H) Geneeskundige behandeling by ontslag.

Verdere geneeskundige behandeling.

22. Afgesien van enige behandeling en verpleging waarvoor daer in artikel agt-en-sestig van die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955), soos gewysig, voorsiening gemaak word, moet 'n lid wat hom

Prisons Department, is in a hospital or nursing institution, other than a leper or mental institution, shall continue to receive further medical attendance and hospital treatment at State expense for such period as may be determined by the Commissioner.

(I) Inoculation and Vaccination of Members.

Compulsory when Required.

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

(J) Medical Treatment of Special Warders.

Applicability of Certain Regulations.

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

RESIDENTIAL QUARTERS AND MARRIAGE.

(A) Official Quarters.

Compulsory Occupation of Official Quarters.

25. (1) The Commissioner may allocate any official quarters to a member for occupation and require the member to occupy such quarters for such period and under such conditions as may be specially or generally determined by him.

Limitation of Occupation of Official Quarters.

(2) The official quarters allocated to a married member, may be occupied only by such member, his wife and children: Provided that, subject to the provisions of sub-regulation (4), the commanding officer may, on application by the member, permit another relative or any other person to reside permanently with such member if the commanding officer is satisfied that there is sufficient room at the official quarters and that such relative or other person is wholly dependent on such member or that the circumstances of the application are of an exceptionally urgent or deserving nature.

Liability for Rent.

(3) A member shall be liable for the rent of the official quarters allocated to him up to the date on which he vacates such quarters.

Sub-letting Prohibited.

(4) A member may not, without the permission of the Commissioner, sub-let any portion of official quarters occupied by him.

Liability for Damage.

(5) (a) A member shall be liable for all damage to official quarters caused by him, his wife, child, servant, other relative or person visiting or authorised to reside with him and for the loss or destruction through the negligence or carelessness of the member, his wife, child, other relative or other person during his occupancy of such quarters of keys or articles belonging to or attaching to such quarters.

(b) A member shall not make or cause to be made any alteration to official quarters or put such quarters to any use other than the purpose for which they have been made available to him or remove any property of the State from such quarters.

(c) Any cost incurred in repairing or cleaning quarters left in a damaged or dirty condition by a member may, at the discretion of, and in a manner to be determined by the Commissioner, be recovered from such member.

Rent of Official Single Quarters.

(6) The prescribed rent paid by a member for single quarters shall include—

- (a) the use of communal mess-rooms, libraries and recreation halls;
- (b) adequate lighting facilities and the necessary electric power and fuel for the quarters, mess-rooms, libraries and recreation halls; and
- (c) such furniture and bedding as determined by the Commissioner.

by afdanking, bedanking of ontslag uit die Departement van Gevangenis in 'n hospitaal, uitgesonderd 'n inrigting vir leprosyers of sielsiekes, bevind, verdere geneeskundige en hospitaalbehandeling op staatskoste ontvang vir dié tydperk wat die Kommissaris mag bepaal.

(I) Inenting van lede.

Verpligtend wanneer vereis.

23. 'n Lid moet hom laat inent wanneer die Kommissaris dit van hom vereis.

(J) Mediese behandeling van spesiale bewaarders.

Toepaslikheid van sekere regulasies.

24. Die bepalings van regulasie 15, 16, 17, 18, 21, 22 en 23 is van toepassing op 'n spesiale bewaarder wat kragtens paragraaf (a) van subregulasie (1) van regulasie 9 aangestel is, en regulasie 19 is van toepassing op die vrou van 'n gepensioeneerde blanke lid wat as so 'n spesiale bewaarder aangestel is.

WOONKWARTIERE EN HUWELIK.

(A) Amptelike kwartiere.

Verpligtende bewoning van amptelike kwartiere.

25. (1) Die Kommissaris kan enige amptelike kwartiere aan 'n lid vir bewoning toewys en vereis dat die lid sodanige kwartiere bewoon vir dié tydperk en op dié voorwaardes wat hy spesiaal of in die algemeen mag bepaal.

Beperking van bewoning van amptelike kwartiere.

(2) Die amptelike kwartiere wat aan 'n getroude lid toegewys is, mag slegs deur so 'n lid, sy vrou en kinders bewoon word: Met dien verstande dat, behoudens die bepalings van subregulasie (4), die bevelvoerende offisier op aansoek van die lid mag toelaat dat 'n ander familiebetrekking of enige ander persoon permanent by so 'n lid mag inwoon indien die bevelvoerende offisier daarvan oortuig is dat daar voldoende ruimte in die amptelike kwartiere beskikbaar is en dat sodanige familiebetrekking of ander persoon uitsluitlik van so 'n lid afhanklik is of dat die omstandighede van die aansoek van 'n buitengewoon dringende of verdienstelike aard is.

Aanspreeklikheid vir huurgeld.

(3) 'n Lid is vir die huurgeld van amptelike kwartiere wat aan hom toegewys is, aanspreeklik tot op die datum waarop hy sodanige kwartiere ontruim.

Onderverhuring verbode.

(4) 'n Lid mag geen gedeelte van amptelike kwartiere wat hy bewoon, sonder die toestemming van die Kommissaris onderverhuur nie.

Aanspreeklikheid vir Beskadiging.

(5) (a) 'n Lid is aanspreeklik vir alle skade aan amptelike kwartiere veroorsaak deur hom, sy vrou, kind, bediende, ander familiebetrekking of persoon wat by hom kuier of gemagtig is om by hom in te woon en vir die verlies of vernietiging, weens die nalatigheid of sorgeloosheid van die lid, sy vrou, kind, ander familiebetrekking of ander persoon gedurende sy bewoning van sodanige kwartiere, van sleutels of ander artikels wat behoort by of geheg is aan sodanige kwartiere.

(b) 'n Lid mag geen verandering aan amptelike kwartiere aanbring of laat aanbring of sodanige kwartiere vir enige ander doel aanwend as dié waarvoor dit aan hom beskikbaar gestel is of enige staatseigendom van sodanige kwartiere verwyder nie.

(c) Koste aangegaan in verband met die herstel of skoonmaak van kwartiere wat deur 'n lid in 'n beskadigde of vuil toestand gelaat is, kan na die goedvinde van en op 'n wyse wat die Kommissaris moet bepaal, op sodanige lid verhaal word.

Huurgeld vir amptelike Enkelkwartiere.

(6) Die voorgeskrewe huurgeld wat 'n lid vir enkelkwartiere betaal, sluit in—

- (a) die gebruik van gemeenskaplike menasiekamers, biblioteke en ontspanningsale;
- (b) toereikende beligting en die nodige elektriese krag en brandstof vir die kwartiere, menasiekamers, biblioteke en ontspanningsale; en
- (c) dié meubels en beddegoed soos deur die Kommissaris bepaal.

Water and Sanitary Services.

(7) The prescribed rent paid by a member for single or married quarters, shall include provision of water for domestic purposes, removal of rubbish and other essential sanitary services.

Supply of Free Prison Labour.

(8) The Commissioner may approve of free prison labour for—

- (a) the cleaning of official single quarters and a communal mess;
- (b) the preparation and serving of meals at a mess; and
- (c) the laundering of linen, bedding, towels and other articles supplied by the State to such quarters and communal mess.

Definition of "Child".

(9) Where the term "child" is used in this regulation, the meaning ascribed to such term in sub-regulation (2) of regulation 19 shall, *mutatis mutandis*, apply.

*(B) Marriage.**Notification of Date of Marriage.*

26. (1) Before entering into marriage a member shall give the Commissioner written notification thereof and also of the date of such intended marriage.

Residential Qualification of Wife and Dependent Child for Allowances and Privileges.

(2) For the purpose of such allowances and privileges as the Commissioner may determine, a member shall be deemed to be unmarried unless his wife or dependent child resides within the Republic or South West Africa. If the wife or dependent child of a married member leaves the Republic or South West Africa and resides abroad, the allowances and privileges ordinarily applicable in respect of such wife or child shall cease on the expiration of six calendar months as from the date on which the said wife or child left the Republic or South West Africa, unless otherwise directed by the Commissioner in exceptional circumstances.

*LEAVE.**(A) General Provisions.**Applicability to a Special Warder.*

27. (1) (a) Save anything to the contrary herein contained, the regulations regarding leave of absence, as applicable to members, shall *mutatis mutandis* also apply to a special warder appointed in a vacant post on the fixed establishment in terms of paragraph (a) of sub-regulation (1) of regulation 9.

(b) The leave regulations framed under the Public Service Act, 1957 (Act No. 54 of 1957), as amended, shall apply to those employees of the Department in respect of whom no other leave provision has been made in these or any other regulations.

Leave of Absence a Privilege.

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

(b) Leave cannot be claimed as of right, and when a member leaves the Prisons Department for any reason, he cannot claim payment in respect of the cash value of leave standing to his credit.

(c) The provisions of this regulation shall not preclude the payment of leave gratuities on conditions recommended by the Public Service Commission and approved by Treasury.

Grant and Withdrawal of Leave, and Leave Application Form.

(3) (a) (i) The grant of all leave of absence is subject to the approval of the Commissioner: Provided that the grant of leave of absence to the Commissioner is subject to such approval as the Minister may determine.

Water en sanitêre dienste.

(7) Die voorgeskrewe huurgeld wat 'n lid vir enkel- of getroude kwartiere betaal, sluit in die verskaffing van water vir huishoudelike doeleindes, vuilisverwydering en ander noodsaaklike sanitêre dienste.

Verskaffing van kostelose gevangenisarbeid.

(8) Die Kommissaris kan dit goedkeur dat gevangenisarbeid gratis verskaf word vir—

- (a) die skoonmaak van amptelike enkelkwartiere en 'n gemeenskaplike menasie;
- (b) die bereiding en bediening van etes in 'n menasie; en
- (c) die was en stryk van linne, beddegoed, handdoeke en ander artikels wat die Staat in sodanige kwartiere en gemeenskaplike menasie verskaf.

Omskrywing van „kind”.

(9) Waar die woord „kind” in hierdie regulasie verwys gebesig word, is die betekenis wat in subregulasie (2) van regulasie 19 aan sodanige woord geheg word, *mutatis mutandis* van toepassing.

*(B) Huwelik.**Kennisgewing van datum van huwelik.*

26. (1) Voordat 'n lid in die huwelik tree, moet hy die Kommissaris skriftelik daarvan en ook van die datum van sodanige voorgename huwelik in kennis stel.

Woonkwalifikasies van eggenote en afhanklike kind vir toelaes en voorregte.

(2) Vir die doeleindes van dié toelaes en voorregte soos die Kommissaris mag bepaal, word 'n lid geag ongetroud te wees tensy sy eggenote of afhanklike kind binne die Republiek of Suidwes-Afrika woonagtig is. Indien die eggenote of 'n afhanklike kind van 'n getroude lid die Republiek of Suidwes-Afrika verlaat en in die buiteland gaan woon, word die toelaes en voorregte wat gewoonlik ten opsigte van sodanige eggenote of kind van toepassing is, gestaak by verstryking van ses kalendermaande vanaf die datum waarop genoemde eggenote of kind die Republiek of Suidwes-Afrika verlaat het, tensy die Kommissaris onder buitengewone omstandighede anders gelas.

*VERLOF.**(A) Algemene bepalings.**Toepaslikheid op 'n spesiale bewaarder.*

27. (1) (a) Behoudens andersluidende bepalings hierin vervat, is die regulasies betreffende afwesigheidsverlof, soos van toepassing op lede, *mutatis mutandis* ook van toepassing op 'n spesiale bewaarder wat ooreenkomstig paragraaf (a) van subregulasie (1) van regulasie 9 in 'n vakante pos op die vaste diensstaat aangestel is.

(b) Die verlofregulasies opgestel kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, is van toepassing op daardie werknemers van die Departement vir wie geen ander verlofvoorsiening in hierdie of enige ander regulasies gemaak word nie.

Afwesigheidsverlof 'n voorreg.

(2) (a) Die afwesigheidsverlof waarvoor daar in hierdie regulasies voorsiening gemaak word, is 'n voorreg en word toegestaan slegs met behoorlike inagneming van die behoeftes van die diens.

(b) Verlof kan nie as 'n reg geëis word nie, en wanneer 'n lid die Departement van Gevangnisse om enige rede verlaat, kan hy nie eis dat die kontantwaarde van die verlof wat in sy krediet staan, aan hom uitbetaal word nie.

(c) Die bepalings van hierdie regulasie belet nie die betaling van verlofgratifikasies onder voorwaardes deur die Staatsdienskommissie aanbeveel en deur Tesourie goedgekeur nie.

Verlening en Intrekking van Verlof, en Verlofaansoekvorm.

(3) (a) (i) Die verlening van alle afwesigheidsverlof is onderworpe aan die goedkeuring van die Kommissaris: Met dien verstande dat die verlening van afwesigheidsverlof aan die Kommissaris onderworpe is aan dié goedkeuring wat die Minister mag bepaal.

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

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

(c) (i) Leave shall be applied for in writing, as prescribed.

(ii) An application for sick leave shall be supported by a medical certificate in a form approved by the Commissioner.

Lapse of Leave.

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

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

(ii) not apply to—

(aa) sick leave;

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

(cc) vacation leave granted in terms of sub-regulation (6) of regulation 34.

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

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

Payment of Allowances, etc. during Leave.

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

(B) Classification of Leave.

Leave Groups.

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

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

(b) Vacation leave without pay.

(c) Sick leave with full pay.

(d) Sick leave with half pay.

(e) Sick leave without pay.

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

(g) Special leave with full pay.

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

Granting of Leave under Different Leave Groups.

(2) Save as otherwise provided elsewhere in these regulations, the granting of leave under any one of the headings mentioned in sub-regulation (1) shall not affect the granting of leave under any of the other headings mentioned.

(ii) Verlof wat alreeds verleen is, kan te eniger tyd deur die Kommissaris of, in die geval van die Kommissaris, die Minister ingetrek word.

(b) Behalwe in die geval waar 'n lid in sy diens geskors is of weens sy skielike siekte of ander omstandighede wat vir die Kommissaris aanneemlik is, verhinder word om in sy werk aan te bly of hom vir diens aan te meld, mag hy nie sy werk verlaat of van diens wegbly voordat hy skriftelik om verlof aansoek gedoen het en hy in kennis gestel is dat die verlofaansoek goedgekeur is nie.

(c) (i) Daar moet skriftelik aansoek om verlof gedoen word soos voorgeskryf.

(ii) 'n Aansoek om siekteverlof moet gesteun word deur 'n geneeskundige sertifikaat in 'n vorm soos deur die Kommissaris goedgekeur.

Verval van verlof.

(4) (a) Sodra 'n lid kennis gee van bedanking of sodra 'n vroulike lid kennis gee van haar voorneme om in die huwelik te tree, verval alle verlof met betaling wat verleen is, met ingang van die datum van sodanige kennisgewing of, indien die kennisgewing nie gedateer is nie, met ingang van die datum van ontvangs daarvan deur die hoof van die gevangenis of kantoor, en alle verlof aangevra of afwesigheid van diens na daardie datum word geag vakansieverlof sonder betaling te wees: Met dien verstande dat die bepalings van hierdie paragraaf—

(i) van toepassing is slegs ten opsigte van afwesigheid gedurende die laaste dertig dae van 'n lid se diens; en

(ii) nie van toepassing is nie op—

(aa) siekteverlof;

(bb) spesiale verlof wat kragtens paragraaf (b) of (c) van subregulasie (1) van regulasie 37 verleen word; en

(cc) vakansieverlof wat kragtens subregulasie (6) van regulasie 34 verleen word.

(b) (i) Wanneer 'n lid die diens verlaat, verval alle afwesigheidsverlof wat aan hom verleen is, op die dag onmiddellik voor die dag waarop sodanige lid werklik die diens verlaat of op die datum wat kragtens paragraaf (a) bepaal word, indien gemelde paragraaf op hom van toepassing is.

(ii) 'n Lid se dienstdyperk mag nie verleng word nie ten einde hom in staat te stel om gebruik te maak van verlof wat aan hom verleen mag gewees het.

Betaling van toelaes, ens. gedurende verlof.

(5) Die voortsetting of staking van die betaling aan 'n lid van toelaes of ander besoldiging as sy salaris en die aanspreeklikheid van 'n lid vir die betaling aan die Staat van gelde vir goedere of dienste deur die Staat gelewer gedurende tydperke van verlof, is onderworpe aan die bepalings van die regulasies wat daarop van toepassing is en aan die opdragte wat die Staatsdienskommissie of Tesourie, of Tesourie op aanbeveling van die Staatsdienskommissie, daaromtrent uitgereik het.

(B) Indeling van verlof.

Verlofgroepe.

28. (1) Alle afwesigheid van diens met verlof word onder een of meer van die volgende hoofde ingedeel:—

(a) Vakansieverlof (oplopend) met volle betaling.

(b) Vakansieverlof sonder betaling.

(c) Siekteverlof met volle betaling.

(d) Siekteverlof met halwe betaling.

(e) Siekteverlof sonder betaling.

(f) Spesiale siekteverlof met volle of verminderde betaling.

(g) Spesiale verlof met volle betaling.

(h) Spesiale verlof met betalingsvoorwaardes soos deur die Staatsdienskommissie aanbeveel.

Verlening van verlof volgens verskillende verlofgroepe.

(2) Behoudens andersluidende bepalings elders in hierdie regulasies, raak die verlening van verlof onder enigeen van die hoofde in subregulasie (1) genoem, nie die verlening van verlof onder enigeen van die ander genoemde hoofde nie.

Unauthorised Absence Regarded as Vacation Leave Without Pay.

(3) (a) Save as provided in paragraph (c) of sub-regulation (1) of regulation 37, any unauthorised absence from duty shall, irrespective of the disciplinary action which may be taken against the member concerned, be regarded as vacation leave without pay unless the Public Service Commission recommends otherwise.

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

*(C) Leave Provision.**Basis for Granting Leave.*

29. (1) Subject to the provisions of regulation 27, leave may be granted on the following basis:—

*(a) To a member who has—**(i) completed fifteen years' service or longer:—*

Vacation leave (cumulative)—38 days per annum with full pay.

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

(ii) completed ten years', or longer, but less than fifteen years' service:—

Vacation leave (cumulative)—34 days per annum with full pay.

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

(iii) completed less than ten years' service:—

Vacation leave (cumulative)—30 days per annum with full pay.

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

*(b) To a White special warder who has—**(i) completed fifteen years' service or longer:—*

Vacation leave (cumulative)—34 days per annum with full pay.

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

(ii) completed ten years', or longer, but less than fifteen years' service:—

Vacation leave (cumulative)—30 days per annum with full pay.

Sick leave—70 days with full pay and 70 days with half pay in each cycle;

(iii) completed five years', or longer, but less than ten years' service:—

Vacation leave (cumulative)—26 days per annum with full pay.

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

(iv) completed less than five years' service:—

Vacation leave (cumulative)—22 days per annum with full pay.

Sick leave—30 days with full pay and 30 days with half pay in each cycle.

*(c) To a non-White special warder who has—**(i) completed twenty years' service or longer:—*

Vacation leave (cumulative)—30 days per annum with full pay.

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

(ii) completed fifteen years' or longer, but less than twenty years' service:—

Vacation leave (cumulative)—26 days per annum with full pay.

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

Ongemagtigde afwesigheid geag vakansieverlof sonder betaling te wees.

(3) (a) Behoudens die bepalings van paragraaf (c) van subregulasie (1) van regulasie 37, word ongemagtigde afwesigheid van diens, ongeag die tugmaatreëls wat teen die betrokke lid geneem mag word, geag vakansieverlof sonder betaling te wees tensy die Staatsdienskommissie anders aanbeveel.

(b) Die indiening van 'n skriftelike verlofaansoek soos in subparagraaf (i) van paragraaf (c) van subregulasie (3) van regulasie 27 bedoel, word nie in die geval van ongemagtigde afwesigheid vereis nie.

*(C) Verlofvoorsiening.**Grondslag in verlening van verlof.*

29. (1) Behoudens die bepalings van regulasie 27, kan verlof op onderstaande grondslag verleen word:—

*(a) Aan 'n lid wat—**(i) vyftien jaar of langer diens voltooi het:*

Vakansieverlof (oplopend)—38 dae per jaar met volle betaling.

Siekteverlof—120 dae met volle betaling en 120 dae met halwe betaling in elke tydkring;

(ii) tien jaar of langer, maar minder as vyftien jaar diens voltooi het:

Vakansieverlof (oplopend)—34 dae per jaar met volle betaling.

Siekteverlof—120 dae met volle betaling en 120 dae met halwe betaling in elke tydkring;

(iii) minder as tien jaar diens voltooi:

Vakansieverlof (oplopend)—30 dae per jaar met volle betaling.

Siekteverlof—120 dae met volle betaling en 120 dae met halwe betaling in elke tydkring;

*(b) Aan 'n Blanke spesiale bewaarder wat—**(i) vyftien jaar of langer diens voltooi het:*

Vakansieverlof (oplopend)—34 dae per jaar met volle betaling.

Siekteverlof—90 dae met volle betaling en 90 dae met halwe betaling in elke tydkring;

(ii) tien jaar of langer maar minder as vyftien jaar diens voltooi het:

Vakansieverlof (oplopend)—30 dae per jaar met volle betaling.

Siekteverlof—70 dae met volle betaling en 70 dae met halwe betaling in elke tydkring;

(iii) vyf jaar of langer maar minder as tien jaar diens voltooi het:

Vakansieverlof (oplopend)—26 dae per jaar met volle betaling.

Siekteverlof—50 dae met volle betaling en 50 dae met halwe betaling in elke tydkring;

(iv) minder as vyf jaar diens voltooi het:

Vakansieverlof (oplopend)—22 dae per jaar met volle betaling.

Siekteverlof—30 dae met volle betaling en 30 dae met halwe betaling in elke tydkring;

*(c) Aan 'n nie-Blanke spesiale bewaarder wat—**(i) twintig jaar of langer diens voltooi het:*

Vakansieverlof (oplopend)—30 dae per jaar met volle betaling.

Siekteverlof—80 dae met volle betaling en 80 dae met halwe betaling in elke tydkring;

(ii) vyftien jaar of langer maar minder as twintig jaar diens voltooi het:

Vakansieverlof (oplopend)—26 dae per jaar met volle betaling.

Siekteverlof—60 dae met volle betaling en 60 dae met halwe betaling in elke tydkring;

(iii) completed ten years', or longer, but less than fifteen years' service:—

Vacation leave (cumulative)—22 days per annum with full pay.

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

(iv) completed five years', or longer, but less than ten years' service:—

Vacation leave (cumulative)—18 days per annum with full pay.

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

(v) completed less than five years' service:—

Vacation leave (cumulative)—14 days per annum with full pay.

Sick leave—15 days with full pay and 15 days with half pay in each cycle.

Recognition of Service and Accumulated Leave on Reappointment in Temporary Capacity.

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

Leave on Appointment of a Special Warder as a Member.

(3) If a special warder is appointed a member without any break in his service, he shall retain the cumulative vacation leave standing to his credit.

Overgrant of Leave.

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

(D) Days Off.

Exemption from Duty for Duty Performed on a Day Off.

30. (1) A member or a special warder appointed in terms of paragraph (a) of sub-regulation (1) of regulation 9, who is on duty on a day off may with the authority of the Minister be exempted from duty on a later date or dates, as prescribed: Provided that such member or special warder shall be on duty for at least an aggregate period of eighty hours during any two succeeding weeks.

Day Off Concession Dependent on Exigencies of Service.

(2) The concession provided for in this regulation, shall be granted at the discretion of the head of the prison concerned, but the exigencies of the service shall at all times be taken into consideration and in no case may the concession be granted if efficiency will suffer thereby.

Days Off Not Deemed to be Leave.

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

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

(iii) tien jaar of langer maar minder as vyftien jaar diens voltooi het:

Vakansieverlof (oplopend)—22 dae per jaar met volle betaling.

Siekteverlof—40 dae met volle betaling en 40 dae met halwe betaling in elke tydkring;

(iv) vyf jaar of langer maar minder as tien jaar diens voltooi het:

Vakansieverlof (oplopend)—18 dae per jaar met volle betaling.

Siekteverlof—30 dae met volle betaling en 30 dae met halwe betaling in elke tydkring;

(v) minder as vyf jaar diens voltooi het:

Vakansieverlof (oplopend)—14 dae per jaar met volle betaling.

Siekteverlof—15 dae met volle betaling en 15 dae met halwe betaling in elke tydkring.

Erkenning van diens en opgelope verlof by heraanstelling in tydelike hoedanigheid.

(2) As 'n lid wat afgetree het uit 'n permanente pos of wat om enige rede 'n permanente betrekking neergelê het, met of sonder onderbreking van diens in 'n tydelike hoedanigheid heraanstelling word, word so 'n heraanstelling vir die toepassing van hierdie regulasies as 'n nuwe aanstelling beskou en tel die vorige permanente diens nie vir die verlofdoeleindes nie en verval verlof wat opgeloop het, by die beëindiging van die permanente aanstelling.

Verlof by aanstelling van spesiale bewaarder as lid.

(3) As 'n spesiale bewaarder as lid aangestel word sonder onderbreking in diens, behou hy die opgelope vakansieverlof wat in sy krediet staan.

Te veel verlof verleen.

(4) As meer vakansieverlof met volle betaling aan 'n lid verleen is as dié waarvoor daar in hierdie regulasies voorsiening gemaak word, kan die verlof wat te veel is, afgetrek word van vakansieverlof wat hom later toekom, mits die Kommissaris daarvan oortuig is dat daar te goeder trou gehandel is toe dié verlof verleen is: Met dien verstande dat, as die lid bedank of sy dienste beëindig word voordat voldoende vakansieverlof vir die doel van so 'n afrekkings vir hom opgeloop het, daardie gedeelte van die verlof wat te veel was en wat op sy laaste dag diens nog nie afgetrek kon word nie, geag moet 'n oorbetalings van salaris te wees wat of verhaal of met die vereiste magtigings afgeskryf moet word.

(D) Vry dae.

Vrystelling van diens vir diens op 'n vry dag verrig.

30. (1) 'n Lid, of 'n spesiale bewaarder wat kragtens paragraaf (a) van subregulasie (1) van regulasie 9 aangestel is, wat op 'n vry dag op diens is, kan met die magtiging van die Minister op 'n later datum of datums van diens vrystel word soos voorgeskryf: Met dien verstande dat sodanige lid of spesiale bewaarder op diens moet wees vir 'n totale tydperk van minstens tagtig uur gedurende enige twee agtereenvolgende weke.

Vergunning van vry dag afhanklik van vereistes van diens.

(2) Die vergunning waarvoor daar in hierdie regulasie voorsiening gemaak word, word na goedvinde van die hoof van die betrokke gevangenis verleen, maar die vereistes van die diens moet altyd in ag geneem word en in geen geval mag die vergunning verleen word as doeltreffendheid daaronder sal ly nie.

Vry dae nie geag verlof te wees nie.

(3) 'n Vry dag word nie geag verlof te wees nie en word nie as sodanig in die verlofregister aangeteken nie: Met dien verstande dat—

(a) 'n vry dag, of twee of meer agtereenvolgende vry dae wat binne 'n tydperk van verlof val, geag word verlof te wees wat onder dieselfde hoof van subregulasie (1) van regulasie 28 val as die verlof wat sodanige vry dag of vry dae voorafgaan en daarop volg;

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

(c) in the case of a member or special warder, referred to in sub-regulation (1), who is called upon to report for duty on a day off and who fails to do so, such day off shall be regarded as vacation leave without pay unless he is prevented from reporting for duty by circumstances which are acceptable to the Commissioner.

Leave Without Pay on Day Off.

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

(E) Leave in Terms of Repealed Regulations.

Accumulative Vacation Leave.

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

Retention of Accumulated Vacation Leave on Transfer from Another Department.

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

Calculation of Accumulated Vacation Leave.

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

(F) Leave Register.

Record of Member's Leave.

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

Record of Leave Application.

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

(G) Vacation Leave.

Basis of Accrual.

33. (1) Cumulative vacation leave shall accrue in respect of each completed month of service at the rate of one-twelfth of the period of leave applicable to a member in terms of sub-regulation (1) of regulation 29.

(b) 'n vry dag, of twee of meer agtereenvolgende vry dae wat tussen 'n tydperk van vakansieverlof en 'n tydperk van siekteverlof (of omgekeerd) val, geag word vakansieverlof te wees tensy die betrokke lid bewys lewer dat hy werklik op sodanige vry dag of vry dae siek was;

(c) in die geval waar 'n lid of spesiale bewaarder, in subregulasie (1) bedoel, aangesê word om hom op 'n vry dag vir diens aan te meld en hy in gebreke bly om dit te doen, sodanige vry dag geag word vakansieverlof sonder betaling te wees tensy hy weens omstandighede wat vir die Kommissaris aanneemlik is, verhinder word om hom vir diens aan te meld.

Verlof sonder betaling op vry dag.

(4) 'n Lid word geen salaris ten opsigte van vry dae wat binne 'n tydperk van verlof sonder betaling val, betaal nie.

(E) Verlof kragtens herroepe regulasies.

Oplopende vakansieverlof.

31. (1) Die uitvaardiging van hierdie regulasies en die herroeping van die regulasies wat onmiddellik voor sodanige uitvaardiging van krag was, raak in geen opsig die aaneenlopendheid van die oplopende vakansieverlof van 'n lid wat onmiddellik voor die datum van inwerking-treding van hierdie regulasie in diens was nie, en sodanige opgelope vakansieverlof bly, behoudens die bepalings van subregulasie (3), in die kredit van sodanige lid staan.

Behoud van opgelope vakansieverlof by oorpasing van 'n ander departement af.

(2) 'n Persoon wat voltyds in die diens is van die Suid-Afrikaanse Spoorweë, 'n onderwysinrigting onder die beheer van die Departement van Onderwys, Kuns en Wetenskap, die Staatsdelwerye, 'n provinsiale onderwys-departement of 'n erkende universiteit binne die Republiek en 'n persoon wat kragtens 'n provinsiale ordonnansie in die diens van 'n provinsiale administrasie aangestel is en wat sonder 'n onderbreking van diens oorgeplaas word na of aangestel word in 'n pos of betrekking waarop hierdie verlofregulasies van toepassing word, behou, behoudens die bepalings van subregulasie (3), die opgelope vakansieverlof wat in sy kredit gestaan het op die dag voor sy oorpasing of aanstelling, en sy vorige diens ten opsigte waarvan die verlofkredit oorgedra word, tel as diens vir verlofdoeleindes. As sodanige verlof eers na voltooiing van 'n vasgestelde dienстыdperk deur hom geneem kon word en sodanige dienстыdperk op die datum waarop hierdie regulasie op 'n lid van toepassing word, nog nie voltooi is nie, kan sy verlofkredit in verhouding tot dié gedeelte van betrokke dienстыdperk wat hy op laasgenoemde datum voltooi het, bereken word en kan die verlof wat aldus bereken is, onmiddellik verleen word.

Berekening van opgelope vakansieverlof.

(3) By die toepassing van hierdie regulasies word 'n gedeelte van 'n dag as een dag gereken wanneer 'n lid met die opgelope vakansieverlof gekrediteer word op die datum waarop hierdie regulasies in werking tree of op hom van toepassing word.

(F) Verlofregister.

Aantekening van lid se verlof.

32. (1) Die Departement moet ten opsigte van elke lid 'n verlofregister hou waarin alle afwesigheid van diens aangeteken word volgens die indeling vervat in sub-regulasie (1) van regulasie 28.

Bewaring van verlofaansoek.

(2) Alle verlofaansoeke moet vir audit- en ander doeleindes bewaar word in die kantoor waar die verlof-register gehou word, en wel vir dié tydperk wat die Staatsdienskommissie mag gelas.

(G) Vakansieverlof.

Oploepgrondslag.

33. (1) Oploepbare vakansieverlof loop ten opsigte van elke voltooide maand diens op teen een twaalfde van die verloftydperk wat kragtens subregulasie (1) van regulasie 29 op 'n lid van toepassing is.

Vacation Leave: Change of Classified Leave Groups.

(2) If a new classified leave group becomes applicable to a member in consequence of his transfer or change in rank—

- (a) he shall retain the cumulative vacation leave standing to his credit in respect of his service in the previous group or groups; and
- (b) the cumulative vacation leave of the new group shall become applicable to him from the first day of the month during which such transfer or change of rank becomes effective, unless the provisions of sub-regulation (2) of regulation 29 are applicable to him.

The Commissioner or a Member may be Required to Take Leave.

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

Maximum Vacation Leave.

(4) Except on the recommendation of the Public Service Commission, a member may not be granted vacation leave in excess of 184 days in any period of eighteen calendar months, and any absence from duty beyond this limit shall be covered by granting vacation leave without pay, due regard being had to the provisions of regulation 38. For the purpose of this sub-regulation, vacation leave granted in terms of sub-regulation (5) of regulation 34 shall not be taken into account.

Record of Cumulative Vacation Leave.

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

*(H) Sick Leave: General Provisions.**Granting of Sick Leave.*

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

At Transition from One Group to Another.

(2) If a member during a cycle and without a break in service—

- (a) passes to a group in which the sick leave privileges are less favourable than those formerly applicable to him, he shall, for the duration of the relative cycle, retain the sick leave privileges formerly applicable to him; or
- (b) passes to a group in which the sick leave privileges are more favourable than those formerly applicable to him, he shall immediately become entitled to the sick leave privileges of the new group: Provided that any paid sick leave already taken by him during the relative cycle, shall first be deducted from such sick leave.

Lapse of Unused Sick Leave.

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

Additional Sick Leave with Full Pay.

(4) A member who has completed at least twenty-one years continuous full-time Government service and who, on account of prolonged illness, has taken all the sick leave with full pay which may be granted to him in terms of sub-regulation (1) of regulation 29, may subject to the provisions of regulation 35, be granted additional

Vakansieverlof: Verandering van ingedeelde verlofgroep.

(2) Indien 'n nuwe ingedeelde verlofgroep op 'n lid as gevolg van sy oorpasing of verandering in rang van toepassing word—

- (a) behou hy die opgelope vakansieverlof wat ten opsigte van sy diens in die vorige groep of groepe tot sy krediet staan; en
- (b) word die oplopende vakansieverlof van die nuwe groep op hom van toepassing vanaf die eerste dag van die maand waarin sodanige oorpasing of verandering in rang van krag word, tensy die bepalinge van subregulasie (2) van regulasie 29 op hom van toepassing is.

Daar mag van die Kommissaris of 'n lid vereis word om vakansieverlof te neem.

(3) Die Kommissaris kan te eniger tyd van 'n lid vereis en die Minister kan te eniger tyd van die Kommissaris vereis dat hy die geheel van die vakansieverlof wat hom toekom of 'n gedeelte daarvan neem: Met dien verstande dat die maksimum tydperk van verlof wat in subregulasie (4) van hierdie regulasie voorgeskryf word, nie oorskry word nie.

Maksimum vakansieverlof.

(4) Behalwe op aanbeveling van die Staatsdienskommissie, mag daar aan 'n lid nie meer vakansieverlof as altesaam 184 dae in enige tydperk van agtien kalendermaande verleen word nie en word enige afwesigheid van diens wat hierdie beperking oorskry, gedek deur vakansieverlof sonder betaling te verleen met behoorlike inagneming van die bepalinge van regulasie 38. Vir die toepassing van hierdie subregulasie word vakansieverlof wat kragtens subregulasie (5) van regulasie 34 verleen word, buite rekening gelaat.

Aantekening van oplopende vakansieverlof.

(5) Die ooplopbare vakansieverlof wat 'n lid op 1 Januarie van elke jaar in sy krediet het, word in die verlofregister aangeteken, en by die aantekening van sodanige krediet word 'n gedeelte van 'n dag as een dag gereken.

*(H) Siekteverlof: Algemene bepalinge.**Verlening van siekteverlof.*

34. (1) Siekteverlof val 'n lid toe op die eerste dag van elke tydkring, en met ingang van daardie dag kan die volle verloftydperk vir die betrokke tydkring aan hom verleen word, mits daar aan die ander bepalinge van hierdie regulasie voldoen word: Met dien verstande dat aan geen lid siekteverlof met volle of halwe betaling verleen mag word voordat hy dertig dae diens voltooi het nie, en dan slegs ten opsigte van afwesigheid na die voltooiing van sodanige diens.

By oorgang van een groep na 'n ander.

(2) As 'n lid gedurende 'n tydkring sonder onderbreking van diens—

- (a) oorgaan na 'n groep waarin die siekteverlofvergunning minder gunstig is as dié wat voorheen op hom van toepassing was, behou hy vir die duur van die betrokke tydkring die siekteverlofvergunning wat voorheen op hom van toepassing was; of
- (b) oorgaan na 'n groep waar die siekteverlofvergunning gunstiger is as dié wat voorheen op hom van toepassing was, is hy onmiddellik geregtig op die siekteverlofvergunning van die nuwe groep: Met dien verstande dat alle siekteverlof wat hy reeds gedurende die betrokke tydkring geneem het, eers van sodanige siekteverlof afgetrek moet word.

Verval van ongebruikte siekteverlof.

(3) Ongebruikte siekteverlof wat vir 'n bepaalde tydkring voorgeskryf is, verval aan die einde van sodanige tydkring en mag nie na die volgende tydkring oorgedra word nie.

Addisionele siekteverlof met volle betaling.

(4) Aan 'n lid wat minstens een-en-twintig jaar ononderbroke voltydse Regeringsdiens voltooi het en wat weens langdurige siekte al die siekteverlof met volle betaling opgebruik het wat kragtens subregulasie (1) van regulasie 29 aan hom verleen mag word, kan, behoudens die bepalinge van regulasie 35, addisionele siekteverlof met

sick leave with full pay to such an extent and subject to such conditions as the Commissioner may determine on the recommendation of the Public Service Commission and with the approval of Treasury.

Additional Sick Leave with Half Pay.

(5) If a member who has been granted the maximum amount of sick leave provided for in those regulations is not yet able, for reasons of ill-health, to resume his duties, the Commissioner may—

- (a) on the submission to him of a satisfactory certificate by a medical officer or other registered medical practitioner; and
- (b) if he is satisfied that the member at that particular time is not permanently unfit to resume the normal duties; and
- (c) if the member has no vacation leave to his credit, in his discretion, grant the member further sick leave with half-pay not exceeding 92 days in any particular cycle. This leave may be granted in respect of separate periods of absence and in respect of different kinds of illnesses.

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

(6) (a) A member may, on his written application, be granted, in lieu of sick leave with half-pay or without pay, any vacation leave which he may have to his credit on condition that such application is submitted not later than thirty days after he has resumed duty: Provided that the number of days vacation leave thus granted shall not exceed 365 days in any cycle: Provided further that the Commissioner is satisfied that the member concerned is not at that stage permanently unfit for the resumption of his normal duties.

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

Conversion of Vacation Leave into Sick Leave.

(7) (a) If a member to whom vacation leave has been granted, becomes ill after he has left his duties to proceed on vacation leave, that portion of vacation leave during which he was indisposed, may be converted into sick leave if—

- (i) the member submits to the Commissioner a certificate by a medical officer or other registered medical practitioner (or a registered dentist if paragraph (a) of sub-regulation (4) of regulation 35 is applicable to him) which complies with the requirements of sub-regulation (3) of regulation 35; and
- (ii) the necessary sick leave is available in terms of these regulations.

(b) Vacation leave without pay may not be converted into sick leave.

(I) Grant of Sick Leave.

Eligibility for Sick Leave.

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

Conditions for Granting Sick Leave on Account of Specific Illness.

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

- (a) incapacitates him for duty;
- (b) does not arise from his failure to take vacation leave.

volle betaling verleen word tot dié mate en op dié voorwaardes wat die Kommissaris op aanbeveling van die Staatsdienskommissie en met die goedkeuring van Tesourie mag bepaal.

Addisionele siekteverlof met halwe betaling.

(5) As 'n lid aan wie die maksimum hoeveelheid siekteverlof waarvoor daar in hierdie regulasies voorsiening gemaak word, verleen is, weens swak gesondheid nog nie in staat is om sy pligte te hervat nie, kan die Kommissaris—

- (a) by die voorlegging aan hom van 'n bevredigende sertifikaat van 'n geneeskundige beampte of ander geregistreerde geneesheer; en
- (b) as hy daarvan oortuig is dat die lid op die betrokke tydstop nie permanent ongeskik vir die hervatting van sy gewone pligte is nie; en
- (c) as die lid geen vakansieverlof tot sy krediet het nie, na sy goedvinde verdere siekteverlof met halwe betaling vir hoogstens 92 dae in 'n bepaalde tydkring aan dié lid verleen. Hierdie verlof mag ten opsigte van afsonderlike tydperke van afwesigheid en ten opsigte van ongesteldhede van verskillende aard verleen word.

Vakansieverlof in plaas van Siekteverlof met halwe betaling of sonder betaling.

(6) (a) In plaas van siekteverlof met halwe betaling of siekteverlof sonder betaling, kan enige vakansieverlof wat in die krediet van 'n lid staan, aan so 'n lid verleen word mits sodanige aansoek nie later nie as dertig dae nadat hy diens hervat het, ingedien word: Met dien verstande dat die getal dae vakansieverlof wat aldus verleen word, nie meer as 365 dae in enige tydkring is nie: Met dien verstande voorts dat die Kommissaris daarvan oortuig is dat die betrokke lid op daardie tydstop nie permanent ongeskik vir die hervatting van sy gewone pligte is nie.

(b) Sodra die bedoelde vakansieverlof aan 'n lid verleen is en hy ten opsigte daarvan betaling ontvang het, mag sodanige verlof nie weer in siekteverlof met halwe betaling of sonder betaling omgeskep word nie.

Omskepping van vakansieverlof in siekteverlof.

(7) (a) Indien 'n lid aan wie vakansieverlof verleen is, siek word nadat hy sy diens verlaat het om met vakansieverlof te gaan, mag daardie gedeelte van vakansieverlof waarin hy siek was, in siekteverlof omgeskep word as—

- (i) die lid aan die Kommissaris 'n sertifikaat van 'n geneeskundige beampte of ander geregistreerde geneesheer [of 'n geregistreerde tandarts as paragraaf (a) van subregulasie (4) van regulasie 35 op hom van toepassing is] voorlê wat aan die vereistes van subregulasie (3) van regulasie 35 voldoen; en
- (ii) die nodige siekteverlof kragtens hierdie regulasies beskikbaar is.

(b) Vakansieverlof sonder betaling mag nie in siekteverlof omgeskep word nie.

(I) Verlening van siekte verlof.

Geskiktheid vir siekteverlof.

35. (1) Siekteverlof word slegs toegestaan in verband met 'n lid se afwesigheid van diens weens 'n siekte, ongesteldheid of besering wat nie aan sy wangedrag of gebrek aan behoorlike voorsorg te wyte is nie.

Voorwaardes vir die verlening van siekteverlof weens spesifieke siektes.

(2) Siekteverlof ten opsigte van senuweekwale, slape-loosheid, swakheid en dergelike vaag omskrewe siektes of ongesteldhede word verleen slegs as die Kommissaris daarvan oortuig is dat die applikant se gesondheids-toestand—

- (a) hom ongeskik maak vir diens; en
- (b) nie voortvloei uit sy versuim om vakansieverlof te neem nie.

Sick Leave Granted only on Submission of Medical Certificate.

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

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

Certificate by Registered Dentist.

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

(b) A similar certificate issued by a registered dentist in respect of other indispositions may be accepted only with the concurrence of the Secretary for Health or an officer or employee as defined in the Public Service Act, 1957 (Act No. 54 of 1957), as amended, and authorised thereto by him.

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

Refusal of Sick Leave With Pay.

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

(J) *Special Sick Leave.*

Injury or Accident in the Course of Duty.

36. (1) A member who is absent from duty on account of an injury sustained in an accident arising out of and in the course of his duties or on account of a disease contracted in the course of and as a result of his duties, may be granted special sick leave with full pay for the period he is not fit for the performance of his normal duties, or, if the case falls within the scope of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), as amended, special sick leave with remuneration equal to the difference between his full pay and the compensation payable to him in terms of that Act.

Accident due to Misconduct.

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

Submission of Certificate.

(3) The provisions of sub-regulations (3) and (4) of regulation 35 shall *mutatis mutandis* be applicable to special sick leave.

Siekteverlof slegs by voorlegging van geneeskundige sertifikaat verleen.

(3) (a) As 'n lid weens siekte van diens afwesig is, word siekteverlof aan hom verleen slegs as hy 'n sertifikaat van 'n geneeskundige beampte of 'n ander geregistreerde geneesheer (of 'n geregistreerde tandarts as paragraaf (a) van subregulasie (4) op hom van toepassing is) wat duidelik die aard van die siekte beskryf, wat verklaar dat hy nie in staat is om sy amptelike pligte uit te voer nie en wat die tydperk meld wat nodig is vir sy herstel, aan die Kommissaris verstrek.

(b) Indien die Kommissaris daarvan oortuig is dat die lid se afwesigheid waarlik te wyte is aan siekte en dat daar grondige redes bestaan waarom 'n geneeskundige sertifikaat nie ingedien is nie, kan hy ten opsigte van siekteverlof vir 'n aaneenlopende tydperk van hoogstens 14 dae afsien van die vereiste dat 'n geneeskundige sertifikaat deur die lid ingedien moet word, en sodanige vrystelling moet op die verlofaansoek geëndosseer word.

Sertifikaat van geregistreerde tandarts.

(4) (a) Indien 'n lid se afwesigheid te wyte is aan 'n tandverswering, 'n kakebeenbreuk, akute Vincentbesmetting van die mond of komplikasies wat voortvloei uit die trek van tande, soos beenmurgontsteking, beenontsteking en sekondêre bloeding, kan 'n sertifikaat soos in paragraaf (a) van subregulasie (3) omskryf en uitgereik deur 'n geregistreerde tandarts, vir die toepassing van daardie paragraaf aanvaar word.

(b) 'n Dergelike sertifikaat deur 'n geregistreerde tandarts uitgereik ten opsigte van ander ongesteldhede, kan slegs met die instemming van die Sekretaris van Gesondheid of 'n beampte of werknemer soos omskryf in die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, en deur hom daartoe gemagtig, aanvaar word.

(c) Ongeag die bepalings van hierdie subregulasie kan die Kommissaris vereis dat 'n sertifikaat van 'n geneeskundige beampte of ander geregistreerde geneesheer voorgelê word voordat hy siekteverlof verleen.

Weiering van siekteverlof met betaling.

(5) Ondanks die voorlegging van 'n sertifikaat soos in paragraaf (a) van subregulasie (3) en paragraaf (a) van subregulasie (4) omskryf, kan die Kommissaris, na sy goedvinde, weier om siekteverlof met betaling te verleen ten opsigte van enige afwesigheid van diens waarop sodanige sertifikaat betrekking het, en in so'n geval word enige afwesigheid van diens as ongemagtig beskou en is die bepalings van subregulasie (3) van regulasie 28 ten opsigte daarvan van toepassing.

(J) *Spesiale siekteverlof.*

Besering of ongeval in loop van diens.

36. (1) Aan 'n lid wat van diens afwesig is weens 'n besering opgedoen in 'n ongeval wat voortgespruit het uit sy diens en in die loop daarvan voorgekom het of weens 'n siekte wat in die loop van en as gevolg van sy diens opgedoen is, kan spesiale siekteverlof met volle betaling verleen word vir die tydperk wat hy nie geskik is om sy gewone pligte uit te voer nie, of, indien die geval binne die bestek van die Ongevallewet, 1941 (Wet No. 30 van 1941), soos gewysig, val, spesiale siekteverlof met besoldiging gelyk aan die verskil tussen sy volle betaling en die skadeloosstelling wat kragtens daardie Wet aan hom betaalbaar is.

Ongeval weens wangedrag.

(2) Spesiale siekteverlof word nie kragtens hierdie subregulasie verleen nie indien die Kommissaris van mening is dat die ongeval aan die ernstige en opsetlike wangedrag van die betrokke lid te wyte is.

Voorlegging van sertifikaat.

(3) Die bepalings van subregulasies (3) en (4) van regulasie 35 is *mutatis mutandis* van toepassing op spesiale siekteverlof.

(K) Special Leave with Full Pay.**Conditions for Granting.**

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

- (a) when he writes any examination prescribed by the Public Service Act, 1957 (Act No. 54 of 1957), as amended, an examination of a recognised university within the Republic, any law examination of the Public Service and any other examination which the Public Service Commission may indicate;
- (b) when he is absent from duty owing to isolation, in accordance with medical instructions, as a result of his having been in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease: The granting of special leave under this paragraph is subject to the submission of a certificate, by a medical officer or other registered medical practitioner, indicating the period of and reason for isolation; or
- (c) when he is arrested or has to appear before a court on a criminal charge and he is subsequently acquitted or the charge is withdrawn.

Special Leave includes Journeys.

(2) Special leave granted in terms of sub-regulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

(L) Vacation Leave Without Pay.**Conditions for Granting.**

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

(M) Sick Leave Without Pay.**Conditions for Granting.**

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

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

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

Medical Certificate Necessary.

(2) The sick leave without pay as provided for in sub-regulation (1) shall be granted to a member subject to the submission by him to the Commissioner of a satisfactory medical certificate in respect of each absence.

(N) Recognition of Leave for Salary and Service Purposes.**Basis of Recognition.**

40. (1) All leave, of whether nature, with full or part pay, and vacation and sick leave without pay not exceeding 15 days in the aggregate in any month, shall count for the purpose of leave accrual. If the leave without pay exceeds the said number of days—

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

(K) Speciale verlof met volle betaling.**Voorwaardes vir verlening.**

37. (1) Speciale verlof met volle betaling kan aan 'n lid verleen word—

- (a) wanneer hy enige eksamen voorgeskryf by die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, 'n eksamen van 'n erkende universiteit binne die Republiek, enige regseksamen van die Staatsdiens en enige ander eksamen wat die Staatsdienskommissie mag aanwys, aflê;
- (b) wanneer hy van diens afwesig is weens isolasie, ooreenkomstig geneeskundige instruksies, as gevolg daarvan dat hy in aanraking was met 'n persoon wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het: Die verlening van spesiale verlof kragtens hierdie paragraaf is onderworpe aan die voorlegging van 'n sertifikaat van 'n geneeskundige beampte of ander geregistreerde geneesheer, waarin die tydperk van en die rede vir isolasie gemeld word; of
- (c) wanneer hy gevangene geneem is of voor 'n hof moet verskyn op aanklag van 'n misdaad en later vrygespreek of die aanklag teruggetrek word.

Speciale verlof sluit reise in.

(2) Speciale verlof wat kragtens subregulasie (1) verleen word, kan enige tydperk insluit wat werklik en noodsaaklikerwys in beslag geneem word deur reise vir die doel waarvoor die verlof verleen word.

(L) Vakansieverlof sonder betaling.**Voorwaardes vir verlening.**

38. Die Kommissaris, kan, as grondige rede aangevoer word, na sy goedvinde maar behoudens die beperkings wat by paragraaf (c) van subregulasie (1) van regulasie 39 opgelê word, aan 'n lid wat geen vakansieverlof met betaling in sy krediet het nie, vakansieverlof sonder betaling verleen vir hoogstens altesaam 184 dae in enige tydperk van agtien kalendermaande. In uitsonderlike gevalle kan daar van die beperkings wat by hierdie regulasie opgelê word, afgesien word op aanbeveling van die Staatsdienskommissie.

(M) Siekteverlof sonder betaling.**Voorwaardes vir verlening.**

39. (1) (a) Aan 'n lid wat al sy siekteverlof met betaling waarvoor daar in subregulasie (1) van regulasie 29 voorsiening gemaak is, opgebruik het, kan daar, ondanks die bepalinge van subregulasie (5) van regulasie 34, siekteverlof sonder betaling verleen word vir hoogstens 365 dae in 'n bepaalde tydkring.

(b) Siekteverlof kan kragtens paragraaf (a) verleen word afgesien daarvan of addisionele siekteverlof met halwe betaling kragtens subregulasie (4) van regulasie 34 aan die lid verleen is.

(c) As die siekteverlof sonder betaling waarvoor daar in hierdie subregulasie voorsiening gemaak word, aan 'n lid verleen is, mag geen verdere verlof hoegenaamd gedurende daardie bepaalde tydkring aan hom verleen word om sy afwesigheid van diens weens siekte te dek nie, behalwe op aanbeveling van die Staatsdienskommissie.

Geneeskundige sertifikaat nodig.

(2) Die siekteverlof sonder betaling waarvoor daar in subregulasie (1) voorsiening gemaak word, word aan 'n lid verleen behoudens die voorlegging deur hom aan die Kommissaris van 'n bevredigende geneeskundige sertifikaat ten opsigte van elke afwesigheid.

(N) Erkenning van verlof vir salaris- en diensdoeleindes.**Grondslag van erkenning.**

40. (1) Alle verlof, van watter aard ook al, met volle of gedeeltelike betaling, en vakansie- en siekteverlof sonder betaling van altesaam 15 dae in 'n maand, tel vir die doel van verlofaanwas. As die verlof sonder betaling langer is as genoemde getal dae—

- (a) word die getal dae wat sodanige verlof langer is, nie as diens vir die toepassing van subregulasie (1) van regulasie 33 gereken nie; en

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

Recognition of Leave for Determination of Group.

(2) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining a member's leave group in terms of sub-regulation (1) of regulation 29.

Granting of Leave Dependent on Resumption of Duty.

(3) The vacation leave which accrues, in terms of sub-regulation (1), during a period of vacation leave without pay or sick leave without pay, may not be granted to a member until he has resumed duty after his absence on vacation or sick leave without pay, and may then be granted only in respect of absences after such resumption of duty.

Recognition of All Leave for Purposes of Salary Increment.

41. All leave, of whatever nature, whether with or without pay, shall count as service for the purpose of granting a salary increment when the member concerned is in other respects entitled thereto.

(O) Exceptional Cases.

Special Provisions and Departure from Leave Regulations.

42. (a) Should circumstances arise which justify a departure from the provisions of these regulations, the Commissioner may grant leave to a member or class of members on such conditions as the Public Service Commission may recommend.

(b) The Public Service Commission may also in its discretion prescribe special leave privileges for a member or class of members and also make recommendations in connection with leave matters which are not covered by, or which result in a departure from, the provisions of these regulations.

SUBSISTENCE ALLOWANCE.

(A) Rates.

Categories of Rates.

43. (1) Subject to the provisions of regulation 44 and save where other special provision is made in these regulations or unless accommodation or a subsistence allowance is otherwise provided for or paid by the State or where a member, during his absence from his headquarters, stays in his quarters, the Commissioner may pay a member who is necessarily absent from his headquarters on official duty in the Republic, South West Africa or in protectorates, for a period of 24 hours or longer, including travelling time, a subsistence allowance at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

Rates for Periods Less than 24 Hours.

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

- (a) reimburse a member who is necessarily absent from his headquarters for a period of less than 24 hours on official duty in the Republic, South West Africa or the protectorates for reasonable expenditure actually and necessarily incurred by him on accommodation; and
- (b) pay to a member who is necessarily absent on official duty from his usual place of work within the area of his headquarters in the Republic or South West Africa and in connection therewith finds himself further than three miles from such

- (b) word die getal dae siekteverlof met volle betaling en siekteverlof met halwe betaling wat kragtens paragraaf (b) van subregulasie (1) van regulasie 29 op 'n lid van toepassing is, verminder met *een ses-en-dertigste* ten opsigte van elke tydperk wat sodanige verlof langer is, en sodanige vermindering word afgetrek van die getal dae beskikbaar in die tydkring waarin die langer tydperk voorkom of, as die beskikbare siekteverlof vir die betrokke tydkring reeds gebruik is, van die getal dae beskikbaar in die eersvolgende tydkring.

Erkenning van verlof vir bepaling van groep.

(2) Vakansieverlof sonder betaling en siekteverlof sonder betaling tel as diens vir die vasstelling van die verlofgroep van 'n lid kragtens subregulasie (1) van regulasie 29.

Verlening van verlof afhanklik van hervatting van diens.

(3) Die vakansieverlof wat kragtens subregulasie (1) aanwas gedurende 'n tydperk van vakansieverlof sonder betaling of siekteverlof sonder betaling, mag nie aan 'n lid verleen word nie voordat hy, na sy afwesigheid met vakansie- en siekteverlof sonder betaling, weer sy diens hervat het, en mag dan slegs ten opsigte van afwesigheid na sodanige hervatting van diens verleen word.

Erkenning van alle verlof vir salarisverhogingsdoeleindes.

41. Alle verlof, van watter aard ook al, hetsy met of sonder betaling, tel as diens vir die toekenning van 'n salarisverhoging wanneer die betrokke lid in ander opsigte daarop geregtig is.

(O) Buitengewone gevalle.

Spesiale bepalinge en afwyking van verlofregulasies.

42. (a) As daar omstandighede ontstaan wat 'n afwyking van die bepalinge van hierdie regulasies regverdig, mag die Kommissaris aan 'n lid of klas lede verlof verleen op dié voorwaardes wat die Staatsdienskommissie mag aanbeveel.

(b) Die Staatsdienskommissie kan ook na sy goedvinde spesiale verlofvoorregte vir 'n lid of lede voorskryf asook aanbevelings doen in verband met verlofsake wat nie deur hierdie regulasies gedek word nie of wat 'n afwyking van die bepalinge van hierdie regulasies meebring.

VERBLYFTOELAE.

(A) Tariewe.

Kategorieë van tariewe.

43. (1) Behoudens die bepalinge van regulasie 44 en behalwe waar ander spesiale voorsiening in hierdie regulasies gemaak word of tensy herberg of 'n verblyftoelae op 'n ander manier deur die Staat verskaf of betaal word of waar 'n lid tydens sy afwesigheid van sy hoofkwartier by sy huis tuisgaan, kan die Kommissaris aan 'n lid wat noodsaaklikerwys in amptelike diens in die Republiek, Suidwes-Afrika of in die protektorate van sy hoofkwartier afwesig is vir 'n tydperk van 24 uur of langer, insluitende die reistyd, 'n verblyftoelae betaal teen tariewe en op voorwaardes soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

Tariewe vir tydperke van minder as 24 uur.

(2) Behalwe waar ander spesiale voorsiening in hierdie regulasies gemaak word of tensy voorsiening van 'n verblyftoelae op 'n ander manier deur die Staat verskaf of betaal word kan die Kommissaris—

- (a) aan 'n lid wat vir 'n tydperk van minder as 24 uur in die Republiek, Suidwes-Afrika of in die protektorate noodwendig in amptelike diens van sy hoofkwartier afwesig is, redelike uitgawe terugbetaal wat hy werklik en noodwendig aan herberg aangegaan het; en
- (b) aan 'n lid wat noodwendig in amptelike diens binne sy hoofkwartiergebied van sy gewone werkplek in die Republiek of Suidwes-Afrika afwesig is en hom by etensyd in verband daarmee verder as drie myl van sodanige werkplek en van sy tuiste bevind, 'n

place of work and from his home at any mealtime, a subsistence allowance at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended, to defray any expenditure incurred by him on accommodation.

Official Duty Outside the Republic, South West Africa and Protectorates.

(3) The Commissioner may pay to a member who is absent from his headquarters on official duty and who, in connection therewith, finds himself outside the Republic, South West Africa and the protectorates, a subsistence allowance or refund to him any expenditure on accommodation at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

(B) Payment of Subsistence Allowance.

In Respect of Determined Periods.

44. (1) (a) Save where other special provision is made in these regulations, the subsistence allowance referred to in regulation 43, may be paid to a member during periods of absence from his headquarters for a continuous period not exceeding six calendar months at the same town or place.

(b) The time spent by a member in travelling to and from his destination shall not be taken into account for the purpose of calculating the period of six calendar months referred to in paragraph (a), and for the purpose of this sub-regulation the continuity of any period during which he stays at the same town or place shall not be deemed to be interrupted by an absence, for any reason whatsoever, of less than one calendar month.

Subsistence, Camping and Special Allowances for Periods in Excess of 24 Hours or Multiple thereof.

(2) For each full hour in excess of 24 hours or a multiple of 24 hours the Commissioner may pay to a member a subsistence, camping or special allowance, referred to in these regulations, at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

(C) Air Journeys.

Payment According to Area and Duration of Journey.

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

Reimbursement in Respect of Other Air Journeys.

(2) Subsistence allowances shall not be paid in respect of air journeys other than those referred to in sub-regulation (1), but the Commissioner may refund to a member any reasonable expenditure actually and necessarily incurred on accommodation during such journey.

(D) Voyages.

Subsistence Allowance Not Applicable to a Voyage.

46. (1) Subject to the provisions of sub-regulation (2), no subsistence allowance shall be paid in respect of any period spent by a member on board ship and no expenditure in respect of extras or liquor shall be refunded to him.

Refund of Reasonable Expenses.

(2) Notwithstanding the provisions of sub-regulation (1), the Commissioner may refund to a member who undertakes a voyage on official duty, the reasonable expenditure actually incurred by him—

- (a) on accommodation and stewards' fees, excluding fees to wine stewards, in respect of a voyage—
 - (i) on a waterway of a continent;
 - (ii) between the Continent of Europe and the United Kingdom or Ireland; or
 - (iii) between the United Kingdom and Ireland; and

verblyftoelae betaal teen tariewe en op voorwaardes soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word, ter bestryding van uitgawes wat by aan herberg aangegaan het.

Amptelike diens buite die Republiek, Suidwes-Afrika en die Protektorate.

(3) Die Kommissaris kan aan 'n lid wat in amptelike diens van sy hoofkwartier afwesig is en hom in verband daarmee buite die Republiek, Suidwes-Afrika en die protektorate bevind, 'n verblyftoelae betaal of uitgawes aan herberg terugbetaal teen tariewe en op voorwaardes soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

(B) Betaling van verblyftoelae.

Ten opsigte van bepaalde tydperke.

44. (1) (a) Behalwe waar ander spesiale voorsiening in hierdie regulasies gemaak word, kan die verblyftoelae soos in regulasie 43 bedoel, aan 'n lid betaal word gedurende tydperke van afwesigheid van sy hoofkwartier vir 'n aaneenlopende tydperk van hoogstens ses kalendermaande in dieselfde dorp of plek.

(b) Die tyd wat 'n lid daaraan bestee om na en van sy bestemming te reis, word nie by die berekening van die tydperk van ses kalendermaande wat in paragraaf (a) bedoel word, in aanmerking geneem nie, en vir die toepassing van hierdie subregulasie word die deurlopendheid van 'n tydperk wat hy in dieselfde dorp of plek bly, nie geag deur 'n afwesigheid, om watter rede ook al, van minder as een kalendermaand onderbreek te word nie.

Verblyf-, kamp- en spesiale toelaes vir tydperke langer as 24 uur of veelvoude daarvan.

(2) Vir elke volle uur bo 24 uur of 'n veelvoud van 24 uur kan die Kommissaris aan 'n lid 'n verblyf-, kamp- of spesiale toelae in hierdie regulasies bedoel teen tariewe en op voorwaardes betaal soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

(C) Lugreise.

Betaling volgens gebied en tydsduur van reis.

45. (1) Die Kommissaris kan aan 'n lid wat in of tussen die Republiek, Suidwes-Afrika en die protektorate of binne die buiteland waarin hy gestasioneer is, in amptelike diens per lug reis, 'n verblyftoelae vir die duur van sodanige lugreis betaal soos in of kragtens hierdie regulasies voorgeskryf.

Terughbetaling ten opsigte van ander lugreise.

(2) Verblyftoelaes word nie ten opsigte van ander lugreise as dié in subregulasie (1) bedoel, betaal nie maar die Kommissaris kan redelike uitgawes wat gedurende sodanige reise werklik en noodwendig aan herberg aangegaan word, aan 'n lid terugbetaal.

(D) Skeepsreise.

Verblyftoelae nie op skeepsreise van toepassing nie.

46. (1) Behoudens die bepalings van subregulasie (2), word daar ten opsigte van 'n tydperk wat 'n lid aan boord skip deurbring, geen verblyftoelae betaal nie en word uitgawes aan ekstras of drank nie aan hom terugbetaal nie.

Terughbetaling van redelike uitgawes.

(2) Ondanks die bepalings van subregulasie (1), kan die Kommissaris aan 'n lid wat in amptelike diens 'n skeepsreis onderneem, die redelike uitgawes terugbetaal—

- (a) wat hy werklik aan herberg en kelnersfooie, uitgesonderd fooie aan drankkelners, aangaan ten opsigte van 'n skeepsreis—
 - (i) op 'n waterweg van 'n vasteland;
 - (ii) tussen die Vasteland van Europa en die Verenigde Koninkryk of Ierland; of
 - (iii) tussen die Verenigde Koninkryk en Ierland;

- (b) on stewards' fees, excluding fees to wine stewards, in respect of a voyage other than that referred to in paragraph (a), at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

(E) *Camping Allowance.*

Basis of Allowance.

47. Whenever a member is provided with complete camping equipment by the State, no subsistence allowance shall be paid to him in respect of the period during which he stays in camp, but in lieu thereof the Commissioner may pay a camping allowance at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

(F) *Stay at a State Institution.*

Basis of Subsistence Allowance.

48. (1) If a member stays at a State institution during a period of absence from his headquarters on official duty, no subsistence allowance shall be paid to him in respect of the period of his stay at such institution; in lieu thereof—

- (a) the charges normally levied by the institution in respect of visitors may be paid or refunded by the Commissioner—
 - (i) to the member if he has paid such charges; or
 - (ii) to the institution if the member has not paid such charges; and
- (b) a special allowance to cover incidental expenses may be paid by the Commissioner to the member at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

Exceptions to Sub-regulation (1).

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

- (a) stays at a State institution but is absent from his headquarters for a period of less than 24 hours; or
- (b) visits a State institution but receives no accommodation from the institution,

in which case the provisions of regulation 43 shall apply.

(G) *Inadequate Allowance.*

Abnormal Expenses.

49. If the subsistence or special allowance prescribed in terms of these regulations is inadequate to cover the expenses which a member incurs over and above his normal living expenses when absent from his headquarters on official duty, the Commissioner may refund to such member the difference between the amount payable as subsistence or special allowance in respect of the whole continuous period of such member's absence from his headquarters and the reasonable expenses actually and necessarily incurred by him on accommodation in respect of such period, on condition that—

- (a) the Commissioner is satisfied that the accommodation of which the member availed himself, was in keeping with his status as a public servant;
- (b) the relative claim is supported by receipts or other vouchers or, in cases in which such proof is not available, by a written statement;
- (c) items not covered by the definition of "accommodation" in regulation 1, are excluded from calculation of the amount which may be refunded; and
- (d) the amounts admitted in respect of the hire of bedding on a train are limited to the cost of a bedding ticket obtainable at ticket and reservation offices (the cost of luxury bedding and a special mattress shall not be allowed);

- (b) wat hy werklik aan kelnersfooie aangaan uitgesonderd fooie aan drankkelners, ten opsigte van 'n ander skeepreis as dié in paragraaf (a) bedoel, teen tariewe en op voorwaardes wat van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

(E) *Kamptoelae.*

Grondslag van toelae.

47. Wanneer volledige kamptoerusting deur die Staat aan 'n lid verskaf word, mag geen verblyftoelae ten opsigte van die tydperk wat hy in 'n kamp woon aan hom betaal word nie, maar in plaas daarvan kan die Kommissaris 'n kamptoelae betaal teen tariewe en op voorwaardes soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

(F) *Verblyf by 'n Staatsinrigting.*

Grondslag van verblyftoelae.

48. (1) As 'n lid gedurende 'n tydperk van afwesigheid van sy hoofkwartier in amptelike diens by 'n staatsinrigting tuisgaan, mag geen verblyftoelae ten opsigte van die duur van sy verblyf aldaar aan hom betaal word nie; in plaas daarvan kan—

- (a) die Kommissaris die gelde wat die inrigting gewoonlik ten opsigte van die herberg van besoekers hef—
 - (i) aan die lid terugbetaal indien hy sodanige gelde betaal het; of
 - (ii) aan die inrigting terugbetaal indien die lid nie sodanige geld betaal het nie; en
- (b) die Kommissaris 'n spesiale toelae om bykomende uitgawes te dek, aan 'n lid betaal teen 'n tarief en op voorwaardes soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

Uitsonderings op subregulasie (1).

(2) Die bepalinge van subregulasie (1) is nie van toepassing nie op 'n lid wat—

- (a) by 'n staatsinrigting tuisgaan maar vir 'n korter tydperk as 24 uur van sy hoofkwartier afwesig is; of
- (b) 'n staatsinrigting besoek maar geen herberg van die inrigting ontvang nie

en in so 'n geval, is die bepalinge van regulasie 43 van toepassing.

(G) *Ontoereikende toelae.*

Abnormale uitgawes.

49. As die verblyf- of spesiale toelae wat kragtens hierdie regulasies voorgeskryf is, ontoereikend is om die uitgawes te dek wat 'n lid benewens sy gewone bestaans-uitgawes aangaan wanneer hy in amptelike diens van sy hoofkwartier afwesig is, kan die Kommissaris die verskil tussen die bedrag wat aan verblyf- of spesiale toelae betaalbaar is ten opsigte van die hele aanenlopende tydperk van sodanige lid se afwesigheid van sy hoofkwartier, en die redelike uitgawes wat hy werklik en noodsaaklikerwys aan herberg ten opsigte van sodanige tydperk aangaan, aan hom terugbetaal op voorwaarde dat—

- (a) die Kommissaris daarvan oortuig is dat die herberg waarvan die lid gebruik gemaak het, by sy status as staatsampテナар pas;
- (b) die betrokke eis deur kwitansies of ander bewysstukke of, in gevalle waar sodanige bewys nie beskikbaar is nie, deur 'n skriftelike verklaring gestaaf word;
- (c) items wat nie deur die omskrywing van „herberg” in regulasie 1 gedek word nie, uitgesluit word by die berekening van die bedrag wat terugbetaal kan word; en
- (d) bedrae wat toegelaat word ten opsigte van die huur van beddegoed op 'n trein, beperk word tot die koste van 'n beddegoedkaartjie wat by kaartjies- en plekbesprekingskantore verkrygbaar is (die koste van luukse-beddegoed en 'n spesiale matras is nie toelaatbaar nie);

Provided that amounts which, in terms of this regulation, may be refunded to a member who visits more than one country abroad during one journey, may be calculated in respect of the period of his stay in each separate country instead of the whole period of his absence from his headquarters: Provided further, that the provisions of this regulation shall not apply to any camp allowance or commuted subsistence allowance nor to sessional officers.

(H) Payment of Subsistence and Camping Allowance During Leave.

Special Approval of Treasury.

50. (1) Subject to the provisions of sub-regulation (2), the subsistence, camping or special allowance payable under these regulations, shall not be paid to a member during a period of leave unless Treasury approves such payment on the recommendation of the Public Service Commission.

Exceptions to Sub-regulation (1).

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

- (a) the subsistence, camping or special allowance referred to in sub-regulation (1), may be paid to a member in respect of a period of sick leave, including special sick leave granted in terms of paragraph (a) of sub-regulation (1) of regulation 36: Provided that the member does not return to his headquarters and actually and necessarily incurs subsistence expenses for himself during the period of his illness;
- (b) subsistence allowance may be paid to a sessional officer in respect of absences on vacation leave not exceeding six days in the aggregate during a particular session of Parliament, on condition that the member does not return to his headquarters during the period of such leave; and
- (c) a commuted subsistence allowance may be paid in respect of leave not exceeding twelve days in the aggregate, excluding sick leave, during a year ending 31st December.

(I) Payment on Appointment.

Refund of Incidental Expenses.

51. Any incidental expenses actually and necessarily incurred in respect of subsistence during his journey to his official destination by a person who has been enlisted in the Republic or South West Africa for appointment in the Prisons Service, may be refunded by the Commissioner on condition that such expenses do not exceed the prescribed subsistence allowance applicable to a member under these regulations and are considered reasonable by the Commissioner.

(J) Commuted Subsistence Allowance.

Approval of Treasury on Recommendation of Public Service Commission.

52. Notwithstanding any provisions to the contrary contained in these regulations, Treasury may, on the recommendation of the Public Service Commission, approve that the Commissioner pay subsistence allowance on a commuted basis to a member.

(K) Form of Claim.

Approved by the Commissioner.

53. Applications for the payment of the subsistence, camping or special allowance prescribed in terms of these regulations, excluding a commuted subsistence allowance, shall be made in a form approved by the Commissioner.

(L) Special Warders and Exceptional Cases.

Special Warder in a Vacant Post on Fixed Establishment.

54. (1) The provisions of these regulations regarding subsistence, camping and special allowances, shall *mutatis mutandis* be applicable to a special warder referred to in paragraph (a) of sub-regulation (1) of regulation 9.

Met dien verstande dat bedrae wat kragtens hierdie regulasie terugbetaal kan word aan 'n lid wat gedurende een reis meer as een vreemde land besoek, bereken kan word ten opsigte van die tydskedule van sy afwesigheid van sy hoofkwartier: Met dien verstande voorts, dat die bepalinge van hierdie regulasie nie op kamp- of vaste verblyfstoelae en ook nie op sessie-amptenare van toepassing is nie.

(H) Betaling van verblyf- en kamptoeleae gedurende verlof.

Spesiale goedkeuring van Tesourie.

50. (1) Behoudens die bepalinge van subregulasie (2), mag die verblyf-, kamp- of spesiale toelae wat kragtens hierdie regulasie betaalbaar is, nie gedurende 'n tydperk van verlof aan 'n lid betaal word nie tensy Tesourie sodanige betaling op aanbeveling van die Staatsdienskommissie goedkeur.

Uitsonderings op subregulasie (1).

(2) Ondanks die bepalinge van subregulasie (1), kan —

- (a) die verblyf-, kamp- of spesiale toelae soos bedoel in subregulasie (1), aan 'n lid betaal word ten opsigte van 'n tydperk van siekteverlof, insluitende spesiale siekteverlof wat kragtens paragraaf (a) van subregulasie (1) van regulasie 36 verleen is: Met dien verstande dat die lid nie na sy hoofkwartier terugkeer nie en werklik en noodsaaklikerwys verblyfuitgawes ten opsigte van homself gedurende sy tydperk van siekte aangaan;
- (b) daar aan 'n sessie-amptenaar 'n verblyfstoelae ten opsigte van afwesigheid met vakansieverlof van altesaam hoogstens ses dae gedurende 'n bepaalde parlamentsitting betaal word mits die lid nie gedurende sodanige verloftydperk na sy hoofkwartier terugkeer nie;
- (c) 'n vaste verblyfstoelae betaal word ten opsigte van altesaam hoogstens twaalf dae verlof, uitgesonderd siekteverlof, gedurende 'n jaar eindigende op 31 Desember.

(I) Betaling by Aanstelling.

Terugbetaling van Toevallige Uitgawes.

51. Die Kommissaris kan enige toevallige uitgawe wat werklik noodwendig deur 'n persoon wat in die Republiek of Suidwes-Afrika ingeskryf is, vir aanstelling in die Gevangensdiens, aangegaan is ten opsigte van onderhoud gedurende sy reis na sy amptelike bestemming, terugbetaal mits sodanige uitgawes nie die voorgeskrewe verblyfstoelae wat ingevolge hierdie regulasies op 'n lid van toepassing is, oorskry nie en deur die Kommissaris as redelik geag word.

(J) Vaste verblyfstoelae.

Goedkeuring van Tesourie op aanbeveling van Staatsdienskommissie.

52. Ondanks andersluidende bepalinge in hierdie regulasies, kan Tesourie, op aanbeveling van die Staatsdienskommissie, goedkeur dat die Kommissaris verblyfstoelae op 'n vaste grondslag aan 'n lid betaal.

(K) Vorm van Eis.

Goedgekeur deur die Kommissaris.

53. Aansoeke om die betaling van die verblyf-, kamp- of spesiale toelae wat kragtens hierdie regulasies voorgeskryf is, uitgesonderd 'n vaste verblyfstoelae, moet gedoen word in 'n vorm deur die Kommissaris goedgekeur.

(L) Spesiale bewaarders en buitengewone gevalle.

Spesiale bewaarder in vakante pos op vaste diensstaat.

54. (1) Die bepalinge van hierdie regulasies met betrekking tot verblyf-, kamp- en spesiale toelae is *mutatis mutandis* van toepassing op 'n spesiale bewaarder soos in paragraaf (a) van subregulasie (1) van regulasie 9 bedoel.

Departure from Regulations.

(2) Should circumstances arise which justify a departure from the provisions of these regulations, the Commissioner may pay to a member or any class of member such subsistence, camping or special allowances as may be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

OFFICIAL JOURNEYS AND TRANSPORT.

(A) *Economy.**Approval and Control.*

55. (1) All official journeys shall be approved by the Commissioner who shall ensure that such journeys are necessary and in the interests of the Department.

Economical Means of Transport and Shortest Route.

(2) (a) A member shall travel by the most economical means of transport, as expeditiously as circumstances permit and, subject to the provisions of regulation 57, by the shortest route.

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

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

(B) *Incidental Expenses.**Reimbursement.*

56. Subject to the provisions of these regulations, the Commissioner may reimburse a member who is required to travel on official duty, the cost of conveying himself and his necessary personal luggage as well as reasonable expenditure incurred in connection with taxi-hired (if State-owned or contract transport is not available), porterage, shipping or landing and other incidental services.

(C) *Means of Transport.**Preference to Certain Means of Transport.*

57. (1) (a) A member who is required to travel on official duty in the Republic or South West Africa, shall travel by train or railway bus, including a luxury railway bus, if more economical transport is not available.

(b) If a member is unable to undertake an official journey by train or railway bus, he shall travel by the cheapest public transport available.

(c) An official journey shall not be undertaken by aeroplane unless the approval of Treasury has been obtained: Provided that the Commissioner as well as a member with a salary equal to or higher than the minimum notch of the scale attaching to the post of Deputy-Commissioner, may in his discretion travel by aeroplane if public interests will be better served thereby.

Official Journeys to and from the Republic or South West Africa.

(2) Subject to the provisions of sub-regulation (1) of regulation 55, official journeys to, from, between and in places outside the Republic and South West Africa shall be undertaken by the cheapest public transport available, including transport by aeroplane, with due regard to the salary and any allowance payable to the member in respect of the duration of the journey, as well as any other cost-items.

Transport by Government Garage or Contractor.

(3) If a member is required to travel on official duty and public transport is not available or the use thereof impracticable, he shall order such transport as may be necessary for the journey, from the Government Garage or a person who has entered into a transport contract with the State, and if neither of these means of transport is available, he shall make the most suitable and economical arrangements for the hire of the necessary transport.

Afwyking van regulasies.

(2) As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie regulasies regverdig, kan die Kommissaris aan 'n lid of enige klas lid dié verblyf-, kamp- of spesiale toelaes betaal soos kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word.

AMPTELIKE REISE EN VERVOER.

(A) *Besuiniging.**Goedkeuring en beheer.*

55. (1) Alle amptelike reise moet goedgekeur word deur die Kommissaris, wat sorg moet dra dat sodanige reise noodsaaklik en in die belang van die Departement is.

Ekonomiese vervoermiddel en kortste roete.

(2) (a) 'n Lid moet met die mees ekonomiese vervoermiddels, met so min versuim as wat omstandighede toelaat en, behoudens die bepalings van regulasie 57, oor die kortste roete reis.

(b) Die rede vir die nie-nakoming van enige van die vereistes van paragraaf (a) moet skriftelik deur die lid verstrekk word, en sodanige verduideliking moet aan die vorms soos bedoel in regulasie 62, geheg word.

(c) Indien 'n lid op 'n wyse gereis het wat groter vervoeruitgawes meegebring het as wat nodig was, moet die Kommissaris die bedrag wat ter vereffening van sy reiskoste aan hom terugbetaal kan word, beperk tot die bedrag wat dit sou gekos het as hy die vereistes van paragraaf (a) nagekom het, en as die lid kragtens 'n staats-order of met 'n staatsvervoermiddel aldus gereis het, moet hy die uitgawes wat onnodig aangegaan is, terugbetaal.

(B) *Toevallige uitgawes.**Terugbetaling.*

56. Behoudens die bepalings van hierdie regulasies, kan die Kommissaris aan 'n lid van wie daar vereis word dat hy op amptelike diens moet reis, die onkoste verbonde aan die vervoer van hom en sy noodsaaklike persoonlike bagasie, asook redelike uitgawes wat in verband met huurmotors (as staats- of kontrakvervoer nie beskikbaar is nie), kruisersloon, inskeping en ontskeping en ander toevallige dienste aangegaan is, terugbetaal.

(C) *Vervoermiddels.**Voorkeur aan sekere vervoermiddels.*

57. (1) (a) 'n Lid wat in die Republiek of Suidwes-Afrika op amptelike diens moet reis, moet per trein of spoorwegbus, insluitende 'n luukse-spoorwegbus, reis as goedkoper vervoer nie beskikbaar is nie.

(b) Indien 'n lid nie 'n amptelike reis per trein of spoorwegbus kan onderneem nie, moet hy met die goedkoopste beskikbare openbare vervoermiddels reis.

(c) 'n Amptelike reis mag nie per vliegtuig onderneem word nie tensy die goedkeuring van Tesourie verkry is: Met dien verstande dat die Kommissaris asook 'n lid met 'n salaris gelyk aan of hoër as die minimum kerf van die skaal verbonde aan die pos van Adjunk-kommissaris, na sy goeddunke per vliegtuig kan reis as die openbare belange beter daardeur gedien sal word.

Amptelike reise na en van die Republiek of Suidwes-Afrika.

(2) Behoudens die bepalings van subregulasie (1) van regulasie 55, moet amptelike reise na, van tussen en in plekke buite die Republiek en Suidwes-Afrika met die goedkoopste beskikbare openbare vervoermiddels, insluitende vervoer per vliegtuig, onderneem word, met behoorlike inagneming van die salaris en enige toelaes wat gedurende die tydperk wat die reis in beslag neem aan die lid betaalbaar is, asook enige ander koste-items.

Vervoermiddels van Staatsgarage of kontrakteur.

(3) Indien 'n lid op amptelike diens moet reis en 'n openbare vervoermiddel nie beskikbaar of die gebruik daarvan nie prakties is nie, moet hy by 'n staatsgarage of 'n persoon wat 'n vervoerkontrak met die Staat aangegaan het, 'n bestelling plaas vir die vervoermiddel wat vir die reis nodig mag wees, en as nie een van hierdie vervoermiddels beskikbaar is nie, moet hy die geskikste en mees ekonomiese reëlins vir die huur van die nodige vervoer tref.

Private Transport.

(4) In an exceptional case the Commissioner may authorise a member or special warder to undertake an official journey by means of privately owned transport if the Commissioner is satisfied that the public interests will be better served whether or not it is possible to undertake the journey by means of State, public or contract transport: Provided that, in the case of frequent and regular travelling, the prior recommendation of the Secretary for Transport shall be obtained.

Exceptions.

(5) Notwithstanding anything to the contrary contained in these regulations—

- (a) the Commissioner may, if he is able to certify that the public interests will be better served thereby, requisition on a Government Garage or on a person who has entered into a transport contract with the State for such transport as he may require for an official journey or, alternatively, use his privately-owned transport; and
- (b) a member or special warder may, in his discretion, use his privately-owned vehicle for an official journey: Provided that he travels in such vehicle at his own risk in so far as this is not contrary to the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), as amended: Provided further, that the provisions of this paragraph shall also apply to subsidised motor transport in respect of a journey other than that for which such transport is maintained.

(D) Class by Train or Boat.

Determination of Class.

58. A member or special warder who is required to travel on official duty by train or boat, may travel in the classes indicated hereunder:—

(1) By train in the Republic, South West Africa, the protectorates, Zambia, Southern Rhodesia and Mozambique:—

- (a) A White member: First class.
- (b) A White special warder if his annual salary, inclusive of pensionable allowances and the cash value of pensionable privileges supplied in kind—
 - (i) is equal to or higher than the minimum notch of the scale attaching to a post of a White Head Warder: First class.
 - (ii) is lower than the minimum notch of the scale attaching to a post of a White Head Warder: Second class, if available, otherwise first class:

Provided that—

- (aa) the Commissioner may, in his discretion, approve that a White special wardress may travel first class, notwithstanding that her salary is lower than the minimum notch of the scale attaching to a post of a White Head Warder;
- (bb) a person, who serves under contract, may, unless his service contract provides otherwise, travel in the class prescribed for a comparable member; and
- (cc) the Commissioner as well as a member with a salary equal to or higher than the minimum notch of the scale attaching to the post of Deputy-Commissioner may, in his sole discretion, use any train service provided by the South African Railways and that, when travelling on official duty which entitles him to take his family with him at State expense, his wife and dependent children, including a legally adopted child, but no other members of his household, may use the same train service as he does whether or not the wife and children are accompanied by him, but if such children are unaccompanied by either of the parents, the expenditure to be met from public funds in respect of such children, shall be limited to what it would have cost had they travelled first class.

Private vervoer.

(4) In 'n buitengewone geval kan die Kommissaris 'n lid of spesiale bewaarder magtig om 'n amptelike reis met private vervoer te onderneem as die Kommissaris daarvan oortuig is dat die openbare belange beter daardeur gedien sal word, ongeag of dit moontlik is om die reis met staats-, openbare of kontrakvervoer te onderneem: Met dien verstande dat, waar daar dikwels en gereeld gereis word, die aanbeveling van die Sekretaris van Vervoer vooraf verkry moet word.

Uitsonderings.

(5) Ondanks andersluidende bepalinge in hierdie regulasie kan—

- (a) die Kommissaris, as hy in staat is om te sertifiseer dat die openbare belange beter daardeur gedien sal word, 'n bestelling vir dié vervoer wat hy vir 'n amptelike reis nodig mag hê, by 'n staatsgarage of 'n persoon wat 'n vervoerkontrak met die Staat aangegaan het, plaas, of anders sy private vervoer gebruik; en
- (b) 'n lid of spesiale bewaarder na sy goedvinde, kan sy private voertuig gebruik vir 'n amptelike reis: Met dien verstande dat hy op sy eie risiko met sodanige voertuig reis vir sover dit nie strydig met die bepalinge van die Ongevalwet, 1941 (Wet No. 30 van 1941), soos gewysig, is nie: Met dien verstande voorts dat die bepalinge van hierdie paragraaf ook op gesubsidieerde motorvervoer van toepassing is ten opsigte van 'n ander reis as dié waarvoor sodanige vervoer aangehou word.

(D) Klas per trein of boot.

Bepalinge van klas.

58. 'n Lid of spesiale bewaarder wat op amptelike diens per trein of boot moet reis, kan in die hieronder aangeduide klasse reis:—

(1) Per trein in die Republiek, Suidwes-Afrika, die protektorate, Zambië, Suid-Rhodesië en Mosambiek:—

- (a) 'n Blanke lid: Eersteklas.
- (b) 'n Blanke spesiale bewaarder, as sy jaarlikse salaris, insluitende pensioengewende toelaes en die kontantwaarde van pensioengewende voorregte wat in natura verskaf word—
 - (i) gelyk aan of hoër is as die minimum kerf van die salarisskaal verbonde aan 'n pos van 'n Blanke Hoofbewaarder: Eersteklas;
 - (ii) laer is as die minimum kerf van die salarisskaal verbonde aan 'n pos van 'n Blanke Hoofbewaarder: Tweedeklas, indien beskikbaar, anders eersteklas:

Met dien verstande dat—

- (aa) die Kommissaris na sy goedvinde kan goedkeur dat 'n Blanke spesiale bewaarder in die eersteklas reis ten spyte daarvan dat haar salaris laer is as die minimum kerf van die salarisskaal verbonde aan 'n pos van 'n Blanke Hoofbewaarder;
- (bb) 'n persoon wat ingevolge kontrak dien, in die klas kan reis wat vir 'n vergelykbare lid voorgeskryf is, tensy sy dienskontrak anders bepaal; en
- (cc) die Kommissaris asook 'n lid met 'n salaris gelyk aan of hoër as die minimum kerf van die skaal verbonde aan die pos van Adjunk-kommissaris, uitsluitlik na sy goedvinde gebruik kan maak van enige treindiens wat deur die Suid-Afrikaanse Spoorweë verskaf word en, dat, wanneer hy op amptelike diens reis wat hom die reg verleen om sy gesin op staatskoste saam met hom te neem, sy vrou en afhanklike kinders, met inbegrip van 'n aangenome kind, maar geen ander lede van sy huishouding nie, van dieselfde treindiens as hy gebruik kan maak afgesien daarvan of sy vrou en kinders deur hom vergesel word, maar as sodanige kinders deur geen een van die ouers vergesel word nie, is die koste wat uit staatsgelde ten opsigte van sodanige kinders bestry moet word, beperk tot die bedrag wat dit sou gekos het as hulle in die eersteklas gereis het.

(c) A Coloured or Indian member or special warder, if his annual salary inclusive of pensionable allowances and the cash value of pensionable privileges supplied in kind—

- (i) is equal to or higher than the minimum notch of the scale attaching to a post of Coloured or Indian chief warder, Grade II: First class;
- (ii) is lower than the minimum notch of the scale attaching to a post of Coloured or Indian chief warder, Grade II: Second class, if available, otherwise first class.

(d) A Bantu member or special warder: Third class, if available, otherwise second class: Provided that the Commissioner may approve that a Bantu member or special warder may travel second class if he is satisfied that the status of the member or special warder concerned justifies travelling in that class, notwithstanding that third class accommodation is available.

By Train in Other Countries or Territories.

(2) By train in countries or territories, other than those referred to in sub-regulation (1): In the class considered by the Commissioner to be in keeping with the status of the member or special warder, due regard being had to the class by which persons with a comparable status travel in the country or territory concerned.

By Boat.

(3) By boat: A White member or special warder, if his annual salary inclusive of pensionable allowances and the cash value of pensionable privileges supplied in kind—

- (a) is equal to or higher than the minimum notch of the scale attaching to a post of Head Warder: First class;
- (b) is lower than the minimum notch of the scale attaching to a post of Head Warder: Second class.

Provided that—

- (i) if the accommodation in a class on a boat is divided into various grades, the member or special warder shall use the cheapest accommodation of the applicable class: Provided further that if the circumstances of a case so warrant, the Commissioner may authorise the member or special warder to travel in a more expensive grade: Provided further, that the Commissioner may, in his sole discretion, travel in any grade;
- (ii) if a member or special warder for whom second class travel by boat is prescribed by this regulation, is required to travel by a boat which has only first class and cabin class or first class and tourist class accommodation available, such member or special warder shall travel cabin class or tourist class as the case may be: Provided further, that if only first class accommodation is available, the member or special warder may travel first class.

Official Journey with Senior Member or High-ranking Personage.

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

Class to be Travelled on Escort Duty.

(5) A member or special warder who is required to escort a prisoner by train, shall travel in the class of accommodation prescribed for the transport of such prisoner.

(c) 'n Kleurling- of Indiërlid of spesiale bewaarder, as sy jaarlikse salaris, insluitende pensioengewende toelaes en die kontantwaarde van pensioengewende voorregte wat in natura verskaf word—

- (i) gelyk aan of hoër is as die minimum kerf van die skaal verbonde aan 'n pos van Kleurling- of Indiëropperbewaarder, graad II: Eerste-klas;
- (ii) laer is as die minimum kerf van die skaal verbonde aan 'n pos van Kleurling- of Indiëropperbewaarder, graad II: Tweedeklas, indien beskikbaar, anders eerste-klas.

(d) 'n Bantoelid of spesiale bewaarder: Derdeklas, indien beskikbaar, anders tweedeklas: Met dien verstande dat die Kommissaris kan goedkeur dat 'n Bantoelid of spesiale Bantobewaarder in die tweedeklas reis as hy daarvan oortuig is dat die status van die betrokke lid of spesiale bewaarder 'n reis in daardie klas regverdig afgesien daarvan of derdeklasakkommodasie beskikbaar is.

Per trein in ander lande of gebiede.

(2) Per trein in ander lande of gebiede as dié wat in subregulasie (1) bedoel word: In die klas wat volgens die oordeel van die Kommissaris by die lid of spesiale bewaarder se status pas, met behoorlike inagneming van die klas waarin persone met 'n vergelykbare status in die betrokke land of gebied reis.

Per boot.

(3) Per boot: 'n Blanke lid of spesiale bewaarder, as sy jaarlikse salaris, insluitende pensioengewende toelaes en die kontantwaarde van pensioengewende voorregte wat in natura verskaf word—

- (a) gelyk aan of hoër is as die minimum kerf van die skaal verbonde aan 'n pos van Hoofbewaarder: Eerste-klas;
- (b) laer is as die minimum kerf van die skaal verbonde aan 'n pos van Hoofbewaarder: Tweedeklas:

Met dien verstande dat—

- (i) indien die akkommodasie in 'n klas op 'n boot in verskeie grade verdeel is, die lid of spesiale bewaarder van die goedkoopste akkommodasie in die toepaslike klas gebruik moet maak: Met dien verstande voorts dat as die omstandighede van 'n geval dit regverdig, die Kommissaris die lid of spesiale bewaarder kan magtig om in 'n duurder graad te reis: Met dien verstande voorts dat die Kommissaris uitsluitlik na sy goedvinde in enige graad kan reis;
- (ii) indien daar van 'n lid of spesiale bewaarder vir wie bootreise in die tweedeklas in hierdie regulasie voorgeskryf word, vereis word om in 'n boot te reis wat slegs eerste-klas- en kajuitklas of eerste-klas- en toeristeklasakkommodasie beskikbaar het, so 'n lid of spesiale bewaarder in die kajuitklas of toeristeklas, na gelang van die geval, moet reis: Met dien verstande voorts dat indien slegs eerste-klasakkommodasie beskikbaar is, die lid of spesiale bewaarder in die eerste-klas kan reis.

Amptelike reis saam met senior lid of hooggeplaaste persoon.

(4) 'n Lid wat saam met 'n medelid of 'n ander beampte met 'n hoër rang of groter ansiënniteit of 'n hooggeplaaste persoon op amptelike diens reis, kan na goedvinde van die Kommissaris toegelaat word om in dieselfde klas as sodanige senior beampte, ander beampte of hooggeplaaste persoon te reis.

Klas waarin op eskortdiens gereis word.

(5) 'n Lid of spesiale bewaarder van wie vereis word om 'n gevangene per trein te eskorteer, moet reis in die klas akkommodasie wat vir die vervoer van sodanige gevangene voorgeskryf word.

(E) *Subsidised and State Transport.*

Authority for Use.

59. (1) If the Commissioner is satisfied that it will be in the interest of the State, he may, on the recommendation of the Secretary for Transport, require a member or special warder whose duties necessitate frequent or regular travelling—

- (a) to utilise such State-owned motor transport as may be deemed necessary for the efficient performance of his duties; or
- (b) to maintain subsidised motor transport for official purposes if, in the opinion of the Secretary for Transport, the use of State-owned transport is impracticable or inadvisable.

Conditions for Acquiring and Maintaining Subsidised Transport.

(2) The conditions governing the acquisition and maintenance of subsidised motor transport and allowances payable in connection with the use of such transport, shall be as approved by Treasury on the recommendation of the Secretary for Transport.

Motor Driver not Provided at State Expense.

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

Necessity of Driver's Licence for State Motor Transport.

(4) If a member or special warder who is required in terms of paragraph (a) of sub-regulation (1) to operate State-owned transport, is not the holder of an appropriate driver's licence, the Commissioner may provide him with the necessary tuition at State expense and may pay from public funds all examination and driver's licence fees, the cost of photographs which are required to be affixed to the licence and the fees for any medical examination that may be required.

Settlement of Dispute Arising from the Application of Sub-regulation (2).

(5) Any dispute between the Commissioner and the Secretary for Transport in connection with the application of sub-regulation (2) shall be referred to Treasury, which shall, in consultation with the Public Service Commission, decide the question at issue.

(F) *Allowance for Privately-owned Transport.*

Conditions of Payment.

60. (1) The Commissioner may pay a member or special warder who uses privately-owned transport for an official journey in terms of sub-regulation (4) or (5) of regulation 57, the following:—

- (a) In the case of motor transport used in terms of sub-regulation (4) or paragraph (a) of sub-regulation (5) of regulation 57: Such mileage and passenger allowances as may be prescribed for the use of such transport by Treasury on the recommendation of the Secretary for Transport.
- (b) In the case of motor transport used in terms of paragraph (b) of sub-regulation (5) of regulation 57: An amount equal to what it would have cost, at State rates, had the member or special warder and any official passenger who accompanied him, over the cheapest route—

- (i) been provided with rail warrants; and
- (ii) made use of other public transport:

Provided that expenditure on portage at railway stations and on other incidental transport services shall not be taken into account for the purposes of this paragraph.

- (c) In the case of other means of transport than motor transport: Such allowance as Treasury may approve on the recommendation of the Public Service Commission.

(E) *Gesubsidieerde en Staatsvervoer.*

Magtiging vir gebruik.

59. (1) As die Kommissaris daarvan oortuig is dat dit in die belang van die Staat is, kan hy op aanbeveling van die Sekretaris van Vervoer, van 'n lid of spesiale bewaarder wie se dienste dit noodsaaklik maak dat hy dikwels of gereeld reis, vereis dat—

- (a) hy van dié staatsmotorvervoer wat vir die doeltreffende verrigting van sy pligte nodig geag word, gebruik moet maak; of
- (b) hy gesubsidieerde motorvervoer vir amptelike doeleindes moet aanhou as die gebruik van staatsvervoer na die mening van die Sekretaris van Vervoer onprakties of ongerade is.

Voorwaardes waarop gesubsidieerde vervoer aangeskaf en aangehou moet word.

(2) Die voorwaardes waarop gesubsidieerde motorvervoer aangeskaf en aangehou moet word en die toelaes wat in verband met die gebruik van sodanige vervoer betaalbaar is, is dié soos deur Tesourie goedgekeur op aanbeveling van die Sekretaris van Vervoer.

Motorbestuurder word nie op staatskoste verskaf nie.

(3) 'n Lid of spesiale bewaarder van wie daar kragtens subregulasie (1) vereis word om Staats- of gesubsidieerde motorvervoer te gebruik of aan te hou, word nie op staatskoste van 'n motorbestuurder voorsien nie.

Noodsaaklikheid van bestuurderslisensie vir Staatsmotorvervoer.

(4) As 'n lid of spesiale bewaarder van wie daar kragtens paragraaf (a) van subregulasie (1) vereis word dat hy 'n staatsvoertuig moet bestuur, nie 'n gepaste bestuurderslisensie besit nie, kan die Kommissaris hom op staatskoste van die nodige onderrig voorsien en alle eksamen- of bestuurderslisensiegelde, die koste van foto's wat op die lisensie geplaak moet word en die gelde vir enige geneeskundige ondersoek wat vereis mag word, uit staatsfondse betaal.

Beslegting van geskil wat ontstaan uit toepassing van subregulasie (2).

(5) 'n Geskil tussen die Kommissaris en die Sekretaris van Vervoer in verband met die toepassing van subregulasie (2) moet verwys word na Tesourie, wat die geskilpunt na oorlegpleging met die Staatsdienskommissie moet beslis.

(F) *Toelae vir private vervoer.*

Voorwaardes vir betaling.

60. (1) Die Kommissaris kan aan 'n lid of spesiale bewaarder wat private vervoer kragtens subregulasie (4) of (5) van regulasie 57 vir 'n amptelike reis gebruik, die volgende betaal:—

- (a) In die geval van motorvervoer wat kragtens subregulasie (4) of paragraaf (a) van subregulasie (5) van regulasie 57 gebruik word: Dié myl- en passasierstoelae wat Tesourie op aanbeveling van die Sekretaris van Vervoer vir die gebruik van sodanige vervoer mag voorskryf.
- (b) In die geval van motorvervoer wat kragtens paragraaf (b) van subregulasie (5) van regulasie 57 gebruik word: 'n Bedrag gelyk aan wat teen staatstarief sou gekos het as die lid of spesiale bewaarder en enige amptelike passasier wat hom vergesel het, oor die goedkoopste roete—
 - (i) van spoorwegorders voorsien was; en
 - (ii) van ander openbare vervoer gebruik gemaak het:

Met dien verstande dat uitgawes aan kruiersloot by spoorwegstasies en aan ander toevallige vervoerdienste, by die toepassing van hierdie paragraaf buite rekening gelaat moet word.

- (c) In die geval van ander vervoermiddels as motorvervoer: Dié toelae as wat Tesourie op aanbeveling van die Staatsdienskommissie mag goedkeur.

Commuted Transport Allowance.

(2) Notwithstanding anything to the contrary contained in these regulations, Treasury may on the recommendation of the Public Service Commission approve that a transport allowance be paid by the Commissioner on a commuted basis to a member or special warder.

Commuted Transport Allowance During Leave or Non-use of Transport.

(3) The payment to a member or special warder of a commuted transport allowance in terms of sub-regulation (2), shall for the periods indicated hereunder, be continued while he is on leave or is performing duties not necessitating the use of transport:—

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

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

*(G) Transport to and from Camp.**Transport of Personal Requirements.*

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

*(H) Claims.**Claims Form.*

62. A claim for the reimbursement of transport expenses which may be paid in terms of these regulations, excluding a commuted transport allowance, shall be submitted in a prescribed form.

Applicability to a Special Warder.

63. (1) Save as otherwise provided, the provisions of these regulations in connection with official journeys and transport shall *mutatis mutandis* be applicable to a special warder referred to in paragraph (a) of sub-regulation (1) of regulation 9.

Exceptional Cases.

(2) If circumstances arise which justify a departure from the provisions of these regulations, the Commissioner may approve official travelling by such manner or means, or the payment of such compensation, expenses or allowances as the Public Service Commission or Secretary for Transport, as the case may be, may recommend and Treasury may approve.

*TRANSFERS.**(A) Within the Republic and South West Africa.**At State Expense and Exceptions thereto.*

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

(b) If a member is transferred at his own request no expenditure in connection therewith shall be met from public funds, and any absence from duty as a result of such transfer shall be covered by granting leave in terms of regulation 27 up to and including 42: Provided that the provisions of this paragraph shall not apply to a member who is transferred at his own request, if the Commissioner is satisfied that such transfer—

- (i) is in the interests of the Prisons Department; or
- (ii) is necessary for the member's health or that of his wife or child, including a legally adopted child or stepchild, in which case the Commissioner may, at his discretion, require the submission of a supporting medical certificate.

Vaste Vervoertoelae.

(2) Ondanks andersluidende bepalinge in hierdie regulasie kan Tesourie, op aanbeveling van die Staatsdienskommissie, goedkeur dat die Kommissaris 'n vervoertoelae op 'n vaste grondslag aan 'n lid of spesiale bewaarder betaal.

Vaste Vervoertoelae gedurende Verlof of nie-gebruik van Vervoer.

(3) Die betaling aan 'n lid of spesiale bewaarder van 'n vaste vervoertoelae kragtens subregulasie (2), word vir die tydperke hieronder bedoel, voortgesit terwyl hy met verlof is of pligte verrig waarby die gebruik van vervoer nie nodig is nie:—

(a) In die geval van motorvervoer: 'n Totaal van veertien dae gedurende 'n jaar eindigende 31 Desember.

(b) In die geval van ander vervoer as dié in subparagraaf (a) bedoel: Enige tydperk ten opsigte waarvan die vervoer tot die beskikking van die Staat gestel word, afgesien daarvan of dit vir amptelike diens gebruik word al dan nie.

*(G) Vervoer na en van Kamp.**Vervoer van Persoonlike Benodigdhede.*

61. Die Kommissaris kan aan 'n lid of spesiale bewaarder van wie daar vereis word om, vir die uitvoering van sy amptelike pligte, in 'n kamp te woon, gratis vervoer tussen die naaste spoorwegstasie of winkel na die kamp vir sy persoonlike benodigdhede, insluitende voedselvoorrade, toestaan mits die goedkoopste vervoerreelings getref word.

*(H) Eise.**Eisvorm.*

62. 'n Eis vir die terugbetaling of vervoeruitgawes wat kragtens hierdie regulasies betaal kan word, uitgesonderd 'n vaste vervoertoelae, moet in 'n voorgeskrewe vorm ingedien word.

Toepaslikheid op 'n Spesiale Bewaarder.

63. (1) Behoudens andersluidende bepalinge, is die bepalinge van hierdie regulasies in verband met amptelike reise en vervoer *mutatis mutandis* van toepassing op 'n spesiale bewaarder soos in paragraaf (a) van subregulasie (1) van regulasie 9 bedoel.

Buitengewone Gevalle.

(2) As daar omstandighede ontstaan wat 'n afwyking van die bepalinge van hierdie regulasies regverdig, kan die Kommissaris goedkeuring verleen vir amptelike reise op dié wyse of met dié vervoermiddels, of vir die betaling van die vergoeding, uitgawes of toelae wat die Staatsdienskommissie of die Sekretaris van Vervoer, na gelang van die geval, aanbeveel en die Tesourie goedkeur.

*VERPLASINGS.**(A) Binne die Republiek en Suidwes-Afrika.**Op Staatskoste en Uitsonderings daarop.*

64. (1) (a) Behoudens die bepalinge van hierdie regulasies, kan 'n lid verplaas word en hy en sy huishouding en persoonlike besittings op staatskoste vervoer word van enige hoofkwartier na 'n ander binne die Republiek en Suidwes-Afrika.

(b) As 'n lid op eie versoek verplaas word, mag geen uitgawe in verband daarmee uit staatsfondse bestry word nie en moet enige afwesigheid van diens as gevolg van sodanige verplasing gedek word deur verlof kragtens regulasies 27 tot en met 42 te verleen: Met dien verstande dat die bepalinge van hierdie subparagraaf nie op 'n lid wat op eie versoek verplaas word, van toepassing is nie as die Kommissaris daarvan oortuig is dat sodanige verplasing—

- (i) in die belang van die Departement van Gevangenis is; of
- (ii) noodsaaklik is vir die gesondheid van die lid of dié van sy vrou of kind, insluitende 'n wettig aangenome kind of stiefkind, en in so 'n geval kan die Kommissaris na sy goedvinde vereis dat 'n stawende geneeskundige sertifikaat ingedien word.

Privileges and Subsistence Allowance.

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

- (a) granted the privileges prescribed in regulations 55 to 63, inclusive: Provided that members of the household of such member may be deemed official passengers for the purposes of paragraph (b) of sub-regulation (1) of regulation 60; and
- (b) paid subsistence allowance in accordance with the provisions of regulations 43 to 54 inclusive.

Transport of Household and Furniture from one Headquarters to Another.

(3) The following conditions shall be applicable to the removal, from one headquarters to another, of the household and personal effects of a member transferred in terms of paragraph (a) of sub-regulation (1):—

- (a) The Commissioner may pay in respect of every member of such member's household who is 12 years of age or older, a subsistence allowance at the full rate applicable to such member himself and in respect of every other member of his household an allowance at half such rate for the period necessarily spent in travelling from one headquarters to another, except in the case of a servant, in respect of whom the Commissioner may refund any reasonable living expenses actually and necessarily incurred.
- (b)
 - (i) A member of the household, excluding a servant, may travel in the same class on the Railway as that in which the member travels.
 - (ii) A White, Indian or Coloured servant may travel second-class, if available, otherwise first-class, and a Bantu servant may travel third-class, if available, otherwise second-class, on the Railway: Provided that a nursemaid in charge of a baby in arms, may travel in the same class as the member's household.
- (c)
 - (i) Excess luggage not exceeding a gross weight of 450 lb. may be conveyed by passenger train.
 - (ii) Personal effects not exceeding a gross weight of 14,000 lb. may be conveyed by goods train or the Road Motor Service of the South African Railways or any other public or State conveyance from one headquarters to another and from the dwelling to the railway station, and vice versa, and to and from a warehouse if authority for storing such personal effects has been granted in terms of paragraph (e): Provided that if conveyance by the said means of transport is impossible or impracticable or more expensive, the Commissioner may in his discretion approve the use of another means of transport. The prescribed weight includes the weight of vehicles but not the weight of any animal maintained for official purposes; such animal may in addition to the provisions made for personal effects, also be conveyed at State expense.
- (d) The cost of packing (including the cost of packing material) and unpacking personal effects within the prescribed weight limit may be met from public funds.
- (e) In an exceptional case the Commissioner may approve that those personal effects of a member which are within the prescribed weight limit be stored at State expense for a period not exceeding six calendar months at either his old or his new headquarters.

Voorregte en Verblyftoelae.

(2) As 'n lid kragtens paragraaf (a) van subregulasie (1) verplaas word, word hy geag op amptelike diens te reis en kan daar aan hom—

- (a) die voorregte voorgeskryf in regulasies 55 tot en met 63, toegestaan word: Met dien verstande dat lede van die huishouding van sodanige lid geag kan word amptelike passasiers te wees by die toepassing van paragraaf (b) van subregulasie (1) van regulasie 60; en
- (b) verblyftoelae ooreenkomstig die bepalings van regulasies 43 tot en met 54 betaal word.

Vervoer van Huishouding en Meubels van een Hoofkwartier na 'n Ander.

(3) Onderstaande voorwaardes is van toepassing op die vervoer, van een hoofkwartier na 'n ander, van die huishouding en persoonlike besittings van 'n lid wat kragtens paragraaf (a) van subregulasie (1) verplaas word:—

- (a) Die Kommissaris kan ten opsigte van elke lid van 'n lid se huishouding wat twaalf jaar oud of ouer is 'n verblyftoelae teen die volle tarief wat op sodanige lid self van toepassing is en ten opsigte van elke ander lid van sy huishouding die helfte van sodanige toelae betaal vir die tydperk wat die reis van die een hoofkwartier na 'n ander noodwendig in beslag neem, maar uitgesonderd die geval van 'n bediende, ten opsigte van wie die Kommissaris redelike bestaansuitgawes wat werklik en noodwendig aangegaan is, kan terugbetaal.
- (b)
 - (i) 'n Lid van die huishouding, uitgesonderd 'n bediende, kan in dieselfde klas op die Spoorweg reis as dié waarin die lid reis.
 - (ii) 'n Blanke, Indiër- of Kleurlingbediende kan tweedeklas, indien beskikbaar, anders eerste-klas, en 'n Bantoebediende derdeklas, indien beskikbaar, anders tweedeklas, op die Spoorweg reis: Met dien verstande dat 'n kinderoppasser wat toesig oor 'n suigeling moet hou, in dieselfde klas as die lid se huishouding kan reis.
- (c)
 - (i) Oorgewigbagasie met 'n bruto gewig van hoogstens 450 lb. kan per passasierstrein vervoer word.
 - (ii) Persoonlike besittings met 'n bruto gewig van hoogstens 14,000 lb. kan per goederetrein of die Padmotordiens van die Suid-Afrikaanse Spoorweë of 'n ander openbare of staatsvervoermiddel van die een hoofkwartier na 'n ander en van die woning na die spoorwegstasie, en omgekeerd, en na en van 'n pakhuis as die berging van sodanige persoonlike besittings kragtens paragraaf (e) gemagtig is, vervoer word: Met dien verstande dat as vervoer met gemelde vervoermiddels onmoontlik of ondoenlik of duurder is, die Kommissaris na sy goedvinde kan goedkeur dat 'n ander vervoermiddel gebruik word. Die voorgeskrewe gewig sluit die gewig van voertuie in maar nie die gewig van 'n dier wat vir amptelike doeleindes aangehou word nie; so 'n dier kan benewens die voorsiening wat vir persoonlike besittings gemaak word, ook op staatskoste vervoer word.
- (d) Die koste verbonde aan die inpak (insluitende die koste van verpakkingsmateriaal) en die uitpak van persoonlike besittings binne die voorgeskrewe gewigsbeperking, kan uit staatsfondse bestry word.
- (e) In 'n uitsonderlike geval kan die Kommissaris goedkeur dat dié persoonlike besittings van 'n lid wat binne die voorgeskrewe gewigsbeperking is, vir 'n tydperk van hoogstens ses kalendermaande by of sy ou of nuwe hoofkwartier op staatskoste geberg word.

- (f) Subject to such limitations and conditions as may be approved by Treasury on the recommendation of the Public Service Commission, the following expenses may be met from public funds:—
- (i) The cost of repairs to or replacement of personal effects damaged in transit.
 - (ii) The cost of disconnecting and connecting and altering electrical domestic appliances.
 - (iii) The cost involved in purchasing essential school books for a child or other dependent.
- (g) If a member who occupied a house or flat, wholly or partly furnished by himself, at or in the vicinity of the headquarters from which he is transferred, stores his personal effects, including his furniture, or remove such effects to a house or flat at or in the vicinity of the headquarters to which he is transferred, the Commissioner may pay him an allowance at rates and on conditions as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended, in respect of the depreciation of his personal effects and to meet expenses arising from his transfer, other than those for which provision is made elsewhere in these regulations: Provided that the Commissioner may, in his discretion, pay a smaller amount if he considers that the circumstances do not justify the payment of the full amount so prescribed.

Refund of Certain Expenses.

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

- (a) The amount actually and necessarily expended on rent or board and lodging and servants' wages at his original headquarters and forfeited in consequence of short notice of transfer, on condition that expenditure on rent or board and lodging and servants' wages is at the same time incurred at the headquarters to which the member is transferred.
- (b) The amount actually and necessarily expended on board and lodging or hotel accommodation at his original headquarters for a period not exceeding seven days through such member being compelled to reside at a boarding house or hotel while his furniture and effects are being packed or moved to his new headquarters.
- (c) The amount actually and necessarily expended on board and lodging or hotel accommodation at his new headquarters through such member being compelled to reside in a boarding house or hotel for a period not exceeding seven days while his furniture and effects are being unpacked or moved from his old headquarters or while he is in search of a house or flat.
- (d) (i) The difference between normal living expenses comprising rent, rates, expenditure on water, light, fuel, food and servants' wages and the abnormal expenses actually and necessarily incurred by such member at his new headquarters through being compelled to reside in a boarding house or hotel for a period exceeding seven days while his furniture and effects are being unpacked or moved from his old headquarters or while he is in search of a house or flat: Provided that no claim for abnormal living expenses in respect of a period in excess of two calendar months shall be entertained.
- (ii) Claims for a refund of abnormal living expenses shall be submitted, in writing, and in a prescribed form.
- (e) Expenditure necessarily incurred, as a result of his transfer, in connection with the re-registration of one privately-owned and one subsidised motor-vehicle.

(f) Behoudens dié beperkings en voorwaardes wat Tesourie, op aanbeveling van die Staatsdiens-kommissie, mag goedkeur, kan die volgende uitgawes uit staatsgelde bestry word:—

- (i) Die koste verbonde aan die herstelling of vervanging van persoonlike besittings wat onderweg beskadig is.
- (ii) Die koste verbonde aan die diskonnektering en konnektering en verandering van elektriese huishoudelike toestelle.
- (iii) Die koste verbonde aan die aankoop van noodsaaklike skoolboeke vir 'n kind of ander afhanklike.

(g) As 'n lid wat 'n huis of woonstel wat hyself ten volle of gedeeltelik gemeubileer het, by of in die omgewing van die hoofkwartier waarvandaan hy verplaas word, bewoon het, sy persoonlike besittings, insluitende sy meubels, laat berg of vervoer na 'n huis of woonstel by of in die omgewing van die hoofkwartier waarheen hy verplaas word, kan die Kommissaris aan hom 'n toelae betaal teen tariewe en op voorwaardes soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word, ten opsigte van die waardevermindering van sy persoonlike besittings en ter dekking van uitgawes wat uit sy verplasing voortspruit, uitgesonderd dié waarvoor daar elders in hierdie regulasies voorsiening gemaak word.

Terugbetaling van sekere uitgawes.

(4) Die Kommissaris kan die volgende terugbetaal aan 'n lid wat kragtens paragraaf (a) van subregulasie (1) verplaas is:—

- (a) Die bedrag wat werklik en noodwendig aan huur- of losiesgeld en bediendeloon by sy oorspronklike hoofkwartier uitgegee en verbeur is weens 'n kort kennisgewing van verplasing, mits daar terselfdertyd ook uitgawes aan huur- of losiesgeld en bediendeloon by die hoofkwartier waarheen die lid verplaas is, aangegaan word.
- (b) Die bedrag wat werklik en noodwendig aan losies of hotelakkommodasie by sy oorspronklike hoofkwartier vir hoogstens sewe dae uitgegee is deurdat sodanige lid verplig is om in 'n losieshuis of hotel tuis te gaan terwyl sy meubels en besittings ingepak of na sy nuwe hoofkwartier vervoer word.
- (c) Die bedrag wat werklik en noodwendig aan losies of hotelakkommodasie by sy nuwe hoofkwartier vir hoogstens sewe dae uitgegee is deurdat 'n lid verplig is om in 'n losieshuis of hotel tuis te gaan terwyl sy meubels en besittings uitgepak of van sy ou hoofkwartier vervoer word of terwyl hy op soek na 'n huis of woonstel is.
- (d) (i) Die verskil tussen die normale bestaansuitgawes bestaande uit huurgeld, belastinge, uitgawes aan water, ligte, brandstof, voedsel en bediendeloon, en die abnormale uitgawes werklik en noodwendig deur sodanige lid by sy nuwe hoofkwartier aangegaan deurdat hy verplig is om vir 'n tydperk van langer as sewe dae in 'n losieshuis of hotel tuis te gaan terwyl sy meubels en besittings uitgepak of van sy ou hoofkwartier vervoer word of terwyl hy op soek na 'n huis of woonstel is: Met dien verstande dat geen eis vir abnormale bestaansuitgawes ten opsigte van 'n tydperk van langer as twee kalendermaande oorweeg mag word nie.
- (ii) Eise om die terugbetaling van abnormale bestaansuitgawes moet skriftelik en in 'n voorgeskrewe vorm ingedien word.
- (e) Uitgawes wat noodwendig as gevolg van sy verplasing aangegaan is in verband met die herregistrasie van een privaat en een gesubsidieerde motorvoertuig.

(f) Expenditure necessarily incurred, as a result of his transfer, in connection with the replacement of number plates in respect of one privately-owned and one subsidised motor-vehicle: Provided that the allowance per set of number plates does not exceed the rates as may from time to time be determined in terms of the Public Service Act, 1957 (Act No. 54 of 1957), as amended.

(g) Telephone rental on a *pro rata* basis in respect of the period during which he is unable to use the telephone as a result of his transfer: Provided that any telephone rental which is recoverable from the Department of Post and Telegraphs may not be refunded.

Tenders, Disposal of Packing Material and Transport of Motor-Vehicle.

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

(b) Packing material paid for from public funds, shall be stored and disposed of as may be prescribed specially or generally.

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

- (i) the State accepts no liability for the loss of or any damage to a motor-vehicle in transit; and
- (ii) it shall be conveyed by goods train at such prescribed tariff as may from time to time be approved by Treasury on the recommendation of the Public Service Commission and that all incidental expenses connected with the loading and unloading of the vehicle shall be met by the member.

Limitation of Period of Privileges.

(6) The privileges provided for in sub-regulations (3) and (4), shall apply only if the member removes his household and personal effects within two calendar months from the date on which his transfer takes effect, unless he has obtained permission from the Commissioner to postpone the removal of his household or his personal effects for such further period as the Commissioner may determine.

(B) First Appointment.

Personal Transport.

65. (1) Subject to similar conditions regarding the means of transport and classes of travel as are provided for in regulations 55 to 63, inclusive, in respect of members, the Commissioner may approve that a person who resides in the Republic or in South West Africa and who is appointed to a post on the fixed establishment of the Department, be granted free transport for himself from the place at which he was recruited to the place at which he has been instructed to assume duty: Provided that, for the purpose of this sub-regulation, transport includes conveyance by State-owned or contract transport at the place of recruitment as well as the place of appointment or, if such transport is not available, conveyance by taxi between his residence and the boarding or alighting point of the public means of transport by which the journey is undertaken.

Transport of Household and Personal Effects.

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

(f) Uitgawes wat noodwendig as gevolg van sy verplasing aangegaan is in verband met die vervanging van nommerplate ten opsigte van een privaat en een gesubsidieerde motorvoertuig: Met dien verstande dat die toelae per stel nommerplate nie die tariewe soos van tyd tot tyd kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), soos gewysig, bepaal mag word, oorskry nie.

(g) Telefoonhuurgeld op 'n *pro rata* grondslag ten opsigte van die tydperk waarin hy, as gevolg van sy verplasing, nie die telefoon kan gebruik nie: Met dien verstande dat telefoonhuur wat van die Departement van Pos-en-Telegraafwese teruggevorder kan word, nie terugbetaal mag word nie.

Tenders, beskikking oor verpakkingsmateriaal en vervoer van motorvoertuig.

(5) (a) Skriftelike tenders moet verkry word vir die verpakking en uitpakking en laai en aflaai van persoonlike besittings, en die laagste tender moet aangeneem word: Met dien verstande dat die Kommissaris magtiging vir die aanname van 'n hoër tender kan verleen as hy daarvan oortuig is dat daar afdoende redes vir die verwerping van die laagste tender is.

(b) Verpakkingsmateriaal waarvoor daar uit staatsfondse betaal is, moet bewaar en daarvoor moet beskik word soos spesiaal of in die algemeen voorgeskryf mag word.

(c) Die vervoer van 'n motorvoertuig op staatskoste is onderworpe aan die voorwaardes dat—

- (i) die Staat geen aanspreeklikheid vir die verlies van of skade aan 'n motorvoertuig terwyl dit vervoer word, aanvaar nie; en
- (ii) dit per goederetrein vervoer moet word teen dié voorgeskrewe tarief wat van tyd tot tyd deur Tesourie op aanbeveling van die Staatsdienskommissie goedgekeur mag word en dat alle bykomende uitgawes verbonde aan die laai en aflaai van die voertuig, deur die lid gedra word.

Beperking van tydperk van voorregte.

(6) Die voorregte waarvoor daar in subregulasies (3) en (4) voorsiening gemaak word, is van toepassing slegs as die lid sy huishouding en persoonlike besittings verwyder binne twee kalendermaande vanaf die datum waarop sy verplasing van krag word, tensy hy toestemming van die Kommissaris verkry het om die verwydering van sy huishouding of persoonlike besittings uit te stel vir dié verdere tydperk wat die Kommissaris mag bepaal.

(B) Eerste aanstelling.

Persoonlike vervoer.

65. (1) Behoudens soortgelyke voorwaardes aangaande vervoermiddels en reisklasse as dié waarvoor daar in regulasies 55 tot en met 63 vir lede voorsiening gemaak word, kan die Kommissaris goedkeur dat daar aan 'n persoon wat in die Republiek of Suidwes-Afrika woonagtig is en wat in 'n pos op die vaste diensstaat aangestel word, gratis vervoer vir homself toegestaan word van die plek af waar hy gewerf is tot by die plek waar hy aangesê is om diens te aanvaar: Met dien verstande dat, vir die toepassing van hierdie subregulasie, vervoer ook beteken vervoer per staatsgarage- of kontrakvervoermiddel by sowel die plek van werwing as die plek van aanstelling of, as sodanige vervoer nie beskikbaar is nie, vervoer per huurmotor tussen die woning en die op- of afklimpunt van die openbare vervoermiddel waarmee die reis onderneem word.

Vervoer van huishouding en persoonlike besittings.

(2) (a) Behoudens die bepalinge van paragraaf (b), kan die huishouding en persoonlike besittings van 'n persoon in subregulasie (1) bedoel, met die goedkeuring van die Kommissaris en op die grondslag wat in paragraaf (a) van subregulasie (1), paragrafe (b), (c) en (d) van subregulasie (3) en subregulasies (5) en (6) van regulasie 64 voorgeskryf word vir 'n lid wat verplaas word, op staatskoste vervoer word van die plek af waar sodanige persoon gewerf is tot by die plek waar hy aangesê is om diens te aanvaar.

(b) If a person whose household and personal effects have been conveyed in terms of paragraph (a), resigns within six calendar months from the date of his assumption of duty or if his services are terminated within such period, as a result of unsatisfactory service, he shall refund the expenditure incurred in respect of the transport of his household and personal effects.

(C) *Sessional Officers.*

Transport Privileges.

66. (1) (a) Subject to the provisions of sub-regulation (2), a sessional officer, his household and excess luggage may be conveyed by rail on the same conditions as those prescribed in these regulations for the conveyance of a member on transfer.

(b) A sessional officer may also be permitted to rail one privately-owned motor car or motor cycle and bicycles (including tricycles) to and from Cape Town at State expense on such conditions as Treasury may, from time to time, approve on the recommendation of the Public Service Commission.

Use of Privately-owned Transport.

(2) The provisions of paragraph (b) of sub-regulation (5) of regulation 57 shall *mutatis mutandis*, apply, to a sessional officer on condition that both the forward and the return journey are undertaken by motor car: Provided that the members of the household of such sessional officer may be regarded as official passengers for the purposes of paragraph (b) of sub-regulation (1) of regulation 60.

(D) *Transport on Termination of Service or Death.*

Transport Privileges.

67. (1) (a) Subject to the provisions of paragraphs (a) and (b) of sub-regulation (2), the Commissioner may approve that—

- (i) a member who is retired owing to attainment of pensionable age; and
- (ii) a member or special warder whose services are terminated on such other grounds as Treasury may from time to time approve on the recommendation of the Public Service Commission,

and who has completed not less than ten years' service, his household and personal effects be conveyed at State expense to any place in the Republic or South West Africa, where he intends to reside, subject to such limitations and conditions as Treasury may from time to time approve on the recommendation of the Public Service Commission.

(b) If a member who is retired on attaining the pensionable age is re-employed, without a break in service, in a temporary capacity in the Prisons Service, the Commissioner may grant the privileges prescribed by and in terms of this regulation, to such member on the termination of such temporary employment, whether on discharge or resignation.

(c) In the case of a member or special warder who dies whilst in the service of the Prisons Department or is discharged therefrom owing to continued ill-health which has not been occasioned by his own fault, the benefits for which provision is made in paragraph (a) may be granted by the Commissioner, provided that the member or special warder would have completed not less than ten years' service on attainment of the age of fifty-eight years, had he not died or been so discharged.

Use of Privately-owned Transport.

(2) (a) The provisions of paragraph (b) of sub-regulation (5) of regulation 57 shall *mutatis mutandis* apply to a member or special warder referred to in sub-regulation (1) or to his household: Provided that the members of the household of such member may be regarded as official passengers for the purposes of paragraph (b) of sub-regulation (1) of regulation 60.

(b) This regulation shall not apply to a special warder who is appointed abroad for service in an office abroad.

(b) As 'n persoon wie se huishouding en persoonlike besittings ooreenkomstig paragraaf (a) vervoer is, binne ses kalendermaande vanaf die datum van sy diensaanvaarding, bedank of as sy dienste as gevolg van onbevredigende diens binne sodanige tydperk beëindig word, moet hy die koste wat ten opsigte van die vervoer van sy huishouding en persoonlike besittings aangegaan is, terugbetaal.

(C) *Sessieamptenare.*

Vervoervoorregte.

66. (1) (a) Behoudens die bepalings van subregulasie (2), kan aan 'n sessieamptenaar, sy huishouding en oorgewigbagasie per spoor vervoer word op dieselfde voorwaardes as dié wat vir die vervoer van 'n lid by oorpasing in hierdie regulasies voorgeskryf word.

(b) 'n Sessieamptenaar kan ook toegelaat word om een private motorkar of motorfiets en fietse (insluitende driewiele) na en van Kaapstad per spoor op staatskoste te vervoer op dié voorwaardes wat Tesourie van tyd tot tyd op aanbeveling van die Staatsdienskommissie mag goedkeur.

Gebruik van private vervoer.

(2) Die bepalings van paragraaf (b) van subregulasie (5) van regulasie 57 is *mutatis mutandis* op 'n sessieamptenaar van toepassing op voorwaarde dat sowel die heen- as die terugreis per motor onderneem word: Met dien verstande dat lede van die huishouding van sodanige sessieamptenaar geag kan word amptelike passasiers te wees vir die toepassing van paragraaf (b) van subregulasie (1) van regulasie 60.

(D) *Vervoer by diensbeëindiging of dood.*

Vervoervoorregte.

67. (1) (a) Behoudens die bepalings van paragrafe (a) en (b) van subregulasie (2), kan die Kommissaris goedkeur dat—

- (i) 'n lid wat weens die bereiking van die pensioenleeftyd afgedank word; en
- (ii) 'n lid of spesiale bewaarder wie se dienste beëindig word op ander gronde wat Tesourie van tyd tot tyd op aanbeveling van die Staatsdienskommissie mag goedkeur;

en wat minstens tien jaar diens voltooi het, en ook sy huishouding en persoonlike besittings na 'n plek in die Republiek of Suidwes-Afrika waar hy van plan is om te woon, op staatskoste vervoer word behoudens dié beperkings en voorwaardes wat Tesourie van tyd tot tyd op aanbeveling van die Staatsdienskommissie mag goedkeur.

(b) Indien 'n lid wat by bereiking van die pensioenleeftyd aftree, sonder onderbreking van diens weer in 'n tydelike hoedanigheid in die Gevangensdiens in diens geneem word, kan die Kommissaris die voorregte voorgeskryf by en kragtens hierdie regulasie, aan sodanige lid verleen by die beëindiging van sodanige tydelike indiensneming, hetsy by ontslag of bedanking.

(c) In die geval van 'n lid of spesiale bewaarder wat te sterwe kom terwyl hy in die diens van die Departement van Gevangenisne is of wat daaruit ontslaan word weens voortdurende swak gesondheid wat nie aan sy eie toedoen te wyte is nie, kan die voordele waarvoor in paragraaf (a) voorsiening gemaak word, deur die Kommissaris toegestaan word, mits die lid of spesiale bewaarder minstens tien jaar diens by bereiking van die leeftyd van agt-en-veertig jaar sou voltooi het indien hy nie te sterwe gekom het of aldus ontslaan is nie.

Gebruik van private Vervoer.

(2) (a) Die bepalings van paragraaf (b) van subregulasie (5) van regulasie 57 is *mutatis mutandis* van toepassing op 'n lid of spesiale bewaarder wat in subregulasie (1) bedoel word of op sy huishouding: Met dien verstande dat lede van die huishouding van sodanige lid geag kan word amptelike passasiers te wees vir die toepassing van paragraaf (b) van subregulasie (1) van regulasie 60.

(b) Hierdie regulasie is nie op 'n spesiale bewaarder wat in die buiteland vir diens in 'n buitelandse kantoor aangestel is, van toepassing nie.

(E) Exceptional Cases.**Departure From Regulations.**

68. If circumstances arise which justify a departure from the provisions of regulations 64 to 67, inclusive, the Commissioner may determine such conditions in connection with transfer expenses and transport facilities on first appointment, for sessional officers and on termination of service and death, as Treasury may approve on the recommendation of the Public Service Commission.

DEBT AND DESERTION.**(A) Debt.****Statement of Liabilities.**

69. (1) When it is evident or when there are, in the opinion of the Commissioner, reasonable grounds to believe that a member or a special warder is in debt to an unreasonable extent or when a member or special warder has been declared insolvent or has assigned his estate for the benefit of his creditors or when a judgment for debt or a decree of civil imprisonment or any similar order has been obtained against him in any court of law, such member or special warder shall, if the Commissioner so requires, furnish him in writing with a full and detailed statement of his liabilities together with an explanation of the circumstances under which these were incurred and his proposal to liquidate or meet them.

Notice of Legal Proceedings for Debt.

(2) Any legal proceedings in connection with debt, civil imprisonment, judgment or insolvency in which a member or a special warder is the defendant shall forthwith and together with full particulars of the circumstances which led to such proceedings be reported to the Commissioner by—

- (a) the registrar or master of the Supreme Court, magistrate or special justice of the peace, as the case may be; and
- (b) the member or the special warder concerned.

Steps Against Member or Special Warder in Debt.

(3) If, on any such further investigation as may be deemed expedient, the Commissioner is of opinion that the proper and efficient performance of his duties by such member or special warder is likely to be prejudiced by such debt or any portion thereof, the Commissioner may—

- (a) in the case of a commissioned officer take such action as he may deem fit;
- (b) in the case of a member who is not a commissioned officer direct that an inquiry be held in terms of regulation 77; and
- (c) in the case of a special warder discharge him summarily.

Private Financial Transactions.

(4) (a) A member or special warder shall not become a party to any form of promissory note for the purpose of making any compromise: Provided that the Commissioner may give his written consent to a departure from the provisions of this sub-regulation if he has satisfied himself by investigation that the proposed transaction is being entered into for acceptable reasons not connected with speculation, gambling or any other improper dealing which may lead to the pecuniary embarrassment of the member or special warder concerned: Provided further, that such consent shall not be given in respect of a transaction between two or more members or a member and a special warder or two or more special warders.

(b) A member or special warder shall under no circumstances borrow money from another member or special warder of subordinate rank.

(E) Buitengewone gevalle.**Afwyking van regulasies.**

68. As daar omstandighede ontstaan wat 'n afwyking van die bepalings van regulasies 64 tot en met 67 regverdig, kan die Kommissaris dié voorwaardes in verband met oorplasingkoste en vervoervoorregte by eerste aanstelling, vir sessieamptenare en by diensbeëindiging en die dood, bepaal wat Tesourie op aanbeveling van die Staatsdienskommissie mag goedkeur.

Skuld en desersie.**(A) Skuld.****Staat van laste.**

69. (1) Wanneer dit duidelik is of wanneer daar na die mening van die Kommissaris redelike gronde bestaan om te vermoed dat 'n lid of spesiale bewaarder in 'n onredelike mate in die skuld is of wanneer 'n lid of spesiale bewaarder insolvent verklaar is of sy boedel afgestaan het ten behoeve van sy skuldeisers of wanneer 'n vonnis weens skuld of 'n gyselingsbevel of 'n dergelike bevel teen hom in 'n geregshof verkry is, moet sodanige lid of spesiale bewaarder, as die Kommissaris dit vereis, 'n breedvoerige en volledige staat van sy skulde skriftelik voorlê tesame met 'n verklaring van die omstandighede waaronder dit aangegaan was en sy voorstelle om sodanige skulde te likwiede of te betaal.

Kennisgewing van geregtelike stappe weens skuld.

(2) Alle geregtelike stappe in verband met skuld, siviele gyseling, vonnis of insolvensie waarby 'n lid of 'n spesiale bewaarder die verweerder is, moet dadelik en tesame met volledige besonderhede van die omstandighede wat tot sodanige stappe gelei het, aan die Kommissaris gerapporteer word deur—

- (a) die griffier of meester van die hooggeregshof, landdros of spesiale vrederegter, na gelang van die geval; en
- (b) die betrokke lid of spesiale bewaarder.

Optrede teen lid of spesiale bewaarder in die skuld.

(3) Indien die Kommissaris na dié verdere ondersoek wat raadsaam geag mag word, van mening is dat die behoorlike en doeltreffende uitvoering van sy pligte deur sodanige lid of spesiale bewaarder waarskynlik benadeel sal word deur sodanige skuld of 'n gedeelte daarvan, kan die Kommissaris—

- (a) in die geval van 'n offisier die stappe doen wat hy dienstig ag;
- (b) in die geval van 'n lid wat nie 'n offisier is nie, gelas dat ondersoek ingevolge regulasie 77 ingestel word; en
- (c) in die geval van 'n spesiale bewaarder hom summarie ontslaan.

Private geldelike transaksies.

(4) (a) 'n Lid of spesiale bewaarder mag nie met die doel om 'n skikking te tref, 'n party by enige promesse word nie: Met dien verstande dat die Kommissaris skriftelike toestemming daartoe kan verleen dat daar van die bepalings van hierdie subregulasie afgewyk word as hy hom deur ondersoek daarvan oortuig het dat die voor-genome transaksie aangegaan word om aanneemlike redes wat nie met spekulasie, dobbelary of enige onbehoorlike handeling wat die betrokke lid of spesiale bewaarder in geldelike moeilikheid kan laat beland, in verband staan nie: Met dien verstande voorts dat sodanige toestemming nie ten opsigte van 'n transaksie tussen twee of meer lede of 'n lid en 'n spesiale bewaarder of twee of meer spesiale bewaarders verleen mag word nie.

(b) Onder geen omstandighede mag 'n lid of spesiale bewaarder geld van 'n ander lid of spesiale bewaarder van 'n laer rang leen nie.

(B) *Desertion or Absence from Duty Without Permission.*

Discharge and Determination of Date thereof.

70. (1) Notwithstanding regulations 75 and 77, if the commanding officer after proper enquiry finds that a member or special warder has deserted or absented himself from his official duties without the permission of the Commissioner for a period exceeding one calendar month, the State President or Commissioner, as the case may be, may summarily discharge such member or special warder from the service of Prisons Department with effect from the date immediately succeeding his last day of attendance on duty: Provided that if such member or special warder has assumed other employment he may be so summarily discharged, notwithstanding that the aforesaid period has not expired.

Reinstatement in Service or, Pending Further Enquiry, Suspension from Office or Resumption of Duty.

(2) If a member or special warder, who has been summarily discharged in terms of sub-regulation (1), reports for duty at his headquarters at any time the State President or Commissioner, as the case may be, may approve that he be reinstated in his former or any other rank and seniority of rank or order that an enquiry in terms of regulation 75 or 77 be held, and, pending decision in such enquiry, suspend him from office or grant authority that he resumes duty as from a specified date and in either that event the period of his absence from his official duties up to the date of reinstatement or resumption of duty shall be deemed to have been absence on vacation leave without pay or leave on such conditions as the State President or Commissioner, as the case may be, may direct,

Determination and Recovery of Deficiency, Loss or Damage.

(3) (a) The commanding officer, referred to in sub-regulation (1), shall also enquire into and report on any deficiency, loss or damage in respect of—

(i) any uniform, kit, arms equipment or any other State property whatsoever or any article, which is the property of a canteen, as defined in sub-section (3) of section *eighty-eight* of the Act, and issued to the member or special warder concerned or for which he is responsible; and

(ii) any moneys or unpaid debts due by such member or special warder to the State or a canteen, referred to in sub-paragraph (i).

(b) If a member or special warder has been discharged in terms of sub-regulation (1), the commanding officer shall, immediately on notification to him of such discharge, seize and take into safekeeping any State property issued to and left by such member or special warder as well as any movable private property so left by him.

(c) As soon as practicable after the expiry of two calendar months from the date on which a member or special warder has been summarily discharged, all property seized in terms of paragraph (b) may be sold or otherwise disposed of, as prescribed: Provided that if a member or special warder has been dealt with in terms of sub-regulation (a) before expiry of the aforesaid period of two calendar months the provisions of regulation 84, *mutatis mutandis*, shall apply in respect of any deficiency, loss or damage for which it is alleged he is responsible.

(d) The proceeds of a sale referred to in paragraph (c), as well as any pay due to the member or special warder may be appropriated, as prescribed, for the payment of any official and canteen debts due by him.

(e) On payment of the debts referred to in paragraph (d), any balance of the proceeds shall be paid into Consolidated Revenue Account, and, if applied for, may on the recommendation of the Commissioner be refunded to the member or special warder concerned.

(B) *Deserte of afwesigheid van diens sonder verlof.*

Ontslag en bepaling van datum daarvan.

70. (1) Ondanks regulasies 75 en 77, kan die Staatspresident of Kommissaris, na gelang van die geval, 'n lid of spesiale bewaarder summier uit die diens van die Departement van Gevangenisse ontslaan met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op diens was, indien na behoorlike ondersoek 'n bevelvoerende offisier bevind dat sodanige lid of spesiale bewaarder gedros het of sonder verlof van die Kommissaris vir 'n tydperk van meer as een kalendermaand van sy ampspligte weggebly het: Met dien verstande dat indien sodanige lid of spesiale bewaarder ander werk aanvaar het, hy aldus summier ontslaan kan word, nietaente staande dat voormelde tydperk nog nie verstryk het nie.

Herindiensneming of hangend verdere ondersoek, skorsing in amp of hervatting van diens.

(2) Indien 'n lid of spesiale bewaarder wat kragtens sub-regulasie (1) ontslaan was, hom te eniger tyd vir diens by sy hoofkwartier aanmeld, kan die Staatspresident of Kommissaris, na gelang van die geval, goedkeur dat hy in sy vorige of enige ander rang en rangsansiënniteit herstel word of beveel dat ondersoek kragtens regulasie 75 of 77 ingestel word, en, hangende 'n beslissing om sodanige ondersoek, hom in sy amp skors of goedkeuring verleen dat hy vanaf 'n spesifieke datum diens hervat, en in ieder so 'n geval word die tydperk van sy afwesigheid van sy ampspligte tot die datum van herindiensneming of hervatting van diens geag afwesigheid met vakansieverlof sonder betaling te wees of verlof op dié voorwaardes wat die Staatspresident of Kommissaris, na gelang van die geval, mag bepaal.

Bepaling en verhaling van tekort, verlies of skade.

(3) (a) Die bevelvoerende offisier in subregulasie (1) bedoel, moet ook ondersoek instel na en verslag doen oor enige tekort, verlies of skade ten opsigte van—

(i) enige uniform, mondering, wapens, uitrusting of enige ander staatseiendom van watter aard ook al of 'n artikel wat die eiendom is van 'n winkel soos omskryf in subartikel (3) van artikel *agt-en-tagtig* van die Wet en wat aan die betrokke lid of spesiale bewaarder uitgereik is of waarvoor hy verantwoordelik is; en

(ii) gelde of onbetaalde skulde wat deur so 'n lid of spesiale bewaarder verskuldig is aan die Staat of winkel, soos vermeld in subparagraaf (i).

(b) Indien 'n lid of spesiale bewaarder kragtens sub-regulasie (1) ontslaan is, moet die bevelvoerende offisier by ontvangs van kennisgewing van sodanige ontslag onverwyld beslag lê op enige staatseiendom wat aan so 'n lid of spesiale bewaarder uitgereik en deur hom agtergelaat is; sowel as op enige roerende private eiendom aldus deur hom agtergelaat, en dit in veilige bewaring neem.

(c) So spoedig doenlik na afloop van twee kalendermaande na die datum waarop 'n lid of spesiale bewaarder summier ontslaan is, kan al die eiendom waarop daar kragtens paragraaf (b) beslag gelê is, verkoop of op 'n ander manier van die hand gesit word, soos voorgeskryf: Met dien verstande dat indien daar voor afloop van voormelde tydperk van twee kalendermaande kragtens sub-regulasie (2) met 'n lid of spesiale bewaarder gehandel is, die bepalinge van regulasie 84 *mutatis mutandis* van toepassing is ten opsigte van enige tekort, verlies of skade waarvoor hy, na beweer word, verantwoordelik is.

(d) Die opbrengs van die verkoping in paragraaf (c) vermeld, sowel as enige betaling aan die lid of spesiale bewaarder verskuldig, kan soos voorgeskryf, aangewend word, ter vereffening van enige amptelike en winkelskulde deur hom betaalbaar.

(e) By die betaling van die skulde in paragraaf (b) bedoel, moet enige saldo van die opbrengs in die Gekonsolideerde Inkomsterekening gestort word en, indien aansoek daarom gedoen word, kan dit op aanbeveling van die Kommissaris aan die betrokke lid of spesiale bewaarder terugbetaal word.

CONTRAVENTIONS AND MISCONDUCT.

(A) *Members and Special Warders.*

Contraventions.

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

- (a) absents himself from duty without leave or valid cause or overstays any leave granted to him; or
- (b) is under the influence of intoxicating liquor or stupefying drugs, whether on or off duty; or
- (c) while on duty partakes of any intoxicating liquor or stupefying drugs; or
- (d) renders himself unfit for duty by the excessive use of intoxicating liquor or stupefying drugs; or
- (e) habitually frequents any place at which intoxicating liquor is sold; or
- (f) at any time or place swears or uses improper language or conducts himself in a disgraceful, improper or unbecoming manner or, whilst on duty, is grossly discourteous to any person; or
- (g) wilfully or unlawfully aims or points a fire-arm at any person or negligently or recklessly discharges a fire-arm; or
- (h) wilfully or negligently furnishes or tenders false or incorrect information; or
- (i) sleeps on duty; or
- (j) is negligent or indolent in the discharge of his duties; or
- (k) negligently allows a prisoner to escape; or
- (l) directly or indirectly requests or demands or accepts or agrees to accept any commission, gift, fee, reward or any other consideration whatsoever, whether pecuniary or otherwise, from any person as an inducement to omit or neglect to perform his duty properly or to do anything in conflict with his duty, or fails or neglects to report immediately in writing to his commanding officer or head of the prison or office, as the case may be, that any such offer has been made to him; or
- (m) without first having obtained the written permission of the Commissioner, directly or indirectly requests or demands or accepts or agrees to accept in connection with the execution of his duties, any commission, gift, fee, reward or other consideration whatsoever (other than the pay due to him), or fails or neglects to report immediately in writing to his commanding officer or head of the prison or office, as the case may be, that any such offer has been made to him; or
- (n) directly or indirectly borrows money from or through a member of lower rank or from or through a special warder, or places himself under a pecuniary obligation to a junior in rank; or
- (o) other than in the course of his duties, without the permission of the Commissioner, knowingly associates in any manner with an ex-prisoner or with a relative or friend of a prisoner; or
- (p) admits an unauthorised person into a prison or any portion thereof without the permission of the Commissioner; or
- (q) as a result of his negligence or neglect of duty, allows a prisoner under his supervision or control to partake or obtain possession of intoxicating liquor or stupefying drugs; or
- (r) directly or indirectly and contrary to any regulation, Prison Service Order or other rule applicable to the prison concerned, causes or requires a prisoner under his supervision or control to perform work or render a service in respect of which he or another person receives or will receive some or

OORTREDINGS EN WANGEDRAG.

(A) *Lede en spesiale bewaarders.*

Oortredings.

71. (1) 'n Lid of spesiale bewaarder wat die een of ander bepaling van die Wet of hierdie regulasies oortree of versuim om dit na te kom (uitgesonderd 'n oortreding of versuim wat ingevolge die Wet of hierdie regulasies uitdruklik tot 'n misdryf verklaar is) of wat—

- (a) sonder verlof of 'n geldige rede van diens wegbly of langer wegbly as dié verlof wat aan hom verleen is; of
- (b) onder die invloed van sterk drank of bedwelmende middels is, hetsy op diens of nie; of
- (c) terwyl hy op diens is, sterk drank of bedwelmende middels gebruik; of
- (d) homself ongeskik vir diens maak deur die oormatige gebruik van sterk drank of bedwelmende middels; of
- (e) 'n gewoonte daarvan maak om 'n plek waar sterk drank verkoop word, te besoek; of
- (f) te eniger tyd of op enige plek vloek of onbehoorlike taal gebruik of hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra of, terwyl hy op diens is, hom aan growwe onbeleefdheid teenoor 'n persoon skuldig maak; of
- (g) opsetlik of wederregtelik 'n vuurwapen op enige persoon rig of daarmee na 'n persoon mik of 'n vuurwapen nalatiglik of roekeloos afvuur; of
- (h) opsetlik of weens nalatigheid valse of onjuiste inligting verstrek of aanbied; of
- (i) op diens slaap; of
- (j) nalatig of traag in die uitvoering van sy pligte is; of
- (k) 'n gevangene weens nalatigheid laat ontsnap; of
- (l) regstreeks of onregstreeks enige kommissie, geskenk, geld, beloning of enige ander vergoeding van enige aard, hetsy geldelik of andersins, van enige persoon vra of eis of aanneem of instem om dit te ontvang as 'n beweegmiddel om te versuim of na te laat om sy plig behoorlik uit te voer of om enigiets te doen wat strydig met sy plig is, of versuim of nalaat om onmiddellik skriftelik aan sy bevelvoerende offisier of hoof van die gevangenis of kantoor, na gelang van die geval, te rapporteer dat so 'n aanbod aan hom gedoen is; of
- (m) sonder om vooraf die skriftelike toestemming van die Kommissaris te verkry, regstreeks of onregstreeks in verband met die uitvoering van sy pligte enige kommissie, geskenk, geld, beloning of enige ander vergoeding van enige aard (uitgesonderd die betaling aan hom verskuldig), vra of eis of aanneem of instem om dit te ontvang, of nalaat of versuim om onmiddellik skriftelik aan sy bevelvoerende offisier of hoof van die gevangenis of kantoor, na gelang van die geval, te rapporteer dat so 'n aanbod aan hom gedoen is; of
- (n) regstreeks of onregstreeks geld leen van of deur tussenkoms van 'n lid van 'n laer rang of van of deur tussenkoms van 'n spesiale bewaarder of homself onder 'n geldelike verpligting teenoor 'n mindere in rang plaas; of
- (o) behalwe in die loop van sy pligte, sonder die toestemming van die Kommissaris wetens op enige wyse assosieer met 'n oud-gevangene of met 'n familielid of vriend van 'n gevangene; of
- (p) sonder die toestemming van die Kommissaris 'n ongemagtigde persoon in 'n gevangenis of 'n gedeelte daarvan toelaat; of
- (q) as gevolg van sy nalatigheid of pligsversuim toelaat dat 'n gevangene wat onder sy toesig of beheer is, gebruik maak van sterk drank of bedwelmende middels of dit in sy besit kry; of
- (r) regstreeks of onregstreeks en in stryd met enige regulasie, Gevangenisdiensorder of ander reël wat van toepassing is op die betrokke gevangenis, van 'n gevangene wat onder sy toesig of beheer is, vereis om werk te verrig of 'n diens te lewer of hom dit laat verrig of lewer, ten opsigte waarvan hy of 'n

- other personal benefit or gain or in which he or another person has a personal interest, whether pecuniary or otherwise; or
- (s) other than in the performance or in terms of the requirements of his duties, lends, sells, gives or issues any article, implement or other thing to a prisoner or buys or borrows anything from a prisoner, or receives a gift, advantage, gain or other personal consideration from a prisoner or, contrary to his duties, accepts or conspires to obtain a promise, under any pretext whatsoever, from a prisoner or a relative or friend of such prisoner; or
- (t) knowingly employs an ex-sentenced prisoner without the permission of the Commissioner; or
- (u) uses prison labour in his own service and for his own benefit or for that of another member or special warder without the permission of the Commissioner, whether payment for such labour at prescribed rates is made or tendered to the State or not; or
- (v) without the permission of the Commissioner, engages in a trade, business or any commercial or agricultural undertaking or keeps animals, other than pets, or undertakes any private agency or private work in any manner connected with the performance of his official functions or the execution of his official duties; or
- (w) commits or causes or permits any act to be committed or connives at any act which is prejudicial to the administration, discipline and efficiency of the Prisons Department or to the authority or position of a member; or
- (x) attempts to procure intervention from political or outside sources or through any other than the prescribed official channels in relation to his position and conditions of employment in the Prisons Department: Provided that nothing in this paragraph contained shall preclude a member or special warder from endeavouring to obtain redress of any grievance through Parliament; or
- (y) becomes a member of any political organization or takes active part in political matters; or
- (z) malingers or is absent from duty owing to illness and fails to inform the head of a prison or office, as soon as possible, that he is ill; or
- (aa) withholds, misapplies, unlawfully uses, loses by neglect or wilfully damages State property or property of another member, mess, canteen, library, fund, club or other prison institution or property belonging to a prisoner; or
- (bb) fails to comply with any Prisons Service Order or other order issued by authority of the Commissioner or other commissioned officer; or
- (cc) disobeys, disregards or wilfully fails to carry out any lawful order given to him by a member or any other person having authority to do so or displays insubordination by word or conduct; or
- (dd) becomes insolvent or compromises with his creditors or against whom a decree of civil imprisonment has been issued by any court of law or against whom any other order has been issued by a Magistrate's Court in terms of section sixty-five of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended, unless it is shown by such member or special warder that his insolvency or compromise or the issue of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or
- (ee) becomes financially embarrassed, unless it is shown by such member or special warder that his pecuniary embarrassment has not been occasioned by any imprudence or reprehensible action on his part and has no detrimental effect on the faithful performance of his duties; or
- ander persoon die een of ander persoonlike voordeel of wins ontvang of sal ontvang of waarin hy of 'n ander persoon 'n persoonlike belang het, hetsy geldelik of andersins; of
- (s) op 'n ander wyse as in die uitvoering of ingevolge die vereistes van sy pligte, 'n artikel, gereedskap of ander ding aan 'n gevangene leen, verkoop, gee of uitreik of van 'n gevangene enigiets koop of leen of as 'n geskenk, voordeel, wins of ander persoonlike vergoeding van hom ontvang, of in stryd met sy pligte en onder enige voorwendsel, van 'n gevangene of 'n familielid of vriend van sodanige gevangene, 'n belofte aanneem of saamsweer om dit te verkry; of
- (t) wetens 'n oudgevonnisste-gevangene in diens neem sonder die toestemming van die Kommissaris; of
- (u) sonder die toestemming van die Kommissaris gevangenisarbeid in sy eie diens of vir sy eie voordeel of vir dié van 'n ander lid of spesiale bewaarder gebruik afgesien daarvan of betaling vir sodanige arbeid teen die voorgeskrewe tarief gemaak word of aan die Staat aangebied word of nie; of
- (v) sonder die toestemming van die Kommissaris 'n ambags-, besigheids- of enige handels- of landbou-onderneming beoefen of diere, uitgesonderd troeteldiere, aanhou of enige private agentskap of private werk onderneem wat op enige manier met die verrigting van sy amptelike werksaamhede of die uitvoering van sy pligte in verband staan; of
- (w) enige daad wat nadelig is vir die administrasie, dissipline of doeltreffendheid van die Departement van Gevangenisse of vir die gesag of die posisie van 'n lid, pleeg, laat pleeg of toelaat dat dit gepleeg word; of
- (x) pogings aanwend om uit politieke- of buitebronne of deur anders as die voorgeskrewe kommunikasiekanale ingryping in verband met sy posisie en diensvoorwaardes in die Departement van Gevangenisse: Met dien verstande dat die bepaling van hierdie paragraaf nie 'n lid of spesiale bewaarder verhinder nie om 'n herstel van 'n grief deur bemiddeling van die Parlement te verkry; of
- (y) 'n lid van 'n politieke organisasie word of aktief aan politieke sake deelneem; of
- (z) hom siek hou of weens siekte van diens afwesig is en nalaat om so spoedig moontlik aan die hoof van 'n gevangenis of kantoor kennis te gee dat hy siek is; of
- (aa) staatseigendom of eiendom van 'n ander lid, menasie, kantien, biblioteek, fonds, klub of ander gevangenisinstelling of eiendom wat aan 'n gevangene behoort, terughou, verkeerd aanwend, onwettiglik gebruik, weens nalatigheid verloor of moedswillig beskadig; of
- (bb) in gebreke bly om enige Gevangenisdiensorder of ander order wat op gesag van die Kommissaris of ander offisier uitgevaardig is, na te kom; of
- (cc) 'n wettige bevel wat aan hom gegee is deur 'n lid of ander persoon wat bevoeg is om dit te doen, nie gehoorsaam nie, verontagsaam of opsetlik versuim om dit uit te voer of weens woord of gedrag insubordinasie aan die dag lê; of
- (dd) insolvent raak of 'n skikking met sy skuldeisers tref of teen wie 'n bevel vir siviele gyseling uitgereik is deur 'n hof of teen wie 'n ander bevel deur 'n Landdroshof uitgereik is kragtens artikel vyf-en-estig van die Landdroshofwet, 1944 (Wet No. 32 van 1944), soos gewysig, tensy sodanige lid of spesiale bewaarder bewys dat sy insolvensie of skikking of die uitreiking van 'n bevel vir siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of
- (ee) in geldelike moeilikheid raak, tensy sodanige lid of spesiale bewaarder bewys dat sy geldelike moeilikheid nie die gevolg van sy onversigtigheid of laakbare optrede is nie en nie 'n nadelige uitwerking op die getroue uitvoering van sy pligte het nie; of

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

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

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

Penalties.

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

(B) Suspension from Duty.

Basis of Suspension.

72. (1) Subject to the provisions of sections four and eight of the Act and with due regard to the provisions of section fifteen of the Act, a member may be suspended from duty (or be provisionally suspended as provided for in these regulations) only if there is an allegation or reasonable suspicion of serious misconduct or if the circumstances are such that he should not be allowed to exercise his powers, functions and authority.

Provisional Suspension.

(2) (a) The provisional suspension from duty of a member as a result of an allegation or reasonable suspicion of serious misconduct may, in the case of a commissioned officer, be ordered by the Commissioner, and, in the case of any member who is not a commissioned officer, by the commanding officer, pending an investigation and a report in respect of such alleged or suspected misconduct to the Minister or Commissioner, as the case may be.

(b) Upon the provisional suspension of a member from duty, the Commissioner or commanding officer shall forthwith report such suspension, giving full particulars of such allegation or suspicion of misconduct, to the Minister or Commissioner, as the case may be.

Confirmation or Discharge of Provisional Suspension from Duty.

(3) Upon receipt of the report and particulars referred to in paragraph (b) of sub-regulation (2)—

(a) the Minister may, in the case of the provisional suspension from duty of a commissioned officer, if in his opinion such suspension is not justified, discharge the order or refer such report and particulars, together with his own report, to the State President for confirmation in terms of sub-section (2) of section four of the Act, pending further inquiry or trial and any further decision by the State President; or

(b) the Commissioner may, in the case of the provisional suspension from duty of a member who is not a commissioned officer, if in his opinion such suspension is not justified, discharge the order or confirm it in terms of sub-section (2) of section eight of the Act, pending further inquiry or trial and any further decision by him.

Duration and Termination of Suspension from Duty.

(4) (a) Subject to the provisions of sub-section (1) of section fifteen of the Act, the State President or Commissioner, as the case may be, may at any time cancel the suspension from duty of a member, but notwithstanding the cancellation of such suspension the proceedings in regard to any charge or inquiry in respect of the alleged or suspected misconduct against such member may be continued.

(ff) tydens enige afwesigheid van diens as gevolg van siekteverlof, sy amptelike of private woonkwartiere sonder die toestemming van die geneeskundige beampte en die medewete van sy bevelvoerende offisier verlaat, of versuim om nalaat om die bevelvoerende offisier van sy bestemming en adres by sodanige bestemming in kennis te stel; of

(gg) met die oog daarop om enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte te verkry of om die Staat of die Departement van Gevangenisse of 'n ander lid of spesiale bewaarder nadeel aan te doen of skade te berokken, 'n valse of onjuiste verklaring aflê, wetende dat dit vals of onjuis is;

begaan 'n oortreding van die Wet of van hierdie regulasies, na gelang van die geval.

Strawwe.

(2) By skuldigbevinding van 'n oortreding soos in sub-regulasie (1) bedoel, is 'n lid of spesiale bewaarder strafbaar met die strawwe wat in ôf artikel vyftig ôf drie-en-vyftig van die Wet voorgeskryf word, na gelang daarvan of hy deur 'n landdros of 'n offisier verhoor word.

(B) Skorsing in diens.

Grondslag van skorsing.

72. (1) Behoudens die bepalings van artikels vier en agt van die Wet en met behoorlike inagneming van die bepalings van artikel vyftien van die Wet, kan 'n lid in sy diens geskors word (of voorlopig geskors word soos in hierdie regulasie bepaal) slegs wanneer daar 'n bewering of redelike vermoede van ernstige wangedrag bestaan of wanneer die omstandighede sodanig is dat hy nie toege laat behoort te word om sy bevoegdhede, werksaamhede en gesag uit te oefen nie.

Voorlopige skorsing.

(2) (a) Die voorlopige skorsing van 'n lid in sy diens as gevolg van 'n bewering of redelike vermoede van ernstige wangedrag kan, in die geval van 'n offisier, deur die Kommissaris en, in die geval van 'n lid wat nie 'n offisier is nie, deur die bevelvoerende offisier, beveel word in afwagting van 'n ondersoek en verslag ten opsigte van sodanige beweerde of vermoede wangedrag aan die Minister of Kommissaris, na gelang van die geval.

(b) By die voorlopige skorsing van 'n lid in sy diens moet die Kommissaris of bevelvoerende offisier sodanige skorsing onverwyld aan die Minister of Kommissaris, na gelang van die geval, rapporteer en volledige besonderhede van sodanige bewering of vermoede van wangedrag verstrek.

Bekragtiging of opheffing van voorlopige skorsing in diens.

(3) By die ontvangs van die verslag en besonderhede in paragraaf (b) van subregulasie (2) bedoel—

(a) kan die Minister in die geval van die voorlopige skorsing van 'n offisier in sy diens, indien sodanige skorsing na sy mening nie geregverdig is nie, die bevel ophef of sodanige verslag en besonderhede, tesame met sy eie verslag na die Staatspresident vir bevestiging kragtens subartikel (2) van artikel vier van die Wet verwys in afwagting van verdere ondersoek of verhoor en enige verdere beslissing deur die Staatspresident; of

(b) kan die Kommissaris, in die geval van die voorlopige skorsing in sy diens van 'n lid wat nie 'n offisier is nie, indien na sy mening sodanige skorsing nie geregverdig is nie, die bevel ophef of dit bekragtigt kragtens die bepalings van subartikel (2) van artikel agt van die Wet in afwagting van verdere ondersoek of verhoor en enige verdere beslissing deur hom.

Duur en beëindiging van skorsing in diens.

(4) (a) Behoudens die bepalings van subartikel (1) van artikel vyftien van die Wet, kan die Staatspresident of die Kommissaris, na gelang van die geval, die skorsing van 'n lid in sy diens te eniger tyd intrek, maar ondanks die intrekking van sodanige skorsing, kan die verrigtings betreffende enige aanklag of ondersoek ten opsigte van die beweerde of vermoede wangedrag, teen sodanige lid voortgesit word.

(b) If no charge or inquiry is ordered in respect of the alleged or suspected misconduct against a member who has been suspended from duty, such member shall be allowed to resume duty and shall be entitled to full pay for the period of his suspension from duty.

(C) Alleged or Suspected Misconduct by a Commissioned Officer.

Investigation.

73. (1) (a) Whenever it is alleged that a commissioned officer has contravened a provision of this Act, or has failed to comply therewith, or has committed any other offence, or is suspected of any such offence, the Commissioner shall cause a preliminary investigation in connection with such allegation or suspicion to be conducted by a commissioned officer with a rank equal to or higher rank than that of the commissioned officer whose conduct it is intended to investigate (hereinafter called the defendant): Provided that, if any investigation in connection with any such allegation or suspicion is being conducted or contemplated by the police, the Commissioner may, at his discretion, postpone the institution of such preliminary investigation, pending the outcome of the investigation by the police and the decision by the Attorney-General or of the trial of the commissioned officer in respect of any such contravention or offence.

(b) The acquittal or conviction of a commissioned officer by a court of law, whether on trial or appeal, on a charge of a criminal offence or of any contravention in terms of regulation *seventy-one*, shall not be a bar to the institution of an inquiry under this Act in respect of an allegation of misconduct against him, notwithstanding that the facts set forth in the allegations of misconduct would, if proved, constitute the offence or contravention set forth in the charge on which he was so acquitted or convicted, would constitute any offence or contravention on which he might have been convicted at his trial on the said charge.

Defendant's Rights at Preliminary Investigation.

(2) The defendant shall not be entitled to legal representation at a preliminary investigation referred to in paragraph (a) of sub-regulation (1), but he shall be given reasonable notice, in writing, of the date, time and place fixed for the preliminary investigation, and, if he so desires, shall have the right to be present and to be personally heard, to cross-examine any person who is called to make a statement, whether under oath or not, in support of the alleged or suspected misconduct [except in respect of a statement admitted in terms of the proviso to sub-regulation (3)], to inspect any document produced, to make a statement himself, if he so desires, and to call persons to make statements, whether attested to or not, in refutation of the alleged or suspected misconduct.

Record of Proceedings of Preliminary Investigation.

(3) The commissioned officer conducting the preliminary investigation shall record any statement by a witness, and shall, after such statement has been read over to such witness, cause it to be signed by such witness who may, if he so desires, attest thereto: Provided that, if, because of the excessive expense or loss of time involved, or for any other valid reason, the attendance of any witness cannot, in the opinion of the commissioned officer conducting the investigation, be readily procured, a statement purporting to be signed by such witness may be accepted by such commissioned officer, who shall read it over to the defendant.

Questions by Commissioned Officer Conducting the Investigation.

(4) The commissioned officer conducting the investigation may put to a witness examined at the preliminary investigation any questions which he may deem desirable for the purpose of testing the truth or accuracy of anything the witness has alleged and for otherwise establishing the truth: Provided that the defendant may not be cross-examined on any statement which he may elect to make.

(b) As geen aanklag of ondersoek ten opsigte van die beweerde of vermoede wangedrag gelas word nie teen 'n lid wat in sy diens geskors is, moet sodanige lid toegelaat word om weer diens te aanvaar en is hy geregtig op volle betaling vir die tydperk van skorsing in diens.

(C) Beweerde of vermoede wangedrag van 'n offisier. Onderzoek.

73. (1) (a) Wanneer daar beweer word dat 'n offisier 'n bepaling van hierdie Wet oortree het of versuim het om daaraan te voldoen of enige ander misdryf gepleeg het of van sodanige misdryf verdink word, moet die Kommissaris 'n voorlopige ondersoek in verband met sodanige bewering of verdenking laat instel deur 'n offisier van dieselfde of 'n hoër rang as dié van die offisier oor wie se gedrag die voorgenome ondersoek gaan (hieronder die „verweerder” genoem): Met dien verstande dat, indien 'n ondersoek in verband met enige sodanige bewering of verdenking deur die polisie gemaak of beoog word, kan die Kommissaris, na sy goedvinde, die instelling van sodanige voorlopige ondersoek uitstel in afwagting van die uitslag van die ondersoek deur die polisie en die beslissing deur die Prokureur-generaal of van die verhoor van die offisier ten opsigte van sodanige oortreding of misdryf.

(b) Die vryspreking of skuldigbevinding van 'n offisier deur 'n geregshof, hetsy by verhoor of appél, op 'n aanklag van 'n kriminele misdryf of 'n oortreding kragtens regulasie *een-en-sewentig*, belet nie die instelling, ingevolge hierdie Wet, van 'n ondersoek ten opsigte van die bewering van wangedrag teen hom nie, nieteenstaande dat die feite gemeld in die bewerings van wangedrag as dit bewys sou word, die misdryf of oortreding soos gemeld in die aanklag waarop hy aldus vrygespreek of skuldig bevind is of enige misdryf of oortreding waaraan hy by sy verhoor op genoemde aanklag skuldig bevind kon geword het, sou uitmaak.

Die verweerder se regte by voorlopige ondersoek.

(2) Die verweerder is nie by 'n voorlopige ondersoek soos in paragraaf (a) van subregulasie (1) bedoel, op regsverteenvoording geregtig nie, maar redelike skriftelike kennis moet aan hom gegee word van die datum, tyd en plek voorgestel vir die voorlopige ondersoek, en indien hy dit verlang, het hy die reg om teenwoordig te wees en persoonlik aangehoor te word, om enige persoon wat geroep is om 'n verklaring te maak ter stawing van die beweerde of verdagte wangedrag, hetsy onder eed of nie, onder kruisverhoor te neem [behalwe ten opsigte van 'n verklaring toegelaat kragtens die voorbehoudsbepaling van subregulasie (3)], insae te hê in enige dokument voorgelê, self 'n verklaring te maak indien hy dit verlang en om persone te roep om verklarings te maak, hetsy beëdig of nie, ter weerlegging van die beweerde of verdagte wangedrag.

Oorkonde van verrigtings van voorlopige ondersoek.

(3) Die offisier wat die voorlopige ondersoek hou, moet enige verklaring van 'n getuie aanteken, en nadat sodanige verklaring vir sodanige getuie voorgelees is, dit laat onderteken deur sodanige getuie wat, indien hy dit verlang, dit kan beëdig: Met dien verstande dat, indien die teenwoordigheid van 'n getuie weens buitensporige koste of tydverlies of om 'n ander geldige rede na die mening van die offisier wat met die ondersoek belas is, nie geredelik verkry kan word nie, 'n verklaring wat deur so 'n getuie heet onderteken te wees, aangeneem kan word deur sodanige offisier, wat dit vir die verweerder moet voorlees.

Vrae deur offisier wat ondersoek hou.

(4) Die offisier wat die ondersoek hou, kan aan 'n getuie wat by die voorlopige ondersoek ondervra word, enige vraag stel wat hy wenslik ag om die waarheid of juistheid van enigiets wat die getuie beweer het, te toets en andersins om vas te stel wat die waarheid is: Met dien verstande dat die verweerder nie onder kruisverhoor geneem mag word nie oor enige verklaring wat hy verkies om te maak.

Warning if Defendant Elects to Make a Statement.

(5) Should the defendant elect to make a statement, he shall be given prior warning by the officer conducting the investigation that anything said by such defendant may be used in evidence against him in the event of the alleged or suspected misconduct subsequently being investigated by a board of inquiry in terms of section fifty-five of the Act or otherwise.

Proceedings Confidential and Privileged.

(6) The proceedings of the preliminary investigation, including a report and recommendation of the commissioned officer conducting the investigation, shall without delay be delivered or transmitted to the Commissioner and shall be confidential and privileged in any criminal proceedings, except in so far as the production of any statement of a witness at the preliminary investigation may be required in terms of section two hundred and eighty-six of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended.

Consideration of Proceedings, and Action by Commissioner.

(7) (a) After consideration of the proceedings of the preliminary investigation and of the report and recommendation of the presiding commissioned officer, the Commissioner shall, if, in his opinion, a *prima facie* case of misconduct is disclosed, cause the defendant to be formally charged or, if no such *prima facie* case is disclosed, give such directions as he considers appropriate or necessary.

(b) The charge referred to in paragraph (a) shall be accompanied by a direction calling upon the defendant to transmit or deliver, within a reasonable period specified in the direction, to a member likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the alleged misconduct with which he is charged.

Report to, and Action by, the Minister.

(8) (a) The admission or denial of guilt and the explanation, if any, by the defendant shall be submitted by the Commissioner to the Minister.

(b) If the defendant has denied guilt of the charge of misconduct or failed to comply with the direction mentioned in paragraph (b) of sub-regulation (7), and, if the Minister is of opinion that—

- (i) sufficient grounds exist for the appointment of a board of inquiry, he may submit the matter to the State President for the appointment of such a board in terms of section fifty-five of the Act; or
- (ii) a criminal offence is disclosed by the preliminary investigation, he may direct that the documents be submitted to the Attorney-General for consideration of a prosecution in respect of such or any other criminal offence; or
- (iii) the appointment of a board of inquiry is not justified or that no criminal offence is disclosed, he may give such directions as he deems appropriate or necessary.

(c) If the defendant admits the charge of misconduct, the Minister shall submit the relative documents, including any written explanation by the defendant, to the State President for such action as he deems necessary in terms of paragraph (a) of sub-section (1) of section fifty-five of the Act.

(D) Board of Inquiry Appointed in terms of Section Fifty-five of the Act.**Chairman of Board of Inquiry.**

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

Waarskuwing indien verweerder verkies om verklaring te maak.

(5) Indien die verweerder verkies om 'n verklaring te maak, moet hy deur die offisier wat die ondersoek hou, vooraf gewaarsku word dat enigiets wat sodanige verweerder sê, as getuieis teen hom gebruik kan word ingeval die beweerde of vermoede wangedrag later deur 'n raad van ondersoek kragtens artikel vyf-en-vyftig van die Wet of andersins ondersoek word.

Verrigtings vertroulik en geprivilegieer.

(6) Die verrigtings van die voorlopige ondersoek, met inbegrip van 'n verslag en aanbeveling van die offisier wat die ondersoek hou, moet onverwyld aan die Kommissaris gelewer of deurgestuurd word en is in enige kriminele verrigtings vertroulik en geprivilegieer, behalwe vir sover die voorlegging van enige verklaring van 'n getuie by die voorlopige ondersoek vereis kan word kragtens artikel tweehonderd-ses-en-tagtig van die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig.

Oorweging van verrigtings, en optrede, deur Kommissaris.

(7) (a) Na oorweging van die verrigtings van die voorlopige ondersoek en van die verslag en aanbeveling van die voorsittende offisier, moet die Kommissaris, indien 'n *prima facie* saak van wangedrag, na sy mening geopenbaar word, die verweerder formeel laat aankla of, indien geen sodanige *prima facie* saak geopenbaar word nie, dié opdragte gee wat hy geskik of nodig ag.

(b) Die aanklag bedoel in paragraaf (a), moet vergesel gaan van 'n aansegging waarby die verweerder aangesê word om binne 'n redelike tydperk, wat in die aansegging vermeld word, aan 'n lid wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy dit verlang, 'n skriftelike verklaring van die beweerde wangedrag waarvan hy aangekla word, te stuur of aan hom af te lewer.

Verslag aan en optrede deur die Minister.

(8) (a) Die erkenning of ontkenning van skuld en die verklaring van die verweerder (indien daar is), moet deur die Kommissaris aan die Minister voorgelê word.

(b) Indien die verweerder op die aanklag van wangedrag skuld ontken het of versuim het om aan die aansegging bedoel in paragraaf (b) van subregulasie (7), te voldoen en indien die Minister van mening is dat—

- (i) voldoende gronde bestaan vir die aanstelling van 'n raad van ondersoek, kan hy die saak aan die Staatspresident voorlê vir die aanstelling van sodanige raad kragtens artikel vyf-en-vyftig van die Wet; of
- (ii) 'n kriminele misdryf geopenbaar is deur die voorlopige ondersoek, kan hy gelas dat die dokumente aan die Prokureur-generaal voorgelê word vir die oorweging van 'n vervolging ten opsigte van sodanige of enige ander kriminele misdryf; of
- (iii) die aanstelling van 'n raad van ondersoek nie geregverdig is nie of dat geen kriminele misdryf geopenbaar is nie, kan hy dié opdragte gee wat hy geskik of nodig ag.

(c) As die verweerder die aanklag van wangedrag erken, moet die Minister die betrokke dokumente, met inbegrip van enige skriftelike verklaring van die verweerder, aan die Staatspresident voorlê vir dié optrede kragtens paragraaf (a) van subartikel (1) van artikel vyf-en-vyftig van die Wet, wat hy nodig ag.

(D) Raad van ondersoek kragtens artikel vyf-en-vyftig van die Wet aangestel.**Voorsitter van raad van ondersoek.**

74. (1) Een van die lede van 'n raad van ondersoek wat kragtens artikel vyf-en-vyftig van die Wet aangestel is, moet deur die Staatspresident as voorsitter aangewys word en moet by al die vergaderings van die raad voorsit.

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

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

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

Venue of Inquiry.

(3) The inquiry shall be held at a prison or other suitable place designated by the Commissioner.

Determination and Notification of the Time and Venue of the Inquiry.

(4) The Chairman of the board shall fix the time of the inquiry and shall notify the other members of the board and the commissioned officer, designated to adduce evidence and arguments in support of the charge, of the time and the venue so fixed.

Duties of Commissioned Officer Designated to Present the Charge.

(5) The commissioned officer designated to adduce the evidence and arguments in support of the charge shall—

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

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

Issue and Service of Subpoena.

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

Uniform at Inquiry.

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

Persons Entitled to be Present at Inquiry.

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

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

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

(b) If the board of inquiry has found the defendant guilty, the commissioned officer designated to adduce the evidence and arguments in support of the charge of misconduct shall produce a certified extract of previous disciplinary convictions, if any, and shall call upon the

Aanstelling van 'n offisier om getuienis aan te voer en die raad toe te spreek, en regte van die aangeklaagde offisier.

(2) (a) Die Kommissaris kan 'n offisier van dieselfde of 'n hoër rang as dié van die verweerder aanwys en magtig om die ondersoek by te woon en om getuienis en argumente ter stawing van die aanklag van wangedrag aan te voer en om enigeen wat as getuie vir die verweer geroep is, onder kruisverhoor te neem.

(b) By die ondersoek het die verweerder die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur tussenkoms van 'n regsverteenwoordiger, om enigeen wat as getuie ter stawing van die aanklag geroep is, onder kruisverhoor te neem, om insae te hê in dokumente wat as getuienis voorgelê is, om self getuienis af te lê en om getuies te roep om getuienis in sy verweer af te lê.

Plek van verhoor.

(3) Die ondersoek moet gehou word by 'n gevangenis of ander geskikte plek wat deur die Kommissaris aangewys word.

Bepaling en kennisgewing van die tyd en plek van verhoor van die ondersoek.

(4) Die voorsitter van die raad moet die tyd van die ondersoek vasstel en moet die ander lede van die raad en die offisier wat aangewys is om die getuienis en argumente ter stawing van die aanklag aan te voer, kennis gee van die tyd en die plek aldus vasgestel.

Pligte van die offisier aangewys om die aanklag voor te lê.

(5) Die offisier aangewys om die getuienis en argumente ter stawing van die aanklag aan te voer, moet—

(a) minstens sewe dae voor die vasgestelde datum van die ondersoek 'n afskrif van die aanklag aan die verweerder laat beteken en moet gelas dat hy in kennis gestel word van die plek en tyd van die ondersoek; en

(b) hetsy ter stawing van die aanklag of vir die verdediging, die bywoning verseker van alle lede of spesiale bewaarders wat nodig is om getuienis by die ondersoek af te lê en moet enige ander persoon dagvaar wat nodig is om getuienis af te lê.

Uitreiking en betekening van dagvaarding.

(6) (a) 'n Dagvaarding beteken aan 'n persoon wat nodig is om getuienis af te lê of enige boek, stuk, dokument of ding in te lewer by 'n ondersoek gehou ingevolge hierdie regulasie, moet onder handtekening van 'n offisier uitgereik word in die vorm voorgeskryf vir die bywoning van 'n getuie by 'n kriminele verrigting in 'n landdroshof, en die reëls van sodanige hof in verband met die betekening van sodanige dagvaarding is *mutatis mutandis* van toepassing.

Uniform by ondersoek.

(7) 'n Verweerder wat gebruik maak van sy reg om voor 'n raad van ondersoek te verskyn, moet die uniform van sy rang dra by sodanige ondersoek.

Persone geregtig om by ondersoek teenwoordig te wees.

(8) Tensy die toestemming van die voorsitter van die raad van ondersoek vooraf verkry is, mag geen ander persoon, lid of spesiale bewaarder as die offisier aangewys om die getuienis en argumente ter stawing van die aanklag aan te voer, die aangeklaagde offisier en sy regsverteenwoordiger, 'n getuie terwyl hy ondervra word, en 'n stenograaf of 'n tolk, indien daar is, by die ondersoek teenwoordig wees nie.

Oorkonde van verrigtings, bevinding van die raad van ondersoek, en vorige veroordelings.

(9) (a) Die voorsitter van die Raad van ondersoek moet 'n oorkonde hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê is, en by die afsluiting van die verhoor moet hy die bevinding van die raad uitspreek en aanteken.

(b) As die raad van ondersoek die verweerder skuldig bevind het, moet die offisier aangewys om die getuienis en argumente ter stawing van die aanklag van wangedrag aan te voer, 'n gewaarmerkte uittreksel van vorige dissiplinêre skuldigbevindings, indien daar is, voorlê en

defendant to admit or deny such convictions. If the defendant denies any conviction, the commissioned officer referred to herein may, if the chairman of the board deems it expedient, adduce evidence to prove such conviction.

Written Argument and/or Representations by Defendant on being found Guilty.

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

Submission of Record of Proceedings, Finding and Recommendation of Board, and Written Arguments and Representations of Defendant.

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

- (i) The record of the proceedings at the inquiry and any documentary evidence admitted;
- (ii) the finding of the board, and its reasons therefor in writing;
- (iii) the board's recommendation in terms of sub-section (6) of section fifty-five of the Act;
- (iv) the board's observations, especially in regard to any written statement, arguments and/or representations lodged by the defendant in terms of sub-regulation (10); and
- (v) any other general observations on the case which the board may desire to make.

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

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

- | | |
|---|---|
| (i) "inquiry" | (i) "further inquiry". |
| (ii) "in support of charge" and "in his defence", respectively. | (ii) "relevant to the question remitted to the board for arriving at a decision." |
| (iii) "copy of the charge" | (iii) "copy of the question remitted to the board for its finding." |

(d) The chairman shall, within fourteen days from the date of receipt by him of a question remitted to him in terms of paragraph (b) or from the date of the completion of further inquiry, as the case may be, forward the finding of the board together with the documents referred to in paragraph (a) to the Commissioner for submission through the Minister, to the State President for decision in terms of paragraph (b).

die verweerder gelas om sodanige skuldigbevindings te erken of te ontken. Indien die verweerder enige skuldigbevinding ontken, kan die offisier hierin bedoel, as die voorsitter van die Raad dit wenslik ag, getuienis aanvoer om sodanige skuldigbevinding te bewys.

Skriftelike Argument en/of Vertoë deur Verweerder by Skuldigbevinding.

(10) Indien die raad die verweerder skuldig bevind het, kan hy binne veertien dae na die datum waarop die raad se bevinding kragtens paragraaf (a) van subregulasie (9) uitgespreek is, 'n skriftelike verklaring, in viervoud, waarin argumente teen die raad se bevinding uiteengesit word en/of vertoë ter versagting van straf by die voorsitter indien.

Voorlegging van Oorkonde van Verrigtings, Bevinding en Aanbeveling van Raad, en Skriftelike Argumente en Vertoë van Verweerder.

(11) (a) Die voorsitter moet binne een-en-twintig dae na die datum waarop die bevinding van die raad ingevolge paragraaf (a) van subregulasie (9) uitgespreek is, die volgende dokumente aan die Kommissaris stuur:—

- (i) Die oorkonde van die verrigtings en enige dokumentêre getuienis wat toegelaat is;
- (ii) die bevinding van die raad, en sy redes daarvoor, op skrif gestel;
- (iii) die raad se aanbeveling kragtens subartikel (6) van artikel vyf-en-vyftig van die Wet;
- (iv) in die besonder, die raad se opmerkings in verband met enige skriftelike verklaring, argumente en/of vertoë kragtens subregulasie (10) deur die verweerder ingedien; en
- (v) enige ander algemene opmerkings oor die saak wat die raad wil maak.

(b) Die Kommissaris moet die dokumente in paragraaf (a) vermeld, aan die Minister stuur vir voorlegging aan die Staatspresident vir dié beslissing wat hy toepaslik ag kragtens subartikel (6) van artikel vyf-en-vyftig van die Wet: Met dien verstande dat, ongeag of die raad die verweerder skuldig bevind het of nie, die Minister, voordat hy sodanige dokumente aan die Staatspresident voorlê, enige vraag in verband met die ondersoek na die voorsitter terug kan verwys en die raad kan gelas om verslag daaroor te doen of om verdere ondersoek in te stel en tot 'n bevinding te geraak.

(c) Indien die Minister kragtens die voorbehoudsbepaling van paragraaf (b) gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van subregulasies (2) tot en met (8) *mutatis mutandis* van toepassing: Met dien verstande dat waar daar in die betrokke subregulasies melding gemaak word van die woord of term hieronder gemeld, dit so uitgelê moet word dat dit ook die woord of term bedoel wat daarteenoor onder die ooreenstemmende nommer gemeld word.

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| (i) „ondersoek”. | (i) „verdere ondersoek”. |
| (ii) „ter stawing van die aanklag” en „in sy verweer”, onderskeidelik. | (ii) „betreffende die vraag na die raad terugverwys om tot 'n bevinding te geraak”. |
| (iii) „afskrif van die aanklag”. | (iii) „afskrif van die vraag na die raad terugverwys vir sy bevinding”. |

(d) Die voorsitter moet binne veertien dae na die datum van ontvangs, deur hom, van die vraag wat kragtens paragraaf (b) aan hom terugverwys is of na die datum van voltooiing van die verdere ondersoek, na gelang van die geval, die bevinding van die raad, tesame met die dokumente in paragraaf (a) vermeld, aan die Kommissaris deurstuur vir voorlegging deur tussenkoms van die Minister, aan die Staatspresident vir beslissing kragtens paragraaf (b).

(E) Trials in Terms of Sections fifty and fifty-three of the Act.*Procedure at Trial.*

75. (1) A trial under section fifty or fifty-three of the Act shall be held in terms of sections fifty-eight and fifty-nine of the Act, and the provisions relating to evidence and witnesses in a criminal proceeding in a magistrate's court shall also be observed at such trial.

Appointment of Prosecutor.

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

Attendance of the Accused and Witnesses at Trial.

(3) (a) The prosecutor shall make arrangements for the appearance of the accused member or special warder by serving or causing to be served upon him, a reasonable time before the hour fixed for such trial, a copy of the charge on the prescribed form.

(b) The prosecutor shall also ensure the attendance of members or special warders required to give evidence and shall subpoena any other person needed as witness, whether in support of the charge or on behalf of the accused.

Issue and Service of a Subpoena.

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

Inspection of Record by Accused.

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

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

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

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

(E) Verhoor kragtens Artikels vyftig en drie-en-vyftig van die Wet.*Prosedure by Verhoor.*

75. (1) 'n Verhoor kragtens artikel vyftig of drie-en-vyftig van die Wet moet ingevolge artikels agt-en-vyftig en nege-en-vyftig van die Wet gehou word, en die bepalinge wat betrekking het op getuieis en getuies in kriminele verrigtings in 'n landdroshof, moet ook by so 'n verhoor nagekom word.

Aanstelling van Aanklaer.

(2) 'n Lid van dieselfde of 'n hoër rang as dié van die beskuldigde moet deur die verhoorlanddros of -offisier, na gelang van die geval, aangewys word om as aanklaer op te tree, en as dit vir hom nodig is om getuieis, wat nie slegs van formele aard is nie, vir die vervolging af te lê, moet hy sodanige getuieis sover moontlik aflê voordat ander getuies geroep word: Met dien verstande dat die verhoorlanddros, na sy goedvinde, 'n persoon wat gedelegeer is om in 'n landdroshof te vervolg, kan aanwys om as aanklaer by sodanige verhoor op te tree.

Bywoning van Verhoor deur Beskuldigde en Getuies.

(3) (a) Die aanklaer moet reëlins tref vir die verskyning van die aangeklaagde lid of spesiale bewaarder deur binne redelike tyd voor die uur vasgestel vir sodanige verhoor, 'n afskrif van die klag op die voorgeskrewe vorm aan hom te beteken of te laat beteken.

(b) Die aanklaer moet ook sorg vir die bywoning van lede of spesiale bewaarders wat nodig is om getuieis af te lê en hy moet enige ander persoon dagvaar wat nodig mag wees om getuieis af te lê hetsy ter stawing van die aanklag of vir die beskuldigde.

Uitreiking en Betekening van Dagvaarding.

(4) 'n Dagvaarding, in die voorgeskrewe vorm beteken aan 'n persoon om getuieis af te lê of om enige boek, stuk, dokument of ding by die verhoor voor te lê, moet onderteken word deur 'n landdros of offisier, en die betekening daarvan is onderworpe aan die hofreëls van toepassing op die betekening van sodanige prosesstuk in 'n summier verhoor op 'n kriminele klag in 'n landdroshof.

Insae in oorkonde deur beskuldigde.

(5) Die beskuldigde of sy regsvertegenwoordiger mag onder die toesig van 'n lid aangewys deur die verhoorlanddros of -offisier, na gelang van die geval, insae hê in en 'n afskrif maak van die oorkonde van die verrigtings van die verhoor en op aansoek voorsien word van 'n afskrif daarvan teen betaling van die gelde voorgeskryf vir die verskaffing van 'n oorkonde van 'n summier verhoor in 'n landdroshof.

Summiere afhandeling by erkenning van skuld, van 'n oortreding van 'n nie-ernstige aard, en aantekening van vonnis opgelê.

(6) (a) Indien die beskuldigde, nadat die besonderhede van die aanklag aan hom verstrekk is, te kenne gee dat hy voornemens is om skuldig te pleit, kan die bevelvoerende offisier, ondanks anderstuidende bepalinge in hierdie regulasie en mits hy van mening is dat die beweerde oortreding van 'n nie-ernstige aard is, gelas dat die beskuldigde voor hom of enige ander offisier gebring word, en indien die beskuldigde by verskyning skuldig pleit, kan die bevelvoerende offisier of ander offisier, na gelang van die geval, hom op sy pleit van skuldig en sonder om getuieis ter stawing van die aanklag op te teken, veroordeel en berispe of 'n boete van hoogstens twee rand ople.

(b) 'n Berisping of 'n boete opgelê kragtens paragraaf (a), moet nie op die staat van misdrywe of oortredings van die betrokke lid of spesiale bewaarder aangeteken word nie, en by enige latere skuldigbevinding aan 'n dissiplinêre oortreding, moet dit ook nie as 'n vorige skuldigbevinding bewys of aanvaar word nie: Met dien verstande dat die Kommissaris kan gelas dat die bepalinge van hierdie paragraaf ook van toepassing is ten opsigte van 'n ander berisping of 'n boete van hoogstens R2 as dié wat ingevolge paragraaf (a) ten opsigte van 'n misdryf of oortreding opgelê is.

Power of Stopping Prosecution.

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

*(F) Record of Offences and Contraventions.**Record of Convictions.*

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

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

Consideration of Previous Convictions before Award of Faithful Service Medal.

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

*(G) Inquiry in terms of sub-section (1) of section thirteen of the Act.**Inefficiency or Unsuitability of a Member, who is not a Commissioned Officer.*

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

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

Bevoegdheid om vervolging stop te sit.

(7) Wanneer 'n lid of spesiale bewaarder op 'n aanklag van 'n oortreding van of versuim om te voldoen aan 'n bepaling van hierdie regulasies, gepleit het, moet daar met sodanige aanklag voortgegaan word totdat uitspraak gegee word: Met dien verstande dat die Kommissaris of, met sy toestemming, die lid wat kragtens subregulasie (2) aangewys is om as vervolger op te tree, om grondige en afdoende redes te eniger tyd nadat die beskuldigde gepleit het en voordat uitspraak gegee word, die vervolging kan stop sit, en in so 'n geval is die aangeklaagde lid of spesiale bewaarder ten opsigte van daardie aanklag op vryspraak geregtig.

*(F) Staat van misdrywe en oortredings.**Aantekening van veroordelings.*

76. (1) (a) Behoudens die bepalings van paragraaf (b) van subregulasie (6) van regulasie 75, moet al die skuldigbevindings ten opsigte van enige misdryf of oortreding van hierdie Wet van 'n lid wat nie 'n offisier is nie, of van 'n spesiale bewaarder, hetsy deur 'n hooggeregshof of 'n landdroshof of kragtens artikel vyftig, of drie-en-vyftig van die Wet, aangeteken word op 'n staat van misdrywe en oortredings van die betrokke lid of spesiale bewaarder.

(b) Indien 'n lid of spesiale bewaarder vir 'n tydperk van vyf jaar sedert die datum van sy laaste skuldigbevinding nie aan 'n verdere misdryf of oortreding skuldig bevind is nie, moet alle vorige skuldigbevindings van sodanige lid of spesiale bewaarder van sy staat van misdrywe en oortredings geskrap word.

Oorweging van vorige skuldigbevindings voor toekenning van medalje vir troue diens.

(2) Ondanks die skraping van die aantekening van enige skuldigbevinding op die staat van misdrywe en oortredings van 'n lid of spesiale bewaarder, moet die Kommissaris rekening hou met sodanige skuldigbevinding en volle oorweging daaraan skenk voordat hy kragtens subregulasie (4) van regulasie 81 die toekenning van die „Medalje vir Troue Diens" aan sodanige lid of spesiale bewaarder aanbeveel.

*(G) Ondersoek kragtens subartikel (1) van artikel dertien van die Wet.**Onbekwaamheid of ongeskiktheid van 'n lid wat nie 'n offisier is nie.*

77. (1) (a) Behoudens die bepalings van die voorbehoudsbepaling van subartikel (1) van artikel dertien van die Wet, kan die Kommissaris, indien dit aan hom gerapporteer word of andersins onder sy aandag kom dat 'n lid wat nie 'n offisier is nie, ongeskik vir sy pligte is of onbekwaam is om dit doeltreffend uit te voer en dat hy gevolglik ongeskik is om in die Gevangenisdiens te bly, 'n offisier aanstel om ondersoek in te stel na die inhoud van sodanige verslag of ander bewering en aan hom verslag te doen oor die geskiktheid of andersins van sodanige lid om in die Gevangenisdiens te bly of sy rang of ansiënniteit te behou: Met dien verstande dat 'n vryspreking of skuldigbevinding van sodanige lid deur 'n geregshof, hetsy by verhoor of op appèl, van 'n misdryf bedoel in die voorbehoudsbepaling van subartikel (1) van artikel dertien van die Wet, nie belet dat 'n ondersoek ingevolge hierdie regulasie ingestel word nie nieetestaan dat die feit gemeld in die aanklag van onbekwaamheid of ongeskiktheid, as dit bewys sou word, 'n misdryf sou uitmaak waarop hy aldus vrygespreek of skuldig bevind is.

(b) Die offisier wat aangestel is om die ondersoek in te stel, moet die tyd en plek van die ondersoek bepaal en moet aan die betrokke lid, hieronder die verweerder genoem, redelike skriftelike kennis gee van sodanige tyd en plek en hom voorsien van 'n skriftelike verklaring van die gronde waarop daar beweer word dat hy ongeskik is om in die diens van die Departement van Gevangenisse te bly of sy rang of ansiënniteit te behou, na gelang van die geval.

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

Legal Rights of Defendant at Inquiry.

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

- (a) to be present and to be heard either personally or through a legal representative;
- (b) to cross-examine any person called as a witness in support of the charge;
- (c) to inspect any document produced in evidence; and
- (d) to make a statement or give evidence himself and to call other persons as witnesses in his defence:

Provided that the failure of the defendant to attend the inquiry, either personally or through a legal representative, shall not invalidate the proceedings.

Record and Procedure of Inquiry.

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

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

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

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

(c) Die offisier wat die ondersoek moet instel, kan voor of op enige tydstip gedurende die ondersoek 'n lid van gelyke of hoër rang as dié van die verweerder aanwys om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat getuienis afgelê het ter weerlegging van bewerings teen die verweerder, onder kruisverhoor te neem.

Wetlike regte van verweerder by ondersoek.

(2) By sodanige ondersoek het die verweerder die reg—

- (a) om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur tussenkoms van 'n regsverteenwoordiger;
- (b) om enige persoon wat as getuie ter stawing van die aanklag geroep is, onder kruisverhoor te neem;
- (c) om insae te hê in enige dokument wat as getuienis voorgelê is; en
- (d) om self 'n verklaring te maak of getuienis af te lê en om ander persone as getuies vir sy verweer te roep:

Met dien verstande dat versuim van die verweerder om die ondersoek by te woon, hetsy persoonlik of deur tussenkoms van 'n regsverteenwoordiger, nie die verrigtings ongeldig maak nie.

Oorkonde en prosedure van ondersoek.

(3) (a) Die offisier wat die ondersoek instel, moet 'n oorkonde hou van die verrigtings by die ondersoek en van alle getuienis wat afgelê word en moet reëlings tref vir die bywoning van enige lid of spesiale bewaarder wat nodig is om getuienis af te lê, en hy kan 'n dagvaarding in die voorgeskrewe vorm waarvan betekening moet geskied soos voorgeskryf deur die reëls van 'n landdros-hof in 'n summier verhoor van 'n misdryf uitreik vir betekening aan 'n persoon om sodanige ondersoek by te woon, om getuienis af te lê of om enige boek, stuk, dokument of ding voor te lê, en hy kan van sodanige getuie 'n ced afneem of 'n bevestiging aanneem.

(b) By die ondersoek kan die voorsittende offisier op grond van dienstigheid, koste of om enige ander goeie en afdoende rede enige skriftelike verklaring van 'n formele of tegniese aard of 'n verslag of ander dokument as getuienis aanneem: Met dien verstande dat sodanige verklaring, verslag of ander dokument vir die verweerder voorgelees moet word: Met dien verstande voorts dat geen feitebewering vervat in enige sodanige verklaring, verslag of ander dokument wat onder eed ontken word deur of namens enige party tot die verrigtings, aanvaar mag word nie tensy sodanige feitebewering onder eed bevestig word deur die persoon wat sodanige verklaring, verslag of ander dokument voorgelê het of tensy sodanige feitebewering op 'n ander wyse ter bevestiging van die voorsittende offisier deur bewys *aliunde* gestaaf word, en vir hierdie doel kan die voorsittende offisier na sy goedvinde en te eniger tyd gedurende die ondersoek toelaat dat die persoon wat sodanige verklaring, verslag of ander dokument voorgelê het of enige ander persoon wat getuienis ter stawing of weerlegging van die inhoud daarvan kan aflê, geroep word om getuienis af te lê.

(c) Indien die aanklag of 'n deel daarvan 'n misdryf of 'n oortreding van subregulasie (1) van regulasie 71 uitmaak ten opsigte waarvan die verweerder skuldig bevind is, is 'n gewaarmerkte afskrif van die aanklag, skuldigbevinding en oorkonde van die betrokke verhoor by blote voorlegging daarvan by die ondersoek deur enige persoon, as getuienis toelaatbaar en is dit *prima facie* bewys dat die verweerder sodanige misdryf of oortreding begaan het.

(d) By 'n ondersoek ingevolge hierdie regulasie moet die wet betreffende die toelaatbaarheid van getuienis en die bevoegdheid en verpligbaarheid van getuienis soos van toepassing in verband met strafsake in 'n landdros-hof, met uitsondering van die bepalings van die eerste voorbehoudsbepaling van subartikel (1) van artikel tweehonderd-vier-en-veertig van die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig, nagekom word.

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

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

Evidence and Determination of Unfitness.

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

*(H) Appeal to the Minister.**Procedure on Appeal.*

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

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

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

Decision by the Minister.

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

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

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

*(I) Appeal to, and Review by, the Commissioner.**Procedure on Appeal.*

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

Voorlegging van oorkonde van verrigtings by ondersoek en verslag van die Kommissaris.

(4) Die offisier wat die ondersoek instel, moet by die afsluiting daarvan sy bevinding uitspreek en die oorkonde van die verrigtings, tesame met 'n skriftelike verklaring van sy bevinding en sy redes daarvoor, en ook enige opmerkings wat hy wil maak, aan die Kommissaris voorlê vir beslissing kragtens artikel *dertien* van die Wet.

Getuienis en bepaling van ongeskiktheid.

(5) (a) Die feit dat 'n lid wat nie 'n offisier is nie en wat betrokke is in 'n ondersoek wat ingevolge hierdie regulasie ingestel word, aan wangedrag skuldig is, kan by so 'n ondersoek as getuienis toegelaat word en rekening kan daarmee gehou word om te bepaal of sodanige lid kragtens subartikel (1) van artikel *dertien* van die Wet ongeskik is om in die diens van die Departement van Gevangenis te bly.

*(H) Appèl aan die Minister.**Prosedure by appèl.*

78. (1) (a) 'n Lid wat verlang om kragtens subartikel (2) van artikel *dertien* van die Wet na die Minister te appelleer teen 'n bevel waarby hy ontslaan of in rang of ansiënniteit verlaag word, moet binne veertien dae vanaf die datum waarop hy skriftelik van die uitvaardiging van sodanige bevel in kennis gestel is, skriftelik kennis van appèl by sy bevelvoerende offisier indien vir deursending aan die Kommissaris, en daarin moet hy duidelik en spesifiek die gronde uiteensit waarop die appèl gebaseer is, en hy kan self, of deur tussenkoms van sy regsvertegenwoordiger, terselfdertyd skriftelike argumente of vertoë ter ondersteuning van sodanige appèl aanvoer.

(b) Die Kommissaris moet onverwyld die kennis van appèl en skriftelike argumente of vertoë, indien daar is, wat in paragraaf (a) bedoel word, tesame met die oorkonde van die verrigtings van die ondersoek en die bevindings en redes van die verhooroffisier, aan die Minister voorlê vir oorweging.

(c) Die uitvoering van 'n bevel wat die Kommissaris kragtens subartikel (1) van artikel *dertien* van die Wet uitgereik het, word nie vanweë die indiening van 'n appèl teen sodanige bevel, en in afwagting van die uitslag daarvan opgeskort nie.

Beslissing deur die Minister.

(2) (a) Geen mondelinge argumente of vertoë in verband met 'n appèl mag aan die Minister gerig of deur hom ontvang word nie.

(b) Die Minister kan, na oorweging van die dokumente in paragraaf (b) van subregulasie (1) bedoel, die appèl in sy geheel of gedeeltelik toestaan en die bevinding ter syde stel of wysig of hy kan die appèl afwys en die bevinding in sy geheel of gedeeltelik bekragtig, of hy kan, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die Kommissaris terugverwys en gelas dat die verhooroffisier verslag daaroor doen of dat 'n verdere ondersoek gehou moet word ten einde tot 'n bevinding daaroor te geraak.

(c) Indien die Minister kragtens paragraaf (b) gelas dat 'n verdere ondersoek gehou moet word ten einde die verhooroffisier in staat te stel om tot 'n bevinding te geraak oor enige vraag wat vir daardie doel na hom terugverwys is, is die bepalings van paragrafe (b) en (c) van subregulasie (1) van regulasie 77 en subregulasies (2) en (3) van daardie regulasie *mutatis mutandis* van toepassing, en by afsluiting van die verdere ondersoek moet die verhooroffisier onverwyld sy bevinding oor sodanige vraag na die Kommissaris stuur vir deursending na die Minister vir beslissing van die appèl.

*(I) Appèl aan en hersiening deur die Kommissaris.**Prosedure by appèl.*

79. (1) (a) 'n Lid of spesiale bewaarder wat kragtens subartikel (5) van artikel *drie-en-vyftig* van die Wet verlang om teen 'n skuldigbevinding of vonnis van appèl aan te teken by die Kommissaris, moet binne veertien dae na die datum van sodanige skuldigbevinding of vonnis by die bevelvoerende offisier 'n skriftelike kennisgewing van appèl indien waarin die gronde van appèl duidelik en spesifiek uiteengesit word.

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

- (i) The facts he found proved;
- (ii) His reasons for any finding in regard to facts against which, according to the appellant's statement, an appeal is lodged; and
- (iii) his reasons for any ruling on any question of law or in regard to the admission or rejection of evidence against which, according to such statement, an appeal is lodged.

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

(d) The commanding officer shall, within seven days of the receipt by him of the record, documents and statement referred to in paragraph (c), submit them, together with any comments he may desire to add thereto, to the Commissioner.

Decision by the Commissioner.

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

Review Procedure.

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

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

DISCHARGE, MEDALS AND DEATH.

(A) *Discharge.*

Discharge Certificate.

80. (1) A discharge certificate in the prescribed form, duly completed and signed by the commanding officer and countersigned by or on behalf of the Commissioner as being in accordance with the official records of the Department, shall, on the discharge of a member, who is not a commissioned officer or of a special warder referred to in paragraph (a) and sub-paragraphs (i) and (iii) (aa) of paragraph (b) of sub-regulation (1) of regulation 9, be issued to such member or special warder in every case where he has completed not less than three months continuous service.

Authenticity of Discharge Certificate.

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

Copy of Discharge Certificate.

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

(b) Die bevelvoerende offisier moet, indien hy die verhooroffisier was, binne veertien dae na die aantekening van appèl, aan die Kommissaris die oorkonde van die verrigtings by die verhoor voorlê, tesame met alle betrokke dokumente en 'n skriftelike verklaring deur hom waarin die volgende gemeld word:—

- (i) Die feite wat hy bevind het bewys te wees;
- (ii) sy redes vir enige bevinding aangaande feite waarteen daar, blykens die appellant se verklaring, geappelleer word; en
- (iii) sy redes vir 'n beslissing oor 'n regspraak of betreffende die toelating of verwerping van getuieis waarteen daar, blykens sodanige verklaring, geappelleer word.

(c) Die bevelvoerende offisier moet, indien hy nie die verhooroffisier was nie, onmiddellik na die aantekening van appèl sodanige kennisgewing van appèl aan die verhooroffisier voorlê, wat binne sewe dae na die ontvangs daarvan die bevelvoerende offisier moet voorsien van die oorkonde van die verrigtings van die verhoor, alle betrokke dokumente en die skriftelike verklaring in paragraaf (b) bedoel.

(d) Die bevelvoerende offisier moet binne sewe dae nadat hy die oorkonde, dokumente en verklaring in paragraaf (c) bedoel, ontvang het, sodanige stukke saam met enige kommentaar wat hy daarby wil voeg, aan die Kommissaris voorlê.

Beslissing deur die Kommissaris.

(2) Geen mondelinge argumente of vertoë in verband met die appèl mag deur die voorsittende offisier, aanklaer of appellant gerig word nie aan of ontvang word nie deur die Kommissaris, wat na oorweging van die dokumente in paragraaf (b) en (d) van subregulasie (1) bedoel, dié bevel moet uitreik wat hy ooreenkomstig subartikel (5) van artikel drie-en-veertig van die Wet, toepaslik ag.

Hersieningsprosedure.

(3) (a) Wanneer die Kommissaris kragtens subartikel (7) van artikel drie-en-veertig van die Wet gelas dat die oorkonde van die verrigtings waarby 'n lid of spesiale bewaarder ten opsigte van 'n oortreding ingevolge hierdie Wet skuldig bevind en gevonnissen is, aan hom voorgelê moet word vir hersiening, moet die bevelvoerende offisier sodanige oorkonde, tesame met die skriftelike verklaring in paragraaf (b) of (d) van subregulasie (1) bedoel, na gelang van die geval, binne veertien dae na die ontvangs van sodanige bevel aan die Kommissaris stuur.

(b) By hersiening van die oorkonde van die verrigtings en skriftelike verklaring in paragraaf (a) bedoel, kan die Kommissaris dié bevel wat hy toepaslik ag, kragtens subartikel (7) van artikel drie-en-veertig van die Wet uitvaardig.

ONTSLAG, MEDALJES EN DOOD.

(A) *Ontslag.*

Ontslagsertifikaat.

80. (1) 'n Ontslagsertifikaat in die voorgeskrewe vorm, behoorlik ingevul en geteken deur die bevelvoerende offisier en deur of namens die Kommissaris mede-onderteken as bewys dat dit met die amptelike registers van die Departement ooreenstem, moet by die ontslag van 'n lid wat nie 'n offisier is nie of van 'n spesiale bewaarder soos in paragraaf (a) en subparagraawe (i) en (iii) (aa) van paragraaf (b) van subregulasie (1) van regulasie 9 bedoel aan sodanige lid of spesiale bewaarder uitgereik word in elke geval waar hy minstens drie maande onafgebroke diens voltooi het.

Egtheid van ontslagsertifikaat.

(2) 'n Ontslagsertifikaat, streng in ooreenstemming met die registers van die Departement van Gevangenis, moet slegs 'n feitlike en akkurate verklaring bevat van die gedrag, ywer, vlyt, matigheid en doeltreffendheid van die betrokke lid of spesiale bewaarder.

Afskrif van ontslagsertifikaat.

(3) 'n Afskrif van 'n ontslagsertifikaat wat vernietig of verlore geraak het, mag slegs met die magtiging van die Kommissaris in buitengewone omstandighede uitgereik word.

(B) Faithful Service Medal of the Prisons Department.**Qualifications for Award of the Medal.**

81. (1) (a) Subject to the undermentioned qualifications, the Minister may, on the recommendation of the Commissioner, award the medal, which shall enjoy official recognition and bear the words "The Faithful Service Medal, Prisons Department", to a member—

- (i) who has completed not less than eighteen years' service, whether continuous or otherwise, and who has displayed exemplary conduct and been of unimpeachable character during such service; or
- (ii) who has displayed exceptional devotion to duty in a distinguished or gallant manner.

(b) An award made under sub-paragraph (ii) of paragraph (a) shall include a bar bearing the inscription "Verdienstelik" "Meritorious", and such bar or any additional bar, as the case may be, may also be awarded to a member to whom an award of the "Faithful Service Medal", with or without such bar, has already been made in respect of duty of a particularly distinguished or gallant nature performed by such member subsequent to the former award.

Composition and Design of Medal.

(2) (a) The "Faithful Service Medal" shall—

- (i) be composed of silver and have a circular shape with a diameter of one and seven-sixteenths of an inch; and
- (ii) bear on the obverse side an inscription of the coat of arms of the Republic and the words "Departement van Gevangenis—Prisons Department" and on the reverse side an inscription of the words "Vir Troue Diens—For Faithful Service".

(b) The medal shall be suspended from a striped green-white-blue-white-green ribbon, one and a quarter inches in width and one inch in length, and shall be worn two inches above the left breast pocket.

Recognition of Service in any other Prisons Service for Award of Medal.

(3) The full period of service in any other recognised Prisons Service may, with the approval of the Minister, be taken into account for the award of the "Faithful Service Medal" to a member who is otherwise eligible for such award.

Prerequisites for a Recommendation in regard to an Award.

(4) The Commissioner shall make a recommendation to the Minister for the award of the "Faithful Service Medal" only if he is satisfied and is able to certify that the conduct of the member concerned has been exemplary and that he considers him worthy in every respect of an award of such distinction and decoration. For the assessment of such worthiness the number and nature of favourable entries in the personal record of service of such member may be deemed to diminish, outweigh or wipe out any unfavourable entries of an equivalent number and nature: Provided that a member who has been convicted of an offence or contravention of a serious nature or who has been found guilty of disgraceful behaviour shall not be recommended for the award of such medal.

Presentation of Medal.

(5) The presentation of a medal to a member shall be made at a parade or at a gathering specially convened for the purpose, and the medal shall be worn by such member as a token of appreciation of his faithful service.

Publication and Recording of the Award.

(6) The award of the "Faithful Service Medal" to a member shall be published in Service Orders, and particulars thereof, under the headings Number, Rank and Name of the member concerned, as well as the reasons for the award, shall be recorded in a register which shall be permanently maintained for that purpose at the headquarters of the Commissioner.

(B) Medalje vir Troue Diens van die Departement van Gevangenis.**Kwalifikasies vir die toekenning van die medalje.**

81. (1) (a) Behoudens ondergenoemde kwalifikasies, kan die Minister op aanbeveling van die Kommissaris, die medalje, wat amptelike erkenning geniet en waarop die woorde „Medalje vir Troue Diens, Departement van Gevangenis” voorkom, toeken aan 'n lid wat—

- (i) minstens agtien jaar diens voltooi het, hetsy onafgebroke of andersins, en gedurende sodanige diens voorbeeldige gedrag getoon het en van onberispelike karakter was; of
- (ii) besondere pligsgetrouheid op 'n voortreflike of dappere wyse getoon het.

(b) 'n Toekenning kragtens subparagraaf (ii) van paragraaf (a) sluit in 'n balk waarop die inskripsie „Verdienstelik” „Meritorius” voorkom, en sodanige balk of 'n addisionele balk, na gelang van die geval, kan ook toegeken word aan 'n lid aan wie 'n toekenning van die „Medalje vir Troue Diens” met of sonder sodanige balk reeds gemaak is ten opsigte van diens van 'n besonder voortreflike of dappere aard wat sodanige lid na die vorige toekenning verrig het.

Komposisie en ontwerp van medalje.

(2) (a) Die medalje vir Troue Diens moet—

- (i) uit silwer bestaan en 'n ronde vorm hê wat een en sewe-sestiende duim in deursnee is; en
- (ii) op die voorkant 'n inskripsie hê wat bestaan uit die wapen van die Republiek en die woorde „Departement van Gevangenis—Prisons Department”, en op die agterkant 'n inskripsie hê wat bestaan uit die woorde „Vir troue Diens—For Faithful Service”.

(b) Die medalje moet hang aan 'n gestreepte groen-wit-blou-wit-groen lint wat een en 'n kwart duim breed en een duim lank is en moet twee duim bokant die sak op die linkerbors gedra word.

Erkenning van diens in enige ander Gevangenisdiens vir toekenning van die medalje.

(3) Die volle dienstydperk in enige ander erkende Gevangenisdiens kan met die goedkeuring van die Minister in aanmerking geneem word vir die toekenning van die „Medalje vir Troue Diens” aan 'n lid wat andersins vir sodanige toekenning in aanmerking kom.

Voorvereistes vir 'n aanbeveling betreffende 'n toekenning.

(4) Die Kommissaris moet die toekenning van die „Medalje vir Troue Diens” by die Minister aanbeveel slegs indien hy daarvan oortuig en in staat is om te sertifiseer dat die gedrag van die betrokke lid voorbeeldig was en dat hy hom in elke opsig waardig ag vir die toekenning van sodanige onderskeiding en dekorasie. Vir die aanslag van sodanige waardigheid kan die aard van en die getal gunstige inskrywings in die persoonlike diensregister van sodanige lid geag word enige ongunstige inskrywings van gelyke getal en aard te verminder, te oortref of uit te wis: Met dien verstande dat 'n lid wat aan 'n misdryf of 'n oortreding van 'n ernstige aard skuldig bevind is of wat skuldig bevind is aan skandelijke gedrag, nie vir die toekenning van sodanige medalje aanbeveel moet word nie.

Aanbieding van medalje.

(5) Die aanbieding van 'n medalje aan 'n lid moet geskied op 'n parade of by 'n byeenkoms wat spesiaal vir daardie doel belê is, en die medalje moet deur sodanige lid gedra word as blyk van waardering van sy troue diens.

Bekendmaking en aantekening van die toekenning.

(6) Die toekenning van die „Medalje vir Troue Diens” aan 'n lid moet in Diensorders bekendgemaak word, en besonderhede daarvan onder die hoofde Nummer, Rang en Naam van die betrokke lid, asook die redes vir die toekenning, moet aangeteken word in 'n register wat permanent vir daardie doel in die hoofkwartier van die Kommissaris bygehou moet word.

Forfeiture and Withdrawal of Award.

(7) (a) The award of the "Faithful Service Medal" shall be forfeited by the member concerned if, subsequent to such award, he is convicted of desertion or an offence or contravention of a dishonest or (in the opinion of the Commissioner) disgraceful or reprehensive nature, or if he has been dismissed on account of misconduct, and the relative entry of particulars referred to in sub-regulation (6) shall be struck from the register, and the medal shall be surrendered to, or presentation thereof be withheld by, the Commissioner, as the case may be.

(b) The Minister may, for good and sufficient reasons and on a recommendation by the Commissioner, restore to a member an award of the "Faithful Service Medal" which has been forfeited in terms of this regulation.

Replacement of a Lost or Destroyed Medal.

(8) (a) Whenever a medal has been lost or destroyed, the owner entitled thereto may apply in writing (if still in the Prisons Service, through the commanding officer) to the Commissioner for the replacement thereof, and such application shall be accompanied by a sworn declaration in which the circumstances of the loss or destruction of the medal are clearly and fully set out.

(b) If the Minister, on receipt of a report and recommendation of the Commissioner, is satisfied that there are good and sufficient reasons to support the application referred to in paragraph (a), he may order the replacement of the medal, according to the circumstances, either at the expense of the member concerned or the State.

Form of Recommendation for the Award.

(9) A recommendation in terms of this regulation for the award of the "Faithful Service Medal" shall be made on the prescribed form.

Award of the "Faithful Service Medal" to Special Warders.

(10) The provisions of this regulation shall *mutatis mutandis* be applicable to the award of the "Faithful Service Medal" to a special warder.

*(C) Death of a Member or Special Warder.**Notification of Death.*

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

Funeral Expenses.

(2) The Commissioner may, at his discretion, approve that a reasonable contribution be made by the State to the funeral expenses of a member or special warder, referred to in sub-regulation (1), who dies while in the service of the Prisons Department.

Grant-in-Aid: Funeral Expenses of Wife or Child.

(3) A grant-in-aid not exceeding the undermentioned amounts may be paid by the Commissioner from public funds to a member towards the defrayal of expenses in connection with the funeral of such member's wife or dependent child: Provided that such grant-in-aid shall in no case exceed the actual cost of the funeral: In respect of the funeral of—

- (i) a wife: R10;
- (ii) a child, as defined in sub-regulation (2) of regulation 19: R5.

*GENERAL.**(A) Allowances, and Witness and Copying Fees.**Member or Special Warder as a Witness.*

83. (1) A member or special warder charged, and all other members and special warders who are required to attend any trial or inquiry referred to in these regulations, shall be regarded as being on duty and shall be entitled to subsistence and transport allowances and travelling facilities in terms of these regulations.

Verbeuring en intrekking van die toekenning.

(7) (a) Die toekenning van die „Medalje vir Troue Diens” word deur die betrokke lid verbeur indien hy, na sodanige toekenning, aan desersie of ’n misdryf of oortreding van ’n oneerlike of (na die mening van die Kommissaris) ’n skandelijke of laakbare aard skuldig bevind word of indien hy weens wangedrag ontslaan word, en die betrokke inskrywing van besonderhede soos in subregulasie (6) bedoel, moet uit die register geskrap word, en die medalje moet terugbesorg word aan die Kommissaris of die aanbidding daarvan moet teruggehou word, na gelang van die geval.

(b) Die Minister kan, om goeie en afdoende redes en op aanbeveling van die Kommissaris, die toekenning van die „Medalje vir Troue Diens” wat kragtens hierdie regulasie verbeur is, aan ’n lid herstel.

Vervanging van verlore of vernietigde medalje.

(8) (a) Wanneer ’n medalje verlore geraak het of vernietig is, kan die eienaar wat daarop geregtig is, skriftelik aansoek doen (indien nog in die Gevangensdiens, deur tussenkoms van die bevelvoerende offisier) by die Kommissaris om die vervanging daarvan, en sodanige aansoek moet vergesel gaan van ’n beëdigde verklaring waarin die omstandighede van die verlies of vernietiging van die medalje duidelik en volledig uiteengesit word.

(b) Indien die Minister, by ontvangs van ’n verslag en aanbeveling van die Kommissaris, daarvan oortuig is dat daar goeie en afdoende redes ter staving van die aansoek bestaan in paragraaf (a) bedoel, kan hy gelas dat die Medalje òf op koste van die betrokke lid òf op staatskoste, na gelang van die omstandighede, vervang word.

Vorm van aanbeveling vir die toekenning.

(9) ’n Aanbeveling kragtens hierdie regulasie vir die toekenning van die „Medalje vir Troue Diens” moet op die voorgeskrewe vorm gedoen word.

Toekenning van die „Medalje vir Troue Diens” aan spesiale bewaarders.

(10) Die bepalings van hierdie regulasie is *mutatis mutandis* van toepassing op die toekenning van die „Medalje vir Troue Diens” aan ’n spesiale bewaarder.

*(C) Afsterwe van lid of spesiale bewaarder.**Kennisgewing van afsterwe.*

82. (1) Die afsterwe van ’n lid of ’n spesiale bewaarder soos in paragrafe (a) en (b) (i), (ii) en (iii) (aa) van sub-regulasie (1) van regulasie 9 bedoel, moet onverwyld deur die bevelvoerende offisier aan die Kommissaris gerapporteer word.

Begrafniskoste.

(2) Die Kommissaris kan, na sy goedvinde, goedkeur dat die Staat ’n redelike bydrae maak tot die begrafniskoste van ’n lid of spesiale bewaarder soos in subregulasie (1) bedoel, wat te sterwe kom, terwyl hy in die diens van die Departement van Gevangenis is.

Hulptoelae: Begrafniskoste van eggenote of kind.

(3) ’n Hulptoelae van hoogstens ondergenoemde bedrae kan deur die Kommissaris uit staatsfondse aan ’n lid betaal word ter bestryding van die koste verbonde aan die begrafnis van sodanige lid se eggenote of afhanklike kind: Met dien verstande dat sodanige hulptoelae in geen geval groter as die werklike begrafniskoste is nie: Ten opsigte van die begrafnis van—

- (i) ’n eggenote: R10;
- (ii) ’n kind, soos in subregulasie (2) van regulasie 19 omskryf: R5.

*ALGEMEEN.**(A) Toelaes en getuie- en afskrifgelde.**Lid of spesiale bewaarder as ’n getuie.*

83. (1) ’n Aangeklaagde lid of spesiale bewaarder en alle ander lede en spesiale bewaarders van wie vereis word om ’n verhoor of ondersoek in hierdie regulasies bedoel, by te woon, word geag op diens te wees en is geregtig op verblyf- en vervoertoelaes en reisgeriewe kragtens hierdie regulasies.

Other Witnesses.

(2) Any person other than a member or special warder who is required to attend any trial or inquiry, referred to in these regulations, to give evidence or to produce any record, document, book or other thing, shall be entitled to such witness fees and travelling allowances as are prescribed by the rules of court in respect of the attendance of witnesses in a criminal trial in a magistrate's court.

Defence Witnesses.

(3) On the application of the member or special warder charged, the trial commissioned officer or chairman of the board of inquiry, as the case may be, may require the attendance of a member or special warder or may subpoena any other person to give evidence or produce a document, book or other thing, and the provisions of sub-regulations (1) and (2) in regard to allowances, fees and travelling facilities shall *mutatis mutandis* apply.

Recovery of Allowances and Witness Fees.

(4) If the presiding commissioned officer or the chairman of a board of inquiry, as the case may be, is of the opinion and reports to the Commissioner that the evidence of a member or special warder or other person was unnecessary or immaterial, the Commissioner may, at his discretion, recover from the member or special warder, at whose instance the attendance of such witness was required, the fees, allowances and cost of travelling facilities paid or granted to such witness by the State.

Stenographer or Mechanical Means: Allowances and Copying Fees.

(5) Whenever the services of a stenographer or any mechanical means are used to record the evidence and proceedings at a trial or inquiry instituted under these regulations, the rules of a magistrate's court in criminal proceedings in regard to the fees or allowances, if any, payable for the use of such services or mechanical means, and for the transcription and copy of the notes so taken down, shall *mutatis mutandis* apply.

*(B) Deficiency and Loss of, or Damage to, State Property.**Liability of Member or Special Warder.*

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

Determination of Liability.

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

- (a) by a court of law in connection with a conviction of any offence arising wholly or partly from such deficiency, loss, damage or other expenditure; or
- (b) in a trial or inquiry under the Act and these regulations in connection with a conviction on a contravention or finding of guilt, on a charge of misconduct or inefficiency or unfitness arising wholly or partly from such deficiency, loss, damage or other expenditure; or
- (c) by way of a voluntary undertaking on the part of such member or special warder to make good any such deficiency, loss, damage or expenditure.

Ander Getuies.

(2) Enige ander persoon as 'n lid of spesiale bewaarder van wie vereis word om 'n verhoor of ondersoek in hierdie regulasies bedoel, by te woon om getuienis af te lê of om enige stuk, dokument, boek of ander ding voor te lê, is geregtig op die getuiegeld en reistoelees soos voorgeskryf by die hofreëls ten opsigte van die bywoning van getuies in 'n strafverhoor in 'n landdroshof.

Getuie vir die verdediging.

(3) Op aansoek van die aangeklaagde lid of spesiale bewaarder, kan die verhooroffisier of voorsitter van die raad van ondersoek, na gelang van die geval, die bywoning van 'n lid of spesiale bewaarder gelas of enige ander persoon dagvaar om getuienis af te lê of 'n dokument, boek of ander ding voor te lê, en die bepalings van sub-regulasie (1) en (2) aangaande toelaes, gelde en reisgeriewe, is *mutatis mutandis* van toepassing.

Verhaling van toelaes en getuiegelde.

(4) As die voorsittende offisier of die voorsitter van 'n raad van ondersoek, na gelang van die geval, van mening is en aan die Kommissaris rapporteer dat die getuienis van 'n lid of spesiale bewaarder of ander persoon onnodig of nie ter sake was nie, kan die Kommissaris, na sy goedvinde, op die lid of spesiale bewaarder op wie se aandrang die bywoning van sodanige getuie gelas is, die gelde, toelaes en koste van reisgeriewe verhaal wat aan sodanige getuie deur die staat betaal of toegestaan is.

Stenograaf of meganiese middels: Toelaes en afskrifgelde.

(5) Wanneer die dienste van 'n stenograaf of enige meganiese middel gebruik word om die verrigtings en getuienis by 'n verhoor of ondersoek wat kragtens hierdie regulasies ingestel is, op te neem, is dié reëls van 'n landdroshof betreffende die gelde of toelaes, indien daar is, wat in 'n strafgeding betaalbaar is vir die gebruik van sodanige dienste of meganiese middels en vir die transkripsie en kopieer van die aantekeninge aldus afgeneem, *mutatis mutandis*, van toepassing.

*(B) Tekort en verlies van, en skade aan Staatseiendom.**Aanspreeklikheid van lid of spesiale bewaarder.*

84. (1) Ondanks die bepalings van subregulasies (1), (2) en (3) van regulasie 4, kan 'n lid of spesiale bewaarder aanspreeklik daarvoor gehou word om 'n tekort, verlies, skade of ander uitgawe te vergoed wat die Staat gely het as gevolg van sy nalatigheid of onverskilligheid of onwetlike optrede of sy versuim om 'n bepaalde plig uit te voer, en indien meer as een lid en/of meer as een spesiale bewaarder ingevolge hierdie subregulasie verantwoordelik is, is hulle afsonderlik en gesamentlik aanspreeklik.

Vasstelling van aanspreeklikheid.

(2) Die vasstelling van die aanspreeklikheid van 'n lid of spesiale bewaarder ingevolge subregulasie (1), en die geldelike bedrag daarby betrokke, moet deur dié ondersoek en op dié wyse soos spesiaal of in die algemeen voorgeskryf, vasgestel word, behalwe in die geval waar sodanige aanspreeklikheid en die geldelike bedrag daarby betrokke, vasgestel is—

- (a) deur 'n geregshof in verband met 'n skuldigbevinding aan 'n misdryf wat geheel en al of gedeeltelik uit sodanige tekort, verlies, skade of ander uitgawe voortgespruit het; of
- (b) in 'n verhoor of ondersoek ingevolge die Wet en hierdie regulasies in verband met 'n skuldigbevinding aan 'n oortreding of 'n skuldigbevinding, op 'n aanklag van wangedrag of onbekwaamheid of ongeskiktheid, wat geheel en al of gedeeltelik uit sodanige tekort, verlies, skade of ander uitgawe voortgespruit het; of
- (c) by wyse van 'n vrywillige verbintenis deur sodanige lid of spesiale bewaarder om sodanige tekort, verlies, skade of uitgawe te vergoed.

Recovery of Determined Amount.

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

Liability and Recovery After Dismissal or Retirement.

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

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

85. (1) If a member or special warder accepts nomination or a requisition as a candidate for election as member of Parliament, any provincial council, divisional council, city council, municipal council, village management board, health committee, management or consultative committee, local authority, school board, or such other public body as may from time to time be determined by the Minister, he shall be deemed to have voluntarily retired from the service of the Prisons Department with effect from the date on which he accepted such nomination or requisition.

Retention of Membership or Appointment.

(2) Notwithstanding the provisions of sub-regulation (1), a member or special warder—

- (a) who, immediately prior to the date of the coming into operation of this regulation, was a member of a divisional council, city council, municipal council, village management board, health committee, management or consultative committee, local authority or school board, may continue to be a member of such council, committee, board or such other authority for the unexpired portion of the period for which he was elected;
- (b) may with the permission of the Minister accept an appointment and serve as a member of a divisional council, city council, municipal council, village management board, health committee, management or consultative committee, local authority, school board, or any other public body which has been included in sub-regulation (1) by the Minister, if the Minister is satisfied that such appointment and membership will not interfere with the official duties of such member or special warder: Provided that, in the case of a White member or White special warder, such permission may be granted only if such appointment does not take place as the result of the acceptance of a nomination or requisition as candidate for election.

Non-participation in Dispute between the State and a Public Body.

(3) In the event of a dispute arising between the State and a council, board, committee or other authority referred to in sub-regulation (2), a member or special warder who is a member of such council, board, committee or authority, shall not participate in the discussions or vote in connection with such dispute.

Verhaling van vasgestelde bedrag.

(3) Wanneer die aanspreeklikheid van 'n lid of spesiale bewaarder en die geldelike bedrag daaraan verbonde, ingevolge subregulasie (2), met inbegrip van paragrawe (a), (b) en (c) daarvan, vasgestel is, moet 'n vergoedingsvordering vir sodanige bedrag teen die betrokke lid of spesiale bewaarder deur die Kommissaris ingestel word, en kennisgewing daarvan moet aan hom beteken word op dié wyse en in dié vorm soos voorgeskryf mag word, en daarop word sodanige bedrag 'n skuld wat aan die Staat verskuldig is en moet dit op sodanige lid of spesiale bewaarder verhaal word op dié wyse en op dié voorwaardes wat die Kommissaris, in oorleg met Tesourie, mag bepaal.

Aanspreeklikheid en verhaling na ontslag of uitdiens-treding.

(4) Nieteenstaande dat 'n lid of spesiale bewaarder wat in die omstandighede soos in subregulasie (1) gemeld, aanspreeklik is vir enige tekort, verlies, skade of ander uitgawe, uit die diens van die Departement van Gevangenis- getree het, ontslaan is of dit op 'n ander manier verlaat het, is die bepalings van hierdie regulasie op sodanige persoon van toepassing.

*(C) Aanvaarding van nominasie vir Parlement of ander Openbare Liggaam.**Aanvaarding van nominasie.*

85. (1) As 'n lid of spesiale bewaarder 'n nominasie of rekwisitiese aanvaar as 'n kandidaat vir verkiesing tot lid van die parlement, enige provinsiale raad, afdelingsraad, stadsraad, munisipale raad, dorpsbestuur, gesondheidskomitee, bestuurs- of raadgevende komitee, plaaslike bestuur, skoolraad of dié ander openbare liggaam wat van tyd tot tyd deur die Minister bepaal mag word, word hy geag vrywillig uit die diens van die Departement van Gevangenis te getree het met ingang van die datum waarop hy sodanige nominasie of rekwisitiese aanvaar het.

Behoud van lidmaatskap of aanstelling.

(2) Ondanks die bepalings van subregulasie (1), kan 'n lid of spesiale bewaarder—

- (a) wat onmiddellik voor die datum van inwerking-treding van hierdie regulasie lid was van 'n afdelingsraad, stadsraad, munisipale raad, dorpsbestuur, gesondheidskomitee, bestuurs- of raadgevende komitee, plaaslike bestuur of skoolraad, lid van sodanige raad, komitee of sodanige ander bestuur bly vir die onverstreke gedeelte van die termyn waarvoor hy verkies is;
- (b) met die toestemming van die Minister aanstelling aanvaar en diens doen as lid van 'n afdelingsraad, stadsraad, munisipale raad, dorpsbestuur, gesondheidskomitee, bestuurs- of raadgevende komitee, plaaslike bestuur, skoolraad of enige ander openbare liggaam wat in subregulasie (1) deur die Minister ingesluit is, as die Minister daarvan oortuig is dat sodanige aanstellings of lidmaatskap nie inbreuk op die ampspligte van sodanige lid of spesiale bewaarder sal maak nie: Met dien verstande dat, in die geval van 'n Blanke lid of Blanke spesiale bewaarder, sodanige toestemming verleen kan word slegs as sodanige aanstelling nie as gevolg van die aanvaarding van 'n nominasie of rekwisitiese as kandidaat vir verkiesing plaasvind nie.

Nie-deelname aan 'n Geskilpunt tussen Staat en Openbare Liggaam.

(3) As daar 'n geskil tussen die Staat en 'n raad, komitee of ander bestuur soos in regulasie (1) bedoel, ontstaan, mag 'n lid of spesiale bewaarder wat lid van sodanige raad, komitee of bestuur is, nie aan die bespreking van of stemming oor sodanige geskil deelneem nie.

(D) Reports on Members and Disclosure of Adverse Remarks.**Submission of Report when Required by Commissioner.**

86. (1) (a) The commanding officer or other reporting member designated by the Commissioner shall complete and submit a report, in the prescribed form, in respect of a member as often as the Commissioner may require.

(b) Subject to the provisions of sub-regulation (2), a member in respect of whom a report has been completed in terms of paragraph (a), shall not have the right of access to such report.

Disclosure of Adverse Remarks to Member.

(2) (a) Subject to the provisions of sub-regulation (3), the commanding officer or reporting member, referred to in paragraph (a) of sub-regulation (1), shall in writing bring the full contents of any adverse remark contained in a report to the notice of the member concerned, and such member shall sign and return such written communication to the commanding officer or reporting member, together with any representations, in writing, which he desires to submit.

(b) the provisions of paragraph (a) shall also apply to any adverse remarks made in respect of a member in any other written communication: Provided that an adverse remark contained in the minutes of a meeting of a merit committee shall not be brought to the notice of the member reported upon.

(c) The commanding officer or reporting member referred to in paragraph (a) of sub-regulation (1) shall, without delay, forward the written communication referred to in paragraphs (a) and (b), duly signed by the member concerned, together with any written representations submitted to such member, to the Commissioner with his remarks and recommendations.

Non-Disclosure of Adverse Remark.

(3) Notwithstanding the provisions of sub-regulation (2), any adverse remark contained in a report or other written communication shall not be brought to the notice of the member concerned by the commanding officer or reporting member referred to in paragraph (a) of sub-regulation (1), if he is of the opinion that such disclosure is not in the interests of the Prisons Department or of such member: Provided that the commanding officer or such reporting member, shall without delay forward such adverse remark together with his reasons for the non-disclosure, to the Commissioner, who may direct that the full contents or part thereof be brought to the notice of the member concerned, and the provisions of paragraph (a) of sub-regulation (2) shall then *mutatis mutandis* apply.

Expunction of Adverse Remark.

(4) (a) If the Commissioner finds that no justification exists for an adverse remark contained in a report or other written communication, such adverse remark shall be expunged from such report or communication, and, if such adverse remark has already been brought to the notice of the member concerned, he shall be informed in writing of such expunction, and such notification of expunction shall then form part of the report or other written communication.

(b) If a member or body designated or instituted by the Commissioner to countersign or consider a report in respect of a member, finds that no justification exists for an adverse remark appearing therein, such finding, together with the reasons in support thereof, shall be submitted to the Commissioner for consideration of the expunction of such adverse remark by him in terms of paragraph (a).

(D) Verslae oor Lede en Openbaarmaking van Ongunstige Opmerking.**Voorlegging van Verslag wanneer deur Kommissaris verlang.**

86. (1) (a) Die bevelvoerende offisier of ander verslaggewende lid deur die Kommissaris aangewys, moet 'n verslag in die voorgeskrewe vorm ten opsigte van 'n lid voltooi en voorlê so dikwels as wat die Kommissaris dit verlang.

(b) Behoudens die bepalings van subregulasie (2), het 'n lid ten opsigte van wie 'n verslag ingevolge paragraaf (a) voltooi is, nie die reg om insae in sodanige verslag te hê nie.

Openbaarmaking aan lid van Ongunstige Opmerking.

(2) (a) Behoudens die bepalings van subregulasie (3), moet die bevelvoerende offisier of verslaggewende lid in paragraaf (a) van subregulasie (1) bedoel, die volle inhoud van enige ongunstige opmerking in 'n verslag vervat, skriftelik onder die aandag van die betrokke lid bring, en sodanige lid moet sodanige skriftelike mededeling onderteken en dit saam met enige skriftelike vertoë wat hy verlang om voor te lê, aan die bevelvoerende offisier of verslaggewende lid terugbesorg.

(b) Die bepalings van subparagraaf (a) is ook van toepassing op ongunstige opmerkings wat ten opsigte van 'n lid in enige ander skriftelike mededeling gemaak word: Met dien verstande dat 'n ongunstige opmerking wat in die notule van 'n vergadering van 'n merietekomitee vervat is, nie onder die aandag van die lid oor wie daar gerapporteer word, gebring mag word nie.

(c) Die bevelvoerende offisier of verslaggewende lid in paragraaf (a) van subregulasie (1) bedoel, moet die skriftelike mededeling in paragraaf (a) en (b) bedoel, behoorlik onderteken deur die betrokke lid, saam met enige skriftelike vertoë deur sodanige lid voorgelê, onverwyld aan die Kommissaris met sy opmerkings en aanbeveling stuur.

Nie-openbaarmaking van Ongunstige Opmerking.

(3) Ondanks die bepalings van subregulasie (2), moet enige ongunstige opmerking in 'n verslag of ander skriftelike mededeling vervat, nie deur die bevelvoerende offisier of verslaggewende lid soos in paragraaf (a) van subregulasie (1) bedoel, onder die aandag van die betrokke lid gebring word nie as hy van oordeel is dat sodanige openbaarmaking nie in die belang van die Departement van Gevangenis- of sodanige lid is nie: Met dien verstande dat die bevelvoerende offisier of sodanige verslaggewende lid sodanige ongunstige opmerking, tesame met sy redes vir die nie-openbaarmaking, onverwyld aan die Kommissaris moet stuur, wat kan gelas dat die volle inhoud of 'n gedeelte daarvan onder die aandag van die betrokke lid gebring moet word, en die bepalings van paragraaf (a) van subregulasie (2) is dan *mutatis mutandis* van toepassing.

Skraping van Ongunstige Opmerking.

(4) (a) Indien die Kommissaris bevind dat daar geen regverdiging vir 'n ongunstige opmerking in 'n verslag of ander skriftelike mededeling vervat, bestaan nie, moet sodanige ongunstige opmerking van die verslag of mededeling geskrap word, en indien sodanige ongunstige opmerking reeds onder die aandag van die betrokke lid gebring is, moet hy skriftelik van sodanige skraping verwittig word, en sodanige kennisgewing van skraping moet dan deel van die verslag of ander skriftelike mededeling uitmaak.

(b) Indien 'n lid of liggaam deur die Kommissaris aangewys of ingestel om 'n verslag ten opsigte van 'n lid te medeonderteken of te oorweeg, bevind dat daar geen regverdiging vir 'n ongunstige opmerking wat daarin voorkom bestaan nie, moet sodanige bevinding, tesame met die redes ter stawing daarvan, aan die Kommissaris voorgelê word vir oorweging van die skraping van sodanige ongunstige opmerking, deur hom, kragtens paragraaf (a).

(E) *Official Communication.*

Channel of Communication.

87. (1) (a) A request, communication or complaint from a member (other than the commanding officer) or special warder in connection with any matter falling within the scope of the powers, functions or duties of the Prisons Department shall be addressed to the commanding officer concerned for his attention and disposal or for submission, at his discretion, to the Commissioner for consideration and disposal: Provided that such member or special warder may demand that such request, communication or complaint be submitted to the Commissioner.

(b) A request, communication or complaint, of the nature referred to in paragraph (a), by a commanding officer shall be addressed to the Commissioner for attention and disposal.

CHAPTER II.

PRISONERS—GENERAL PROVISIONS.

Applicability of Regulations.

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

RECEPTIONS, REMOVAL, DEATH AND ESCAPE.

(A) *Reception.*

Search.

89. (1) Every prisoner shall be searched on reception at a prison, on his return to prison from a working or other place, and as often as is considered necessary.

Seizure of Unauthorised Articles.

(2) All articles in possession of a prisoner, which are not issued to him by the State or which he is not allowed by regulation or Prisons Service Order or any other order to have in his possession, shall be seized.

Manner and Purpose of Search.

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

Stripping.

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

Persons who must Conduct Search.

(5) A White prisoner shall be searched only by a White member or White special warder, and a non-White prisoner only by a non-White member or non-White special warder, of the same sex as the prisoner: Provided that a non-White prisoner may also be searched by a White member or White special warder of the same sex as the prisoner.

Safekeeping of Personal Effects.

90. (1) The head of a prison shall take into safekeeping all money, valuables, clothing and other property which a prisoner has in his possession on reception and which he is not allowed to retain, and shall make an inventory of all such money, valuables, clothing and other property, the correctness of which shall be certified by the prisoner.

Disposal of Personal Effects.

(2) Subject to the provisions of sub-regulations (3), (5) and (6) of regulation 96, the personal property of a prisoner shall be disposed of as prescribed: Provided that clothing, the keeping of which, because of its unhygienic condition or for any other valid reason, is considered

(E) *Amptelike Mededeling.*

Mededelingskanaal.

87. (1) (a) 'n Versoek, mededeling of klagte deur 'n lid (uitgesonderd die bevelvoerende offisier) of 'n spesiale bewaarder oor enige saak wat binne die bestek van die bevoegdhede, werksaamhede of pligte van die Departement van Gevangenisse val, moet aan die betrokke bevelvoerende offisier gerig word vir sy aandag en afhandeling of, na sy goedvinde, vir voorlegging aan die Kommissaris vir oorweging of afhandeling: Met dien verstande dat sodanige lid of spesiale bewaarder kan eis dat sodanige versoek, mededeling of klagte aan die Kommissaris voorgelê word.

(b) 'n Versoek, mededeling of klagte, van die aard in paragraaf (a) bedoel, deur 'n bevelvoerende offisier moet aan die Kommissaris vir aandag en afhandeling gerig word.

HOOFSTUK II.

GEVANGENES.—ALGEMENE BEPALINGS.

Toepaslikheid van Regulasies.

88. Die regulasies in hierdie hoofstuk vervat, is op alle gevangenes van toepassing tensy dit strydig is met die spesiale bepalinge wat op 'n besondere kategorie gevangenes van toepassing is.

OPNEMING, OORPLASING, AFSTERWE EN ONTSNAPPING.

(A) *Opneming.*

Visentering.

89. (1) Elke gevangene moet gevisenteer word by opneming in 'n gevangenis, by sy terugkeer na 'n gevangenis van 'n werk- of ander plek af en so dikwels as wat nodig geag word.

Beslaglegging op ongeoorloofde artikels.

(2) Daar moet beslag gelê word op alle artikels in die besit van 'n gevangene, wat nie deur die Staat aan hom uitgereik is nie of wat hy nie by regulasie of Gevangenisdiensorder of enige ander bevel toegelaat word om in sy besit te hê nie.

Wyse en doel van visentering.

(3) Die visentering van 'n gevangene moet op 'n betaamlike wyse geskied en, sover uitvoerbaar of redelikerwys noodsaaklik in die omstandighede, sonder om die self-respek van die gevangene te benadeel, en moet slegs dien en deeglik genoeg wees om enige ongeoorloofde artikel te ontdek.

Ontkleding.

(4) 'n Gevangene moet, sover uitvoerbaar, nie in die teenwoordigheid en ten aanskoue van ander gevangenes ontklee en gevisenteer word nie.

Persone wat visentering moet uitvoer.

(5) 'n Blanke gevangene moet slegs deur 'n Blanke lid of Blanke spesiale bewaarder, en 'n nie-Blanke gevangene slegs deur 'n nie-Blanke lid of nie-Blanke spesiale bewaarder, van dieselfde geslag as die gevangene, gevisenteer word: Met dien verstande dat 'n nie-Blanke gevangene ook deur 'n Blanke lid of Blanke spesiale bewaarder, van dieselfde geslag as die gevangene, gevisenteer kan word.

Veilige bewaring van persoonlike besittings.

90 (1) Die hoof van 'n gevangenis moet alle geld, waardevolle artikels, kledingstukke en ander eiendom wat 'n gevangene by opneming in sy besit het en wat hy nie by hom mag hou nie, in veilige bewaring neem en van al sodanige geld, waardevolle artikels, kledingstukke en ander eiendom 'n inventaris opstel wat deur die gevangene as korrek gesertifiseer moet word.

Beskikking oor persoonlike besittings.

(2) Behoudens die bepalinge van subregulasies (3), (5) en (6) van regulasie 96 moet daar oor die persoonlike eiendom van 'n gevangene beskik word soos voorgeskryf: Met dien verstande dat kledingstukke waarvan die bewaring weens die onhigiëniese toestand daarvan of om 'n ander geldige rede nie wenslik geag word nie, vernietig

undesirable, may be destroyed, and further that a proper record shall be kept of such destruction and the reasons therefor.

Disposal of Private Money.

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

Personal and Physical Particulars.

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

Fingerprints and Photographs.

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

Bath on Reception.

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

Medical Examination on Reception.

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

Accommodation of a Baby of a Female Prisoner.

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

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

(B) Removal.

Custody During Removal.

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

Protection from Public Exposure.

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

Interview Before Removal.

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

Medical Certificate on Removal.

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

(C) Death and Escape.

Particulars of Death.

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

(a) the time and date of illness;

(b) the time and date when such illness first came to the notice of the medical officer;

kan word, en voorts dat daar behoorlik aantekening gehou moet word van sodanige vernietiging en die redes daarvoor.

Beskikking oor private geld.

(3) Die Kommissaris moet die omstandighede waaronder 'n gevangene van sy private geld kan gebruik, bepaal of bepaal hoe anders daarvoor beskik moet word.

Persoonlike en Liggaamlike besonderhede.

91. (1) Die naam, ouderdom, lengte, gewig, volledige adres, onderskeidende merke en dié ander besonderhede wat van tyd tot tyd verlang mag word, moet ten opsigte van elke gevangene op die voorgeskrewe wyse aangeteken word.

Vingerafdrukke en foto's.

(2) Wanneer verlang, moet die vingerafdrukke en foto's van 'n gevangene by opneming en daarna so dikwels as wat nodig is, geneem word: Met dien verstande dat niemand wat nie amptelik daartoe gemagtig is nie, toegang tot of insae in sodanige vingerafdrukke of foto's of afdrukke daarvan mag hê nie en dat geen besonderhede of inligting daarin vervat, aan enige sodanige persoon geopenbaar of verstrekkend mag word nie.

Bad by opneming.

92. Tensy die geneeskundige beampte anders bepaal, moet elke gevangene so gou moontlik na opneming bad en daarna so dikwels as wat nodig is.

Geneeskundige ondersoek by opneming.

93. Elke gevangene moet so spoedig moontlik na opneming deur die geneeskundige beampte ondersoek word, wat volledig verslag moet doen oor die liggaamlike en geestestoestand van die gevangene en enige ander geneeskundige inligting moet verstrek soos verlang of voorgeskryf mag word.

Herberg van 'n suigeling van 'n vrouegevangene.

94. (a) 'n Vrouegevangene kan, behoudens die voorwaardes soos voorgeskryf, toegelaat word om haar kind gedurende die suigelings- en vir dié verdere tydperk wat nodig mag wees, by haar te hou.

(b) Die nodige klere, voedsel en geneeskundige behandeling kan vir die tydperk wat die suigeling in 'n gevangenis vertoef, deur die Staat verskaf word.

(B) Oorplasing.

Bewaring tydens oorplasing.

95. (1) 'n Gevangene wat in opdrag van die Kommissaris oorgeplaas word, moet in die veilige bewaring van 'n lid of spesiale bewaarder wees: Met dien verstande dat 'n gevangene wat in 'n hof wat nie binne 'n gevangenis sitting hou nie, moet verskyn, in die veilige bewaring van 'n lid van 'n polisiemag vir daardie doel gestel kan word.

Beskerming teen blootstelling aan publiek.

(2) Wanneer 'n gevangene na of van 'n gevangenis verwyder word, moet hy so min moontlik aan die publiek blootgestel word, en al die nodige voorsorgmaatreëls moet getref word om hom teen openbare smaad of nuuskierigheid te beskerm.

Onderhoud voor oorplasing.

(3) Die hoof van 'n gevangenis moet 'n gevangene te woord staan voordat sodanige gevangene na 'n ander gevangenis oorgeplaas word.

Geneeskundige sertifikaat by oorplasing.

(4) 'n Gevangene moet so kort moontlik voor oorplasing na 'n ander gevangenis deur die geneeskundige beampte ondersoek word, en hy mag nie aldus oorgeplaas word nie tensy die geneeskundige beampte skriftelik gesertifiseer het dat hy vir oorplasing geskik is.

(C) Afsterwe en ontsnapping.

Besonderhede van afsterwe.

96. (1) Die geneeskundige beampte moet al die betrokke besonderhede van die afsterwe van 'n gevangene aanteken, wat onder andere die volgende moet insluit:—

(a) Die tyd en datum van siekte;

(b) die tyd en datum waarop sodanige siekte tot die kennis van die geneeskundige beampte gekom het;

- (c) the nature of the illness;
- (d) the time and date of death;
- (e) the cause of death; and
- (f) the findings at the post mortem, if any.

Notification of Death.

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

Disposal of Private Property of a Deceased Prisoner.

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

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

Burial of a Deceased Prisoner.

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

Disposal of Private Property of an Escaped Prisoner.

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

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

Disposal of Unclaimed Private Property.

(6) The unclaimed private property of a prisoner who has been discharged, shall, after six months from the date of his discharge, be disposed of, *mutatis mutandis*, in accordance with the provisions of sub-regulation (3).

Disposal of Perishable or Valueless Private Property.

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

- (c) die aard van die siekte;
- (d) die tyd en datum van afsterwe;
- (e) die oorsaak van afsterwe; en
- (f) die bevindings by die nadoodse ondersoek, indien daar is.

Kennisgewing van afsterwe.

(2) By die afsterwe van 'n gevangene, hetsy weens natuurlike of onnatuurlike oorsake, moet die hoof van die gevangenis onmiddellik daarvan kennis gee aan die Kommissaris, die distriksregistrateur van geboortes en sterfgevallen en die landdros van die distrik waarin die gevangenis geleë is, asook aan die naasbestaande of, as besonderhede van sodanige naasbestaande onbekend is, moet sodanige hoof kennis van die afsterwe, sover uitvoerbaar, aan enige ander familielid of vriend van sodanige gevangene gee.

Beskikking oor private eiendom van 'n afgestorwe Gevangene.

(3) (a) Die private eiendom van 'n afgestorwe gevangene, hetsy sy afsterwe aan natuurlike oorsake te wyte is of nie of die gevolg is van 'n geregtelike teregstelling, kan, ongeag of daar 'n eksekuteur in sy boedel aangestel is of nie, aan sy vrou, kind of naasbestaande oorhandig word.

(b) Indien daar nie binne 'n tydperk van ses maande na die datum van afsterwe of teregstelling oor die private eiendom van sodanige afgestorwe gevangene kragtens paragraaf (a) beskik word nie, moet daar *mutatis mutandis* ooreenkomstig subregulasie (5) daarmee afgehandel word.

Begrafnis van afgestorwe gevangene.

(4) Die liggaam van 'n gevangene wie se afsterwe te wyte is aan 'n ander oorsaak as geregtelike teregstelling, moet deur die owerhede van die gevangenis begrawe word in 'n begraafplaas in die gebied waarin hy te sterwe gekom het: Met dien verstande dat die Kommissaris, na sy goedvinde, magtiging kan verleen dat die liggaam van sodanige gevangene aan die naasbestaande, 'n ander familiebetrekking of 'n vriend oorhandig word vir verwydering en begrafnis op eie koste.

Beskikking oor private eiendom van 'n ontsnapte gevangene.

(5) (a) Die private eiendom van 'n gevangene wat ontsnap het en nie weer in hegtenis geneem is nie, moet na ses maande vanaf die datum van ontsnapping per veiling verkoop word, en die opbrengs van die veiling en enige ander geld wat die gevangene in die gevangenis mag gehad het, moet toegeëien word ter vereffening van enige eise deur die Staat, en die saldo, indien daar is, moet in die Gekonsolideerde Inkomsterekening gestort word: Met dien verstande dat die Kommissaris kan goedkeur dat die private eiendom van so 'n gevangene aan sy vrou, kind of naasbestaande oorhandig kan word as die Staat geen eis ten opsigte van sodanige eiendom het nie.

(b) Die opbrengs van die veiling van enige private eiendom van 'n gevangene wat kragtens paragraaf (a) in die Gekonsolideerde Inkomsterekening gestort is, kan op aanbeveling van die Kommissaris terugbetaal word aan die eienaar of ander persoon wat wettiglik daarop geregtig is.

Beskikking oor onopgeëiste private eiendom.

(6) Daar moet oor die onopgeëiste private eiendom van 'n gevangene wat ontslaan is, na ses maande vanaf die datum van sy ontslag beskik word ooreenkomstig die bepalings, *mutatis mutandis*, van subregulasie (3).

Beskikking oor bederfbare of waardelose private eiendom.

(7) Ondanks die bepalings van subregulasies (3), (5) en (6), kan enige kledingstuk of ander artikel van 'n afgestorwe, ontslane of ontsnapte gevangene wat onopgeëis is en geen of min waarde of geen oënskynlike verkoops-waarde het nie of van 'n bederfbare aard is, vernietig word of kan daar op 'n ander wyse soos voorgeskryf, daarvoor beskik word.

ACCOMMODATION.

Sleeping Facilities.

97. (1) No dormitory or cell shall be used for sleeping purposes unless it complies with the prescribed requirements in respect of floor-space, cubic capacity, lighting, ventilation and general health conditions, and such dormitory or cell shall, during such times as it is locked be provided with a communication system in order to enable the prisoner to contact the member or special warder on duty during all such times.

Single Cells.

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

Beds and Bedding.

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

Segregation of Male and Female Prisoners.

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

- (i) The locks of the doors and gates of the male section shall be such that the keys to the doors and gates of the female section do not fit the former and *vice versa*.
- (ii) The keys of the female prison shall be in the constant custody of a female member or special wardress.
- (iii) Any male admitted to a female section shall be accompanied by a female member or special wardress during the full period of such visit.

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

DISCIPLINE AND CONTROL.

(A) *General Principles.**Scope and Aim.*

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

- (a) Discipline and order shall be maintained with firmness but in no greater measure than is necessary for security purposes and an orderly community life in a prison.
- (b) In exercising control over a prisoner, a member or special warder shall, by personal example and sound leadership, endeavour to influence him towards good conduct.
- (c) The aim in treating the prisoner shall at all times be to promote his self-respect and to cultivate a sense of responsibility in him.

Duties of the Head of a Prison.

(2) The head of a prison shall—

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

HUISVESTING.

Slaapgeriewe.

97. (1) Geen slaaplokaal of -sel mag vir slaapdoeleindes gebruik word nie tensy dit voldoen aan die voorgeskrewe vereistes betreffende vloerruimte, kubieke ruimte, verligting, ventilasie en algemene gesondheidstoestande en sodanige slaaplokaal of -sel moet, gedurende die tyd wanneer dit gesluit is, van 'n verbindingstelsel voorsien wees ten einde die gevangene gedurende al sodanige tyd in staat te stel om met die lid of spesiale bewaarder wat op diens is, in verbinding te tree.

Enkelselle.

(2) Indien enkelselhuisvesting by 'n gevangenis beskikbaar is, moet slegs een gevangene in een sodanige sel gehuisves word: Met dien verstande dat, indien dit nodig sou wees om meer as een gevangene in 'n enkelsel te huisves, sover uitvoerbaar moet nie minder as drie gevangenes daarin gehuisves word nie.

Beddens en Beddegoed.

(3) Elke gevangene moet voorsien word van 'n aparte bed en aparte beddegoed wat warm genoeg is en voldoen aan die higiëniese vereistes soos voorgeskryf.

Afsondering van manlike en vroulike gevangenes.

(4) (a) Wanneer 'n gevangenis oor aparte gedeeltes vir die opneming van manlike en vroulike gevangenes beskik, moet die volgende vereistes, benewens dié vervat in paragraaf (a) van subartikel (1) van artikel *drie-en-twintig* van die Wet, stiptelik nagekom word:—

- (i) Die slotte van die deure en hekke van die mansafdeling moet sodanig wees dat die sleutels van die deure en hekke van die vroueafdeling nie op eersgenoemde pas nie, en omgekeerd.
- (ii) Die sleutels van die vroueafdeling moet voortdurend in die bewaring van 'n vroulike lid of spesiale bewaarster wees.
- (iii) Enige manlike persoon wat in 'n vroueafdeling toegelaat word, moet deur 'n vroulike lid of spesiale bewaarster gedurende die volle tydperk van sodanige besoek vergesel word.

(b) Wanneer aparte gevangenis vir die opneming van manlike en vroulike gevangenes op dieselfde terrein of op afsonderlike terreine maar in die nabyheid van mekaar ingestel is, moet alle praktiese maatreëls getref word om te verhoed dat enigeen van die gevangenes van die een geslag regstreeks of onregstreeks enigeen van die gevangenes van die ander geslag kan sien of met hom of haar in verbinding kan tree, en die bepalings van subparagrafe (i), (ii) en (iii) van paragraaf (a) is ook *mutatis mutandis* van toepassing.

DISCIPLINE EN BEHEER.

(A) *Algemene Beginsels.**Omvang en oogmerk.*

98. (1) Die regulasies in hierdie onderafdeling moet, met behoorlike inagneming van die verskille in die individuele karaktertrekke en reaksies van verskillende tipes gevangenes, op behandeling en dissipline, in ooreenstemming met die volgende beginsels toegepas word:—

- (a) Dissipline en orde moet met beslistheid gehandhaaf word maar in geen groter mate nie as wat nodig is vir veiligheidsdoeleindes en 'n ordelike gemeenskapslewe in 'n gevangenes.
- (b) In die uitoefening van beheer oor 'n gevangene, moet 'n lid of spesiale bewaarder deur persoonlike voorbeeld en gesonde leierskap poog om hom tot goeie gedrag te beïnvloed.
- (c) Die oogmerk by die behandeling van die gevangene moet ten alle tye wees om sy selfrespek te bevorder en 'n verantwoordelike sin in hom te kweek.

Pligte van die hoof van 'n gevangenis.

(2) Die hoof van 'n gevangenis moet—

- (a) sorg dat die bepalings van die Wet, regulasies en Gevangensdiensorders streng nagekom word en dat die oogmerke van sodanige bepalings verwesenlik word;

- (b) continuously maintain personal and scrupulous supervision over the whole of the prison, visit daily all sections of the prison where a prisoner is detained, and pay particular attention to a prisoner in hospital and also those who are undergoing disciplinary punishment or who display any behavioural deviation; and
- (c) visit the prison at least twice a week at irregular times during the night and satisfy himself that everything is in order.

Use of Force.

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

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

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

Prisoner not to Perform Disciplinary Duties.

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

Segregation at Work.

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

(B) Disciplinary Contraventions.

Specific Contraventions.

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

- (a) wilfully gives false replies to questions put to him by a member or other person employed in a prison; or
- (b) disobeys a lawful command or order by a member or special warder or ignores any regulation or order; or
- (c) is insolent or disrespectful towards a member or any other person employed in a prison or towards an official or any other visitor to a prison; or
- (d) is idle, careless or negligent in his work or refuses to work; or
- (e) swears or makes use of slanderous, insulting, obscene, threatening or other improper language; or
- (f) conducts himself indecently by word, act or gesture; or
- (g) commits any petty assault; or
- (h) converses or communicates in any other manner with another prisoner or any other person at a time or place when he is not permitted to do so; or
- (i) sings, whistles or makes unnecessary noise or causes unnecessary trouble or is a nuisance; or
- (j) without permission leaves his cell or place of work or any other place to which he is assigned; or
- (k) in any manner disfigures or damages any part of the prison or any article therein or any other State property; or
- (l) has in his cell or possession any unauthorised article or attempts to obtain any such article or commits a petty theft; or
- (m) without permission receives from or gives to any person any article or obtains possession thereof in any other manner; or

- (b) voortdurend persoonlike en nougesette toesig oor die hele gevangenis hou, daagliks alle afdelings van die gevangenis waar 'n gevangene aangehou word, besoek en besondere aandag skenk aan 'n gevangene in die hospitaal en ook diegene wat tugsraf ondergaan of wat enige gedragsafwyking toon; en
- (c) die gevangenis minstens twee keer per week op ongereelde tye gedurende die nag besoek en homself oortuig dat alles in orde is.

Gebruik van geld.

(3) (a) 'n Lid of spesiale bewaarder moet 'n gevangene nie slaan of op enige ander wyse aanrand nie behalwe in wettige selfverdediging of ter wettige verdediging van 'n ander lid, spesiale bewaarder, ander gevangene of enige ander persoon.

(b) Wanneer omstandighede die gebruik van geweld vereis, mag nie meer geweld gebruik word nie as wat wettiglik in die omstandighede noodsaaklik is.

(c) 'n Lid of spesiale bewaarder moet nie, deur woord of daad, opsetlik 'n gevangene kwaad maak of aanstoot gee nie.

Gevangene mag nie tugdienste verrig nie.

(4) 'n Gevangene moet nie in 'n dissiplinêre hoedanigheid in 'n gevangenis gebruik word nie maar 'n spesiaal gekeurde gevangene kan binne die perke wat voorgeskryf mag word, in 'n posisie van verantwoordelikheid en leierskap geplaas word.

Afsondering gedurende werktyd.

(5) Behoudens die bepalings van subartikel (3) van artikel *agt-en-sewentig* van die Wet, kan die Kommissaris gelas dat 'n veroordeelde gevangene afgesonder word en dat hy alleen in 'n sel moet werk wanneer dit blyk dat sodanige optrede bevorderlik vir die behandeling van sodanige gevangene of vir die goeie orde en tug van 'n gevangenis is.

(B) Tugoortredings.

Bepaalde oortredings.

99. (1) 'n Gevangene wat die een of ander bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen of wat—

- (a) moedswillig 'n onware antwoord gee op vrae gestel deur 'n lid of ander persoon werksaam in 'n gevangenis; of
- (b) 'n wettige bevel of opdrag van 'n lid of spesiale bewaarder nie gehoorsaam nie of enige regulasie of order verontagsaam; of
- (c) parmantig of oneerbiedig is teenoor 'n lid of enige ander persoon werksaam in 'n gevangenis of teenoor 'n amptelike of enige ander besoeker aan 'n gevangenis; of
- (d) lui, agtelosig of nalatig is in sy werk of weier om te werk; of
- (e) vloek of lasterlike, beledigende, vuil, dreigende of enige ander onbehoorlike taal gebruik; of
- (f) homself deur woord, daad of gebaar onsedelik gedra; of
- (g) 'n geringe aanranding pleeg; of
- (h) met 'n ander gevangene of enige ander persoon te eniger tyd of op enige plek gesels of op enige ander wyse met hom in verbinding tree wanneer hy nie toegelaat word om dit te doen nie; of
- (i) sing, fluit of onnodige geraas maak of onnodige moeilikheid veroorsaak of 'n oorlas is; of
- (j) sonder toestemming sy sel of sy werkplek of enige ander plek wat hom aangewys is, verlaat; of
- (k) op enige wyse 'n gedeelte van die gevangenis of enige voorwerp daarin of enige ander staatseigendom skend of beskadig; of
- (l) enige ongeoorloofde artikel in sy sel of besit het of poog om enige sodanige artikel te bekom of 'n geringe diefstal pleeg; of
- (m) sonder toestemming enige artikel van enige persoon ontvang of dit aan 'n persoon gee of besit daarvan op enige ander wyse verkry; of

- (n) causes discontent, agitation or insubordination among his fellow-prisoners or participates in any conspiracy; or
 - (o) lodges false, frivolous or malicious complaints; or
 - (p) makes false and malicious accusations against a member, a fellow-prisoner or other person; or
 - (q) in any manner shirks work; or
 - (r) wilfully loses, destroys, alters, defaces or barters an identification card, document or other article issued to him; or
 - (s) commits an act with the intention of endangering his life, injuring his health or hampering his work or otherwise conducts himself to the prejudice of good order and discipline; or
 - (t) in any manner acts contrary to good order and discipline; or
 - (u) attempts to commit any of the aforementioned acts or incites or instigates or commands or procures a member or special warder or other person or another prisoner to commit any such act;
- shall be guilty of a contravention of these regulations.

Venue of Trial.

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

Designation of Prosecutor.

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

Attendance of Accused Prisoner and Witnesses at Trial.

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

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

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

Competence to Stop Prosecution.

(5) Whenever a prisoner has pleaded to a charge of a contravention of, or failure to comply with, any provisions of these regulations, the prosecution of such charge shall proceed to verdict: Provided that the Commissioner or, with his consent, the head of the prison or other member

- (n) ontevredenheid, opgewondenheid of insubordinasie onder sy medegevangenes veroorsaak of aan enige sameswering deelneem; of
 - (o) valse, beuselagtige of kwaadwillige klagtes indien; of
 - (p) valse en kwaadwillige aantygings teen 'n lid, 'n medegevangene of ander persoon maak; of
 - (q) op enige wyse werk ontduik; of
 - (r) 'n identiteitskaart, dokument of enige ander artikel wat aan hom uitgereik is, opsetlik verloor, vernietig, verander, skend of verruil; of
 - (s) 'n daad pleeg met die doel om sy lewe in gevaar te stel, sy gesondheid te benadeel of sy werk te belemmer of hom andersinds so gedra dat die goeie orde en tug benadeel word; of
 - (t) op enige wyse strydig met die goeie orde en tug handel; of
 - (u) poog om enigeen van voormelde dade te pleeg of 'n lid of spesiale bewaarder of ander persoon of 'n ander gevangene aanspoor of aanhits of beveel of oorhaal om enige sodanige daad te pleeg;
- is skuldig aan 'n oortreding van hierdie regulasies.

Plek van verhoor.

(2) Die verhoor van 'n gevangene, hetsy kragtens artikel een-en-vyftig of vier-en-vyftig van die Wet, weens 'n beweerde oortreding of nie-nakoming van die bepalings van enige regulasie moet gehou word by enige gevangenis of ander plek wat die Kommissaris spesiaal of in die algemeen vir daardie doel aangewys het.

Aanwysing van aanklaer.

(3) Die bevelvoerende offisier kan in die algemeen die hoof van 'n gevangenis of een of meer addisionele lede van sodanige gevangenis aanwys om as aanklaer op te tree by die verhoor van 'n gevangene weens 'n aanklag van 'n oortreding of nie-nakoming van enige regulasie: Met dien verstande dat die verhoorlanddros of -offisier, na gelang van die geval, enige ander lid kan aanwys om sodanige vervolging waar te neem indien die hoof van die gevangenis of 'n ander aangewese lid nie beskikbaar is nie of om 'n grondige rede nie kan verskyn nie: Met dien verstande voorts dat, indien sodanige verhoor voor 'n landdros geskied, hy na sy goedvinde 'n persoon wat gedelegeer is om in 'n landdroshof te vervolg, kan aanwys om as aanklaer by sodanige verhoor op te tree.

Bywoning van 'n verhoor deur aangeklaagde gevangene en getuies.

(4) (a) Die hoof van die gevangenis of ander lid wat kragtens subartikel (3) aangewys is om as aanklaer op te tree, moet reëlings tref vir die bywoning van die aangeklaagde gevangene en van enige lid of spesiale bewaarder wat by die verhoor nodig is om getuie af te lê en moet enige ander persoon aansê of dagvaar, na gelang van vereistes, om die verhoor by te woon en getuie af te lê of om enige dokument of ding voor te lê hetsy ter staving van die aanklag of verdediging van die aangeklaagde gevangene.

(b) 'n Dagvaarding, in die voorgeskrewe vorm, beteken aan 'n persoon wat nodig is om getuie af te lê of om enige boek, stuk, dokument of ding by die verhoor voor te lê moet uitgereik word onder die handtekening van 'n landdros of offisier wat in die algemeen of spesiaal gemagtig is om sodanige verhoor waar te neem, en die betekening daarvan is onderworpe aan die hofreëls wat van toepassing is op die betekening van so 'n proses in 'n summier verhoor van 'n kriminele aanklag in 'n landdroshof.

(c) As dit vir die hoof van die gevangenis of 'n lid wat kragtens subregulasie (3) aangewys is om as aanklaer op te tree, nodig is om ander getuie as getuie van 'n blote formele aard ter staving van die aanklag af te lê, moet hy, sover moontlik, sodanige getuie afleë voordat hy ander getuies roep.

Bevoegdheid om vervolging stop te sit.

(5) Wanneer 'n gevangene op 'n aanklag van 'n oortreding of nie-nakoming van die bepalings van hierdie regulasies gepleit het, moet die vervolging van sodanige aanklag tot uitspraak voortgesit word: Met dien verstande dat die Kommissaris of, met sy toestemming, die hoof

detailed under sub-regulation (3) to act as prosecutor, may, for good and sufficient reasons, at any time after plea and before verdict, stop the prosecution, in which event the accused prisoner shall be entitled to a verdict of acquittal in respect of that charge.

Summary Disposal by Head of Prison.

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

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

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

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

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

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

Review by Commissioner.

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

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

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

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

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

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

Confiscation of Money and Valuables.

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

van die gevangenis of ander lid wat kragtens subregulasie (3) aangewys is om as vervolger op te tree, om grondige en afdoende redes te eniger tyd na pleiting en voor uitspraak die vervolging kan stopsit, en in so 'n geval is die aangeklaagde gevangene ten opsigte van daardie aanklag op vryspraak geregtig.

Summiere afhandeling deur hoof van gevangenis.

(6) (a) Indien die hoof van 'n gevangenis, na ondersoek van 'n beweerde oortreding van hierdie regulasies deur 'n gevangene, redelike gronde het om te vermoed dat een van die strawwe gemeld in subartikel (4) van artikel vier-en-veertig van die Wet, by skuldigbevinding opgelê sal word en indien die gevangene, nadat hy van die aard van die beweerde oortreding verwittig is—

(i) erken dat hy skuldig is aan die oortreding, kan die hoof van die gevangenis een van die strawwe wat in paragraaf (a) bedoel word, opelê en moet hy daarna besonderhede van sodanige oortreding en straf aanteken soos voorgeskryf; of

(ii) ontken dat hy skuldig is aan die oortreding, moet hy kragtens hierdie Wet formeel aangekla word.

(b) Indien die gevangene daarteen beswaar maak dat die straf wat opgelê is, buitensporig en onredelik is, moet die hoof van die gevangenis onverwyld volledige besonderhede van die oortreding en sy verslag, tesame met stawende verklarings, indien daar is, asook die gronde vir sodanige beswaar, aan die bevelvoerende offisier voorlê vir hersiening en beslissing soos voorgeskryf.

(c) Ondanks die bepalings van paragraaf (b), maar behoudens die bepalings van subregulasie (7), is enige straf wat kragtens subparagraaf (i) van paragraaf (a) opgelê is, in die gewone loop van sake onderworpe aan hersiening en beslissing soos voorgeskryf.

(d) Die tenuitvoerlegging van 'n straf opgelê kragtens subparagraaf (i) van paragraaf (a), moet opgeskort word in afwagting van bekragtiging, of andersins, by hersiening soos in hierdie regulasie bepaal.

Hersiening deur Kommissaris.

(7) (a) Wanneer 'n gevangene ten opsigte van 'n skuldigbevinding aan 'n oortreding van enigeen van hierdie regulasies gevonnissen is kragtens paragraaf (a), (b) en (c) van subartikel (2) van artikel vier-en-veertig van die Wet, kan die Kommissaris, as hy dit dienstig vind, gelas dat die oorkonde van die verrigtings aan hom voorgelê word vir hersiening.

(b) Die oorkonde van die verrigtings in paragraaf (a) gemeld, moet deur die bevelvoerende offisier binne sewe dae na ontvangs van die aanseggings van die Kommissaris om sodanige oorkonde voor te lê, aan die Kommissaris deurgestuurd word en moet vergesel gaan van 'n skriftelike verklaring deur die verhooroffisier wat die volgende meld:—

(i) Die feite wat hy bevind het bewys te wees; en

(ii) sy redes vir skuldigbevinding en die vonnis wat opgelê is.

(c) By hersiening van die oorkonde van die verrigtings en die skriftelike verklaring in paragraaf (b) bedoel, kan die Kommissaris die skuldigbevinding bekragtig, wysig of ter syde stel of die vonnis bekragtig, versag, wysig of ter syde stel.

(d) Die Kommissaris kan 'n vonnis wat kragtens artikel vier-en-veertig van die Wet opgelê is, ter syde stel, versag of andersins wysig indien hy van mening is dat, in die omstandighede van die geval, dit onregverdig of onwenslik is om sodanige vonnis of 'n deel daarvan uit te voer of dat die vonnis of 'n deel daarvan om ander goeie en afdoende redes nie uitgevoer kan word nie.

Verbeurdverklaring van Geld en waardevolle Artikels

(8) Geld of ander waardevolle artikels wat in die onwetmatige besit van 'n gevangene gevind word of wat wederregtelik in 'n gevangenis ingebring is, kan deur die Kommissaris ten behoeve van die Staat verbeurd verklaar word.

(C) Corporal Punishment.

Infliction.

100. (1) Subject to the provisions of sections *thirty-six, thirty-seven and fifty-six* of the Act and the provisions of sections *one hundred and two and one hundred and three* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended, and of sections *three hundred and forty-four quat and three hundred and sixty-eight* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, and also such directions as may be prescribed, corporal punishment which—

- (a) is imposed by an inferior court (other than a regional division of the magistrate's court) or by a commissioned officer or magistrate for a contravention of these regulations, shall not be inflicted unless written notification has been received that such sentence has been confirmed on review and that appeal is not pending or has been noted within the prescribed period, referred to in sub-paragraph (i) of paragraph (b) or that the sentence has been confirmed on appeal, as the case may be; and
- (b) has been imposed by a superior court or regional division of a magistrate's court, shall not be inflicted unless—
 - (i) written notification has been received from the registrar or clerk of the court, as the case may be, that no appeal within the period prescribed by the relative provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, or the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended, or by the relative rules of court, has been noted or is pending, or that a petition for leave to appeal is pending; or
 - (ii) written notification has been received that such sentence has been confirmed on appeal.

Observance of Instructions.

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

Instrument and Manner of Infliction.

(3) (a) Whipping with a cat-o'-nine-tails shall be inflicted with such instrument and in such manner as prescribed.

(b) Whipping with a cane shall be inflicted across the buttocks in the manner prescribed.

(c) Whenever a court has not stipulated in the warrant the instrument with which corporal punishment is to be inflicted, a cane shall be used to inflict such punishment.

Measurements of Cane.

(4) A cane used to inflict corporal punishment—

- (a) on an adult prisoner shall, as nearly as possible, be four feet long and half an inch in diameter; and
- (b) on a juvenile prisoner shall, as nearly as possible, be three feet long and three-eighths of an inch in diameter.

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

Scope.

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

(b) "Spare diet" consists of a daily ration of—

- (i) eight ounces of rice or mealie rice boiled in four pints of water, without salt, for males; and
- (ii) six ounces of rice or mealie rice boiled in three pints of water, without salt, for females.

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

(C) Lyfstraf.

Toediening.

100. (1) Behoudens die bepalings van artikels *ses-en-dertig, sewe-en-dertig en ses-en-veertig* van die Wet en die bepalings van artikel *eenhonderd-en-twee en eenhonderd-en-drie* van die Landdroshowewet, 1944 (Wet No. 32 van 1944), soos gewysig, en van artikels *driehonderd vier-en-veertig quat en driehonderd agt-en-sestig* van die Strafbepalingswet, 1955 (Wet No. 56 van 1955), soos gewysig, en ook dié voorskrifte wat voorgeskryf mag word, moet lyfstraf wat—

- (a) deur 'n laer hof (uitgesonderd 'n streekafdeling van die landdroshof) of deur 'n offisier of landdros weens 'n oortreding van hierdie regulasies opgelê is, nie toegedien word nie tensy skriftelike kennisgewing ontvang is dat sodanige vonnis by hersiening bekragtig is en dat appèl nie hangend of binne die voorgeskrewe tydperk, in subparagraaf (i) van paragraaf (b) bedoel, aangeteken is nie of dat sodanige vonnis by appèl, na gelang van die geval, bekragtig is; en
- (b) deur 'n hoër hof of streekafdeling van 'n landdros-hof opgelê is, nie toegedien word nie tensy—
 - (i) skriftelike kennisgewing ontvang is van die griffier of klerk van die hof, na gelang van die geval, dat geen appèl binne die tydperk voorgeskryf ingevolge die betrokke bepalings van die Strafbepalingswet, 1955 (Wet No. 56 van 1955), soos gewysig, of die Landdroshowewet, 1944 (Wet No. 32 van 1944), soos gewysig, of die betrokke hofreëls aangeteken of hangend is nie of dat 'n versoekskrif om verlof om te appelleer, hangend is nie; of
 - (ii) skriftelike kennisgewing ontvang is dat sodanige vonnis by appèl bekragtig is.

Nakoming van opdragte.

(2) Die hoof van 'n gevangenis moet by die toediening van 'n lyfstraf teenwoordig wees en moet die datum daarvan op die betrokke lasbrief aanbring, uitvoering gee aan dié opdragte wat die geneeskundige beaampte mag uitreik ten einde benadeling van gesondheid te voorkom en moet enige verdere voorskrifte soos spesiaal of in die algemeen in verband met die toediening van lyfstraf voorgeskryf mag word, nakom.

Instrument en wyse van toediening.

(3) (a) Lyfstraf met 'n kats moet toegedien word met dié instrument en op dié wyse wat voorgeskryf is.

(b) Lyfstraf met 'n rottang moet oor die boude toegedien word op die wyse soos voorgeskryf.

(c) Wanneer 'n hof nie in die lasbrief die instrument waarmee lyfstraf toegedien moet word, bepaal het nie, moet 'n rottang gebruik word om sodanige straf toe te dien.

Mate van rottang.

(4) 'n Rottang wat gebruik word om lyfstraf toe te dien aan—

- (a) 'n volwasse gevangene, moet so na moontlik vier voet lank en 'n halfduim in deursnee wees; en
- (b) 'n jeugdige gevangene moet so na moontlik drie voet lank en drie agste duim in deursnee wees.

(D) Eensame opsluiting, skraalrantsoen en verminderde rantsoen.

Omvang.

101. (1) (a) „Eensame opsluiting” beteken alleen-opsluiting in 'n isolasiesel soos in artikel *nege-en-sewentig* van die Wet bedoel.

(b) „Skraalrantsoen” beteken uit 'n daaglikse rantsoen van—

- (i) agt onse rys of mieliegruis gekook in vier pinte water, sonder sout, vir mans; en
- (ii) ses onse rys of mieliegruis gekook in drie pinte water, sonder sout, vir vrouens.

(c) „Verminderde rantsoen” bestaan uit die helfte van van die voorgeskrewe daaglikse rantsoen maar sluit nie ware soos konfyet, stroop of kerrie in nie.

Medical Examination.

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

Regular Visits.

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

Exercise.

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

Performance of Work.

(5) A prisoner who is undergoing solitary confinement with spare diet, whether imposed in terms of the provisions of this Act or the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, shall perform no work during any periods during which such sentence is being enforced.

Enforcement to be Interrupted by Period on Full Diet.

(6) (a) The enforcement of one or more periods of spare diet for an aggregate of more than three days imposed in terms of the provisions of this Act or the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, shall be interrupted by a continuous period of twenty-four hours on full diet after every three full days during which the prisoner received spare diet.

(b) A prisoner shall, after having undergone punishment of spare diet, be on full diet for a period of at least twenty-four hours before any sentence of reduced diet is enforced and the converse shall also apply: Provided that, if a prisoner is punished with both spare diet and reduced diet, whether such separate dietary punishment is imposed on the same date or on subsequent dates, the aggregate period of spare diet shall be enforced first unless the enforcement of a period of reduced diet has already commenced and such punishment is still being undergone by the prisoner on the date on which any subsequent sentence of spare diet is imposed.

No Dietary Punishment on Day Preceding Release or Appearance before Court.

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

Enforcement on Any Day.

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

Enforcement in Relation to Period of Imprisonment.

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

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

Geneeskundige ondersoek.

(2) 'n Gevangene moet nie aan eensame opsluiting, skraalrantsoen en verminderde rantsoen onderwerp word nie indien die geneeskundige beamppte sertifiseer dat sodanige eensame opsluiting, skraalrantsoen of verminderde rantsoen nadelig is of sal wees vir so 'n gevangene se liggaamlike of verstandelike gesondheid.

Gereelde besoeke.

(3) 'n Gevangene wat eensame opsluiting of dieetstraf ondergaan, moet daaglik deur die hoof van die gevangenis, en so dikwels doenlik, ook deur die geneeskundige beamppte besoek word.

Oefening.

(4) Wanneer 'n gevangene tot meer as drie dae eensame opsluiting gevonnis is, moet hy vir die duur van die vonnis vir 'n halfuur elke voormiddag en 'n halfuur elke namiddag in die opelug dié oefeninge doen wat voorgeskryf is.

Verrigting van werk.

(5) 'n Gevangene wat eensame opsluiting met skraalrantsoen ondergaan, hetsy dit kragtens die bepalings van hierdie Wet of die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig, opgelê is, mag geen werk verrig gedurende tydperke waarin sodanige vonnis toegepas word nie.

Toepassing moet onderbreek word deur tydperk op volle rantsoen.

(6) (a) Die toepassing van een of meer tydperke van skraalrantsoen vir altesaam meer as drie dae, opgelê kragtens die bepalings van hierdie Wet of die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig, moet onderbreek word deur 'n aaneenlopende tydperk van vier-en-twintig uur op volle rantsoen na elke drie volle dae wat die gevangene skraalrantsoen ontvang het.

(b) 'n Gevangene moet, nadat hy met skraalrantsoen gestraf is, vir 'n tydperk van minstens vier-en-twintig uur op volle dieet wees voordat enige straf van 'n verminderde rantsoen toegepas word en die omgekeerd is ook van toepassing: Met dien verstande dat, indien 'n gevangene met beide skraalrantsoen en verminderde rantsoen gestraf word, hetsy sodanige afsonderlike dieetstraf op dieselfde datum of latere datums opgelê is, die totale tydperk vir skraalrantsoen die eerste toegepas moet word tensy die toepassing van 'n tydperk van verminderde rantsoen reeds 'n aanvang geneem het en die straf nog deur die gevangene ondergaan word op die datum waarop 'n latere skraalrantsoenvonnis opgelê word.

Geen dieetstraf op die dag voor ontslag of verskyning voor hof.

(7) Wanneer die datum van ontslag of verstryking van 'n gevangene voor 'n hof bepaal is, moet enige dieetstraf wat hom opgelê is, of die res daarvan, nie oor 'n tydperk van vier-en-twintig uur onmiddellik voor die tyd of datum van sy ontslag of verskyning voor die hof toegepas word nie.

Toepassing op enige dag.

(8) Behoudens die bepalings van subregulasies (6) en (7), kan dieetstraf op enige dag van die week 'n aanvang neem en moet dit so spoedig moontlik na oplegging toegepas word.

Toepassing in verhouding tot tydperk van gevangenisstraf.

(9) (a) Ondanks die tydperk van skraalrantsoen en eensame opsluiting wat saam met gevangenisstraf kragtens artikel driehonderd vier-en-dertig van die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig, deur 'n hof opgelê is, moet sodanige eensame opsluiting en skraalrantsoen slegs op twee agtereenvolgende dae per week toegepas word gedurende die tydperk van gevangenisstraf, min enige strafvermindering.

(b) Behoudens die bepalings van subregulasies (2) tot (7), moet die hoof van 'n gevangenis die dae bedoel in paragraaf (a), waarop die gevangene gevangenisstraf en eensame opsluiting en skraalrantsoen moet ondergaan, na sy goedvinde bepaal.

(E) Restraint.*Limitation and Object of Restraint.*

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

Nature and Manner of Restraint.

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

(F) Complaints and Requests.*Duty of Head of Prison.*

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

Attention and Disposal by Commanding Officer.

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

Request for Interview and Disposal thereof.

(3) (a) If a prisoner has valid grounds for requesting an interview with the Commissioner, Deputy or Assistant Commissioner or Chairman of the Prison Board, he may submit a written request for such interview, together with the grounds in support thereof, to the commanding officer.

(b) The commanding officer shall forward the request referred to in paragraph (a) to the Commissioner or the Chairman of the Prison Board, as the case may be, and the Commissioner, Deputy or Assistant Commissioner or Chairman of the Prison Board may, on the occasion of his next visit to the prison concerned, grant an interview to the prisoner in regard to the subject matter of such request.

(G) Access to a Prison.*Sheriff, Deputy Sheriff and Messenger of the Court.*

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

A Judge of the Supreme Court or Magistrate.

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

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

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

Approval of Other Visits.

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

(E) Dwang.*Beperking en doel van dwang.*

102. (1) Dwang moet slegs in die omstandighede en vir die doel soos in artikel tagtig van die Wet bepaal, toegepas word en moet onder geen omstandighede hoegenaamd as straf aangewend word nie.

Aard en wyse van dwang.

(2) Alle vorms van meganiese dwangmiddels en die wyse waarop dit toegepas word, moet wees soos voorgeskryf: Met dien verstande dat kettings wat swaarder as tien pond weeg, nie gebruik mag word nie.

(F) Klagtes en versoeke.*Plig van hoof van 'n gevangenis.*

103. (1) Die hoof van 'n gevangenis moet elke gevangene daaglik te sien kry, elke klag en versoek deur 'n gevangene ingedien, ondersoek en sover moontlik afhandel.

Aandag en afhandeling deur bevelvoerende offisier.

(2) Die hoof van 'n gevangenis moet sonder versuim enige klagte en versoek wat hy nie kan afhandel nie, aan die bevelvoerende offisier voorlê vir behoorlike aandag en afhandeling.

Versoek om onderhoud en afhandeling daarvan.

(3) (a) Indien 'n gevangene grondige redes het om 'n onderhoud met die Kommissaris, Adjunk-kommissaris, of Assistent-kommissaris of Voorsitter van die Gevangenisraad aan te vra, kan hy 'n skriftelike versoek om sodanige onderhoud, tesame met redes ter staving daarvan, aan die bevelvoerende offisier voorlê.

(b) Die bevelvoerende offisier moet die versoek in paragraaf (a) bedoel, aan die Kommissaris of Voorsitter van die Gevangenisraad, na gelang van die geval, deurstuur en die Kommissaris, Adjunk- of Assistent-kommissaris of Voorsitter van die Gevangenisraad kan by geleentheid van sy volgende besoek aan die betrokke gevangenis, 'n onderhoud aan die gevangene toestaan in verband met die inhoud van sodanige versoek.

(G) Toegang tot 'n gevangenis.*Balju, Adjunk-balju en geregsbode.*

104. (1) 'n Balju, adjunk-balju of geregsbode moet, in die uitvoering van sy pligte, vrye toegang tot 'n gevangenis verleen word om in verband met sy pligte 'n onderhoud met 'n gevangene te voer.

'n Regter van Hooggeregshof of Landdros.

(2) (a) 'n Regter van die Hooggeregshof van Suid-Afrika moet te alle tye toegang tot 'n gevangenis asook tot enige afdeling daarvan verleen word, en hy kan met enige gevangene 'n onderhoud voer en aan die Kommissaris verslag doen oor enige saak wat, na sy mening, onder die aandag van die Kommissaris gebring behoort te word.

(b) 'n Landdros moet te alle tye toegang tot 'n gevangenis binne sy regsgebied, asook tot enige afdeling van sodanige gevangenis verleen word ten einde elke gevangene te sien te kry en, indien hy dit verlang, 'n onderhoud met enige gevangene te voer, en hy moet sy bevindings ten opsigte van sodanige besoek aan die Kommissaris rapporteer.

(c) 'n Regter of landdros wat toegang tot 'n gevangenis verlang, moet die amptelike besoekersboek van sodanige gevangenis teken, en sodanige handtekening is, behoudens bevredigende identifikasie, voldoende magtiging vir toelating tot sodanige gevangenis kragtens paragraaf (a) of (b), na gelang van die geval.

Goedkeuring van ander besoeke.

(3) Die Kommissaris kan na sy goedvinde, aan enige ander persoon as dié in subregulasies (1) en (2) gemeld, toestemming verleen om 'n gevangenis of enige spesifieke afdeling daarvan vir enige spesiale of algemene doel te besoek.

Interrogation and Search.

(4) (a) Any person entering or leaving a prison may be interrogated and searched by a member or special warder.

(b) A vehicle entering or leaving a prison, or any object or article taken into or out of a prison, may be searched.

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

Refusal of Admission to a Prison.

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

Ejection from Prison.

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

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

(H) *Labour.*

General Requirements.

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

Physical and Mental Fitness.

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

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

Scope of Work.

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

Limitation of Use of Prison Labour by Member, etc.

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

Sundays and Public Holidays.

(5) A prisoner shall perform only such work as is absolutely essential for the hygiene and proper administration of the prison on a Sunday, New Year's Day, Good Friday, Ascension Day, Republic Day, Kruger Day, Day of the Covenant and Christmas Day, as well as on any public holiday which may be indicated by the Minister.

(I) *Gratuity.*

Control and Use, or Payment, thereof.

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

Ondervraging en visentering.

(4) (a) Enigeeen wat 'n gevangenis binnegaan of verlaat, kan deur 'n lid of spesiale bewaarder ondervra en gevisenteer word.

(b) 'n Voertuig wat 'n gevangenis binnegaan of verlaat, of enige voorwerp of artikel wat in 'n gevangenis ingebring of daaruit geneem word, kan deursoek word.

(c) Enigeeen wat daarvan verdink word dat hy 'n verbode artikel in 'n gevangenis inbring of dat hy sodanige artikel of eiendom wat aan die gevangene behoort, daaruit neem, of wat, terwyl hy in die gevangenis is, in besit is van enige verbode artikel of onwettiglik in besit is van eiendom wat aan die gevangenis behoort, kan in opdrag van die hoof van die gevangenis ondervra en gevisenteer word.

Weiering van toelating tot 'n gevangenis.

(5) Die hoof van 'n gevangenis kan weier om enigeen tot 'n gevangenis toe te laat as die betrokke persoon weier of versuim om bevredigende antwoorde op enige vraag aangaande sy identiteit, die doel van sy besoek of enige bykomstige aangeleentheid aan hom te verstrek, of wat, indien dit van hom vereis, weier om gevisenteer te word.

Uitsetting uit gevangenis.

(6) (a) Enigeeen wat gedurende 'n besoek aan 'n gevangenis homself onbehoorlik of strydig met die goeie orde en dissipline van sodanige gevangenis gedra, kan deur die hoof van die gevangenis gelas word om die gevangenis te verlaat, en indien sodanige persoon versuim, nalaat of weier om aan sodanige bevel te voldoen, kan die hoof van die gevangenis hom met geweld uit die gevangenis laat uitsit.

(b) Enigeeen wat versuim, nalaat of weier om te voldoen aan 'n bevel gegee, kragtens paragraaf (a), om 'n gevangenis te verlaat, of wat hom verset teen uitsetting soos gelas kragtens paragraaf (a) of dit verhinder of wat weier om gevisenteer te word wanneer dit kragtens hierdie regulasies van hom vereis word, begaan 'n oortreding van hierdie regulasie en is by skuldigbevinding strafbaar met die strawwe voorgeskryf in regulasie 147.

(H) *Arbeid.*

Algemene vereistes.

105. (1) Elke gevonniste gevangene moet hoogstens tien uur per dag werk.

Liggaamlike en geestelike geskiktheid.

(2) (a) 'n Gevangene mag nie werk nie tensy die geneeskundige beampte sertifiseer dat hy geskik daarvoor is.

(b) 'n Gevangene kan, op aanbeveling van die geneeskundige beampte, heeltemal of gedeeltelik van werk vrygestel word.

Omvang van Arbeid.

(3) 'n Gevangene moet slegs dié werk verrig wat voorgeskryf word.

Beperking van gebruik van gevangenisarbeid deur lid, ens.

(4) 'n Gevangene mag nie sonder die uitdruklike goedkeuring van die Kommissaris arbeid vir 'n ander gevangene, 'n lid, 'n spesiale bewaarder of 'n private persoon of liggaam verrig nie.

Sondae en openbare feesdae.

(5) 'n Gevangene moet slegs dié arbeid wat vir die higiëne en behoorlike administrasie van die gevangenis absoluut noodsaaklik is, verrig op 'n Sondag, Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Republiekdag, Krugerdag, Gelofte dag en Kersdag, asook op enige ander openbare feesdag deur die Minister aangedui.

(I) *Gratifikasie.*

Beheer oor en gebruik of betaling daarvan.

106. Behoudens die bepalinge van artikel ses-en-sewentig van die Wet, bepaal die Kommissaris die voorwaardes waarop 'n gratifikasie aan 'n gevangene toegeken word, asook die wyse waarop 'n verdiende gratifikasie beheer en gebruik of aan of namens die gevangene betaal moet word.

(J) *Ex Gratia Compensation.**Conditions and Control of Payment.*

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

(K) *Religion.**Determination, Registration and Ministration.*

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

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

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

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

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

Appointment of Ministers of Religion and Religious Workers.

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

(b) Whenever necessary, the Minister may, in consultation with, or on the recommendation of, the governing body of the church denomination concerned, appoint at a prison a minister of religion or religious worker of such church denomination: Provided that a religious worker shall not be appointed unless his character has been vouched for by some responsible member of that church denomination: Provided further that a non-White minister of religion or non-White religious worker shall not be allowed to minister to the spiritual needs of a White prisoner.

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

(d) The Commissioner may, in consultation with Treasury, determine any allowance which may be paid to a minister of religion appointed in terms of sub-section (1) of section seven of the Act.

(J) *Ex Gratia-vergoeding.**Voorwaardes van en beheer oor betaling.*

107. Indien 'n gevangene as gevolg van 'n ongeluk wat nie aan sy eie nalatigheid of skuld te wyte is nie, in 'n gevangenis beseer is en sy verdienvermoë daardeur verminder is, kan die Kommissaris, in oorleg met Tesourie, aan sodanige gevangene 'n geldelike *ex gratia*-vergoeding toeken en die wyse bepaal waarop sodanige vergoeding beheer en aan of namens sodanige gevangene betaal moet word.

(K) *Godsdiens.**Bepaling, Registrasie en Bearbeiding.*

108. (1) (a) By die opneming van 'n gevangene moet sy kerkgenootskap sover moontlik deur die hoof van die gevangenis bepaal en geregistreer word, en daarna moet sodanige gevangene as lid of aanhanger van sodanige kerkgenootskap erken en behandel word en moet hy aangemoedig en toegelaat word om sy geestelike neigings en behoeftes te bevredig deur die bywoning van die dienste wat deur sy kerk of kerklike organisasie by daardie gevangenis verskaf word.

(b) Indien, by die opneming van 'n gevangene, daar twyfel of vaagheid bestaan omtrent sy godsdienslike neigings of kerkgenootskap of indien dit om die een of ander rede nie bepaal kan word nie, of indien hy nie 'n volgeling van 'n besondere kerkgenootskap is nie, kan die Kommissaris die voorwaardes bepaal waarop daar, met die vrywillige samewerking van die gevangene, in sy geestelike behoeftes voorsien kan word.

(c) Die Kommissaris kan die voorwaardes bepaal waarop 'n gevangene, in paragraaf (b) bedoel, later as lid of aanhanger van 'n bepaalde kerkgenootskap geregistreer kan word, en na sodanige registrasie is die bepalings van paragraaf (a) *mutatis mutandis* van toepassing.

(d) 'n Gevangene moet aangemoedig, hulp verleen en geleentheid gebied word om verband met sy kerk te behou en om sy kennis en die praktiese toepassing van die beginsels daarvan te bevorder: Met dien verstande dat die Kommissaris, in die algemeen of spesiaal, die voorwaardes kan bepaal waarop die registrasie van 'n gevangene se kerkgenootskap verander of waarop 'n gevangene van die bywoning van dienste van sy kerk vrygestel of ontsê kan word.

(e) Behoudens die behoorlike administrasie, veiligheid, goeie orde en dissipline van 'n gevangenis, kan die Kommissaris die voorwaardes bepaal waarop die verskillende kerkgenootskappe in die godsdienslike behoeftes van gevangenes by sodanige gevangenis kan voorsien.

Aanstelling van predikante en godsdienslike werkers.

(2) (a) Die Kommissaris moet, sover uitvoerbaar, sorgdra dat genoeg predikante of godsdienslike werkers, volgens die getal kerkgenootskappe, by 'n gevangenis aangestel word om in die geestelike behoeftes van elke gevangene volgens sy geloof te voorsien.

(b) Wanneer nodig, kan die Minister in oorleg met of op aanbeveling van die beheerliggaam van 'n betrokke kerkgenootskap, 'n predikant of godsdienslike werker van sodanige kerk by 'n gevangenis aanstel: Met dien verstande dat 'n godsdienslike werker nie aangestel mag word nie tensy 'n verantwoordelike lid van daardie kerkgenootskap vir sy karakter ingestaan het: Met dien verstande voorts dat 'n nie-Blanke predikant of godsdienslike werker nie toegelaat mag word om in die geestelike behoeftes van 'n Blanke gevangene te voorsien nie.

(c) Behoudens die behoorlike administrasie, veiligheid, goeie orde en dissipline van 'n gevangenis, moet 'n aangestelde predikant of godsdienslike werker praktiese en redelike toegang verleen word tot 'n gevangene wat as lid van sy kerkgenootskap by sodanige gevangenis geregistreer is: Met dien verstande dat behoorlike aandag geskenk moet word aan enige beswaar deur die gevangene teen sodanige toegang.

(d) Die Kommissaris kan, in oorleg met Tesourie, enige toelae bepaal wat aan 'n predikant wat kragtens sub-artikel (1) van artikel sewe van die Wet aangestel is, betaal kan word.

Bibles and Religious Literature.

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

Exemption from Work on Holy Days of Certain Church Denominations.

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

*(L) Education and Library.**Studies.*

109. (1) A prisoner shall, with due regard to the period of his sentence and personal aptitude, at all times be encouraged to pursue an appropriate course of study in his free time.

Compulsory Studies.

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

Establishment of Library.

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

Books and Periodicals from Outside Sources.

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

*(M) Social and Family Relationship.**Family Relationship.*

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

Conveyance of Important Information to Prisoner.

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

Notification of Reception or Transfer.

(3) On reception or transfer, the prisoner himself, unless he otherwise requests in writing, or the head of the prison shall notify the next-of-kin or, if particulars of any next-of-kin are unknown, any of the prisoner's relatives of such reception or transfer.

Notification of Death, Serious Illness or Injury.

(4) The head of a prison shall notify the next-of-kin of a prisoner or if particulars of the whereabouts of such next-of-kin are unknown, any of his other relatives, of the serious illness or death of the prisoner or of his having been declared mentally defective or having been injured in an accident.

*(N) Medical and Hospital Services.**Establishment of Hospital.*

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

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

Bybels en Godsdienstige Lektuur.

(3) Bybels en godsdienstige lektuur moet, sover prakties uitvoerbaar, aan 'n gevangene beskikbaar gestel word in die taal wat hy magtig is.

Vrystelling van Arbeid op Heilige Dae van Sekere Kerkgenootskappe.

(4) Indien 'n kerkgenootskap amptelike erkenning verleen aan 'n ander heilige dag as die heilige dae van die Christelike geloof soos in subregulasie (5) van regulasie 105 bedoel, kan 'n gevangene wat as lid van sodanige kerkgenootskap geregistreer is, op sodanige dag van arbeid vrygestel word: Met dien verstande dat sodanige gevangene gewone arbeid moet verrig op 'n ooreenstemmende getal Christelike heilige dae as wat nie as sodanig deur sy kerkgenootskap amptelik erken word nie.

*(L) Onderwys en Biblioteek.**Studies.*

109. (1) Met inagneming van die straftermyn en persoonlike aanleg van 'n gevangene, moet hy te alle tye aangemoedig word om in sy vrye tyd 'n geskikte studiekursus te volg.

Verpligte Studies.

(2) Verpligte studies, asook die voorwaardes waarop sodanige verpligte studies voortgesit moet word, kan vir bepaalde gevalle in sekere kategorieë gevangenes voorgeskryf word.

Instelling van Biblioteek.

(3) 'n Behoorlik georganiseerde biblioteek wat lektuur van opbouende en opvoedkundige waarde bevat, moet sover moontlik by 'n gevangenis ingestel en in stand gehou word en moet tot die beskikking wees van alle gevangenes wat in sodanige gevangenis aangehou word.

Boeke en Tydskrifte uit Buitebronne.

(4) Behoudens voorgeskrewe voorwaardes en reëls, kan 'n gevangene boeke en tydskrifte uit buitebronne ontvang.

*(M) Sosiale en Gesinsverhouding.**Gesinsverhouding.*

110. (1) Spesiale aandag moet geskenk word aan die bewaring van die goeie verhouding tussen 'n gevangene en lede van sy gesin in die beste belang van albei partye.

Oordrag van Belangrike Inligting aan 'n Gevangene.

(2) Benewens enige voorreg en toegewing aan 'n gevangene vergun, kan 'n offisier of die hoof van 'n gevangenis na sy goedvinde te eniger tyd belangrike inligting in verband met sy gesinslede of vriende aan 'n gevangene oordra.

Kennisgewing van Opneming of Oorplasing.

(3) By opneming of oorplasing moet die gevangene self, tensy hy skriftelik anders versoek, of die hoof van die gevangenis die naasbestaande of, indien besonderhede van 'n naasbestaande onbekend is, enigeen van die gevangene se familielede in kennis stel van sy opneming of oorplasing.

Kennisgewing van Afsterwe, Ernstige Siekte of Besering.

(4) Die hoof van 'n gevangenis moet die naasbestaande van 'n gevangene of, as besonderhede van die verblyfplek van sodanige naasbestaande onbekend is, enigeen van sy ander familielede in kennis stel van die ernstige siekte of afsterwe van die gevangene of dat hy geestelik gekrenk verklaar of in 'n ongeluk beseer is.

*(N) Geneeskundige en Hospitaaldienste.**Instelling van 'n Hospitaal.*

111. (1) (a) 'n Hospitaal moet by elke gevangenis ingestel en volgens plaaslike behoeftes uitgerus word ten einde voorsiening te maak vir die huisvesting van 'n siek gevangene vir sy versorging en geneeskundige behandeling deur die geneeskundige beampte.

(b) Al die noodsaaklike dienste in 'n gevangenis-hospitaal moet alleenlik deur opgeleide personeel verrig word.

Visits, Examinations and Reports by Medical Officer.

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

(b) The medical officer shall inspect the prison at least once a week and report to the Commissioner on any matter concerning the medical and health facilities and requirements at the prison, which, in his opinion, should be brought to the attention of the Commissioner.

Consultation with other Medical Practitioner.

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

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

*(O) Hygiene.**Washing and Bathing Facilities, and Toilet Requisites.*

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

Shaving, and Cutting of Hair.

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

*(P) Exercise.**Daily Exercise.*

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

Physical Exercise under Supervision.

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

Physical Fitness for Exercise.

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

*(Q) Food.**Diet and Preparation.*

114. (1) Subject to the provisions of sub-regulations (3) and (4) a prisoner shall be provided with food which has an adequate nutritional value according to a prescribed diet scale, which consists of reasonable variety and which is well prepared and served.

Inspection of Food and Water.

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

Besoek, Ondersoeke en Verslae deur Geneeskundige Beampte.

(2) (a) Die geneeskundige beampte moet 'n siek gevangene so dikwels as wat nodig is, besoek en moet enige gevangene wat kla dat hy siek of beseer is en ook enige ander gevangene op wie sy aandag spesiaal gevestig word, ondersoek en behandel soos wat nodig mag wees.

(b) Die geneeskundige beampte moet die gevangenis minstens een keer per week inspekteer en aan die Kommissaris verslag doen oor enige saak betreffende die geneeskundige en gesondheidsgeriewe en benodigdhede by die gevangenis wat, na sy mening, onder die aandag van die Kommissaris gebring behoort te word.

Konsultasie met ander Mediese Praktisyne.

(3) (a) Indien die geneeskundige beampte dit nodig ag, kan hy 'n ander geneeskundige praktisyn oor die geneeskundige behandeling van 'n gevangene raadpleeg, en hy moet dit in alle gevalle doen voordat 'n ernstige operasie op 'n gevangene uitgevoer word, tensy hy van mening is dat 'n dringende operasie in die belang van die gevangene se gesondheid of lewe noodsaaklik is.

(b) 'n Operasie moet nie sonder 'n gevangene se skriftelike toestemming of, in die geval van 'n minderjarige, sonder die skriftelike toestemming van sy voog op hom uitgevoer word nie behalwe wanneer sodanige operasie na die mening van die geneeskundige beampte in die belang van die gevangene se gesondheid of lewe is en sodanige gevangene nie in staat is om sy toestemming te verleen nie, of wanneer dit nie moontlik of prakties is om die toestemming van die voog te verkry nie, soos die geval mag wees.

*(O) Higiëne.**Was- en badgeriewe en toiletbenodigdhede.*

112. (1) Was- en badgeriewe en toiletbenodigdhede moet te alle tye aan 'n gevangene beskikbaar gestel word.

Baardskeer en kap van hare.

(2) Aan 'n manlike gevangene moet skeergeriewe en fasiliteite vir die kap van hare beskikbaar gestel word, en baarde moet geskeer en hare gekap word so dikwels as wat dit in die belang van sindelikeit nodig is, tensy die geneeskundige beampte skriftelik anders gelas.

*(P) Oefening.**Daaglikse oefening.*

113. (1) Indien weersomstandighede dit toelaat, moet 'n gevangene wat nie buitemuurse arbeid verrig nie, daaglik vir een uur in die opelug oefening neem: Met dien verstande dat die Kommissaris, in enige spesiale geval, kan goedkeur dat sodanige oefening vir slegs 'n halfuur daaglik geneem word.

Liggaamsoefening onder toesig.

(2) 'n Gevangene moet paslike liggaamsoefening volgens sy liggaamlike geskiktheid en ouderdom en, sover dit uitvoerbaar is, onder die toesig van 'n opgeleide instrukteur neem.

Liggaamlike geskiktheid vir oefening.

(3) Die geneeskundige beampte moet in sy verslag oor 'n gevangene aandui of sodanige gevangene geskik is vir normale liggaamsoefening of enige gemagtigde vorm daarvan of totaal ongeskik is vir enige sodanige oefening.

*(Q) Voedsel.**Dieet en bereiding.*

114. (1) Behoudens die bepalings van subregulasies (3) en (4), moet 'n gevangene voorsien word van voedsel wat 'n toereikende voedingswaarde het ooreenkomstig 'n voorgeskrewe dieetskaal, wat uit 'n redelike verskeidenheid bestaan en wat goed berei en opgedis is.

Inspeksie van voedsel en water.

(2) Die geneeskundige beampte moet alle rou en bereide voedsel gereeld inspekteer en aan die bevelvoerende offisier verslag doen oor die gehalte daarvan en ook oor die suiverheid en toereikendheid van die water wat vir menslike verbruik en ander huishoudelike doeleindes gebruik word.

Rations.

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

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

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

*(S) Classification of Sentenced Prisoners.**Basis.*

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

- (a) Individual classification in so far as the period of sentence permits and such classification is justified by an analysis and assessment of the prisoner's previous record, aptitude, qualification or previous training, ability and other personal factors; or
- (b) group classification according to the duration of sentence, offence, previous record, aptitude, ability, qualifications, age or maturity and other personal factors common to the group; and
- (c) the maintenance of regular contact with, and observation of, the conduct and progress of the prisoner, whether classified on an individual or group basis, and, in so far as the duration of sentence permits, the application of progressive and flexible reclassification on promotion or otherwise to another group or another type of training.

*(T) Treatment and Training.**Aim.*

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

- (a) to cultivate in him the desire to lead an honest and industrious life after his release;
- (b) to equip him for an honest and industrious life after his release; and
- (c) to develop self-respect and a sense of responsibility in him.

Application.

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

- (a) Continuous and intensive instruction and regular discipline within the scope of the institutional treatment and training to which the prisoner has been assigned;
- (b) personal advice and guidance by all members or special warders directly or indirectly charged with the treatment and/or training of the prisoner;
- (c) the promotion of proper and healthy social intercourse and a good team spirit with fellow prisoners and all members or special warders directly or indirectly concerned with the treatment and/or training of the prisoner;
- (d) regular encouragement to pursue a course of studies within the limits of the aptitude and leanings of the prisoner; and
- (e) the provision of facilities for regular spiritual care and religious instruction.

Rantsoene.

(3) Behoudens die bepalings van artikel *twee-en-tagtig* van die Wet of behalwe wanneer die Kommissaris dit goedkeur of die geneeskundige beampte anders voorskryf, moet slegs rantsoene volgens die voorgeskrewe dieet aan 'n gevangene uitgereik word tensy hy met 'n verminderde of skraalrantsoen gestraf word.

*(R) Kleding.**Uitreiking van voorgeskrewe kleding aan 'n gevonniste gevangene.*

115. Behalwe wanneer die Kommissaris anders bepaal, moet 'n gevonniste gevangene by opneming voorsien word van 'n volledige stel voorgeskrewe kledingstukke wat aan higiëniese vereistes voldoen en warm genoeg is, en slegs sodanige kleding moet deur die gevangene gedurende sy gevangenisstraf gedra word.

*(S) Klassifikasie van gevonniste gevangenes.**Grondslag.*

116. Behoudens die bepalings van artikels *twee-en-twintig* en *drie-en-twintig* van die Wet, moet 'n gevonniste gevangene volgens die nodige veiligheidsmaatreëls en sy geskiktheid vir behandeling en opleiding by 'n gevangenis en soos deur die Minister aangewys, geklassifiseer word ooreenkomstig die volgende beginsels:—

- (a) Individuele klassifikasie vir sover die straftermyn dit toelaat en sodanige klassifikasie geregverdig word deur 'n ontleding en aanslag van die gevangene se vorige rekord, aanleg, kwalifikasies of vorige opleiding, bekwaamheid en ander persoonlike faktore; of
- (b) groepsklassifikasie ooreenkomstig die vonnistermyn, misdryf, vorige rekord, aanleg, bekwaamheid, kwalifikasies, ouderdom of rypheid en ander persoonlike faktore wat die groep in gemeen het; en
- (c) die handhawing van gereelde kontak met en waarneming van die gedrag en vordering van die gevangene, hetsy op 'n individuele of groepsgrondslag geklassifiseer en, vir sover die straftermyn dit toelaat, die toepassing van progressiewe en buigbare herklassifikasie, by bevordering of andersins, na 'n ander groep of tipe opleiding.

*(T) Behandeling en opleiding.**Oogmerk.*

117. (1) Sover die straftermyn dit moontlik maak, moet die behandeling en opleiding van 'n gevonniste gevangene dit beoog—

- (a) by hom die begeerte te kweek om na sy vrylating 'n eerlike en vlytige lewe te lei;
- (b) hom toe te rus vir 'n eerlike en vlytige lewe na sy vrylating; en
- (c) by hom selfrespek en 'n verantwoordelikeheidsin te ontwikkel.

Toepassing.

(2) Behoudens gepaste veiligheidsmaatreëls en die vermyding van familiariteit en ten einde die oogmerke in sub-regulasie (1) gemeld, te bevorder, moet ondervermelde beginsels streng nagekom en toegepas word by die behandeling en opleiding van 'n gevonniste gevangene:—

- (a) Onafgebroke en intensiewe voorligting en gereelde dissipline binne die bestek van dié inrigtingsbehandling- en opleiding waartoe die gevangene toegewys is;
- (b) persoonlike raad en leiding deur alle lede of spesiale bewaarders wat regstreeks of onregstreeks met die behandeling en/of opleiding van die gevangene belas is;
- (c) die bevordering van behoorlike en gesonde maatskaplike omgang en 'n goeie spangees met medegevangenes en alle lede en spesiale bewaarders wat regstreeks of onregstreeks met die behandeling van die gevangene te doen het;
- (d) gereelde aanmoediging om 'n studiekursus te volg binne die perke van die aanleg en neigings van die gevangenes; en
- (e) die verskaffing van geriewe vir gereelde geestelike bearbeiding en godsdienstige voorligting.

Establishment of Workshops.

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

Determination of Training.

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

- (i) qualifications and previous experience;
- (ii) aptitude and ability; and
- (iii) duration of sentence.

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

(U) Segregation.

Grounds and Authority.

118. (1) When a prisoner is exercising a bad or detrimental influence on another prisoner or has attempted to escape, or when reasonable grounds exist for believing that he is contemplating escape, or when such prisoner has again been taken into custody after escape from prison or other lawful detention, or displays violence or adopts a threatening or aggressive attitude towards a member or special warder or another prisoner or other person, or conducts himself or acts in any manner in conflict with the good order and discipline of the prison, the Commissioner may, subject to the provisions of sub-sections (3) and (4) of section *seventy-eight* of the Act, order the segregation of such prisoner.

Revocation of Order of Segregation.

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

(V) Remission of Sentence.

Basis.

119. (1) Subject to the provisions of sub-regulations (3), (4) and (5), remission of sentence not exceeding one-third may be granted, as prescribed, in respect of the sentence or aggregate sentences of less than two years imprisonment, with or without the option of a fine, which has been imposed on a prisoner.

Grant on Reception.

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

Forfeiture.

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

- (i) no forfeiture in respect of a reprimand;
- (ii) three days' forfeiture in respect of deprivation of any privilege, gratuity, indulgence or meals; and
- (iii) six days' forfeiture in respect of any other sentence.

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

Instelling van werkwinkels.

(3) Die Kommissaris kan in oorleg met Tesourie werkwinkels en ander werkplekke soos hy nodig ag vir die opleiding van gevangenes by 'n gevangenis instel en uitrus.

Bepaling van opleiding.

(4) (a) Opleiding moet bepaal word deur middel van 'n aanslag van die persoonlike faktore en geskiedenis van die betrokke gevangene, en spesiale aandag moet geskenk word aan—

- (i) kwalifikasies en vorige ondervinding;
- (ii) aanleg en bekwaamhede; en
- (iii) straftermyn.

(b) Wanneer dit blyk dat 'n gevangene nie in die opleiding waartoe hy toegewys is, belangstel of vooruitgang maak nie of wanneer dit om enige ander goeie rede wenslik is om hom van sodanige opleiding oor te plaas, kan die Kommissaris 'n verandering van opleiding gelas of dié ander stappe doen wat hy nodig ag om hom in ander geskikte arbeid te plaas.

(U) Afsondering.

Gronde en magtiging.

118. (1) Wanneer 'n gevangene 'n slegte of nadelige invloed op 'n ander gevangene uitoefen of gepoog het om te ontsnap of wanneer daar redelike gronde bestaan om te vermoed dat hy voornemens is om te ontsnap of wanneer sodanige gevangene na ontsnapping uit 'n gevangenis of ander wettige aanhouding weer in hegtenis geneem is, of geweld openbaar of 'n dreigende of aggressiewe houding teenoor 'n lid of spesiale bewaarder, ander gevangene of enige ander persoon aanneem, of hom gedra of optree op 'n manier wat strydig is met die goeie orde en tug van die gevangenis, kan die Kommissaris, behoudens die bepalings van subartikels (3) en (4) van artikel *agt-ensewentig* van die Wet, die afsondering van sodanige gevangene gelas.

Herroeping van bevel tot afsondering.

(2) Die Kommissaris kan, na sy goedvinde, te eniger tyd 'n bevel tot afsondering van 'n gevangene herroep.

(V) Strafvermindering.

Grondslag.

119. (1) Behoudens die bepalings van subregulasies (3), (4) en (5), kan strafvermindering van hoogstens een derde soos voorgeskryf, toegeken word ten opsigte van 'n vonnis of totale vonnisse van minder as twee jaar gevangenisstraf, met of sonder die keuse van 'n boete, wat 'n gevangene opgelê is.

Toekenning by opneming.

(2) Strafvermindering soos voorgeskryf by subregulasie (1), kan onmiddellik by of na die opneming van 'n gevangene toegeken word.

Verbeuring.

(3) (a) Enige strafvermindering wat kragtens subregulasie (1) toegeken is, word op onderstaande grondslag verbeur ooreenkomstig die vonnis wat opgelê is weens 'n oortreding van hierdie regulasies, 'n misdryf ingevolge die Wet, 'n ander statutêre bepaling of die gemene reg:—

- (i) Geen verbeuring ten opsigte van 'n berisping nie;
- (ii) drie dae verbeuring ten opsigte van die ontneming van enige voorreg, toegewing, vergunning of maaltye; en
- (iii) ses dae verbeuring ten opsigte van enige ander vonnis.

(b) Ondanks die bepalings van paragraaf (a), kan die Kommissaris gelas dat strafvermindering, of 'n gedeelte daarvan, wat kragtens hierdie regulasie aan 'n gevangene toegeken is, verbeur word weens enige ander vorm van wangedrag of om 'n ander rede wat spesiaal of in die algemeen deur hom bepaal word.

No Remission in Respect of Certain Sentences.

(4) Remission shall not be granted in respect of a sentence of imprisonment imposed for a conviction on—

- (i) a contravention under these regulations;
- (ii) an offence under the Act;
- (iii) an offence under any other statutory provision or the common law, which was committed during any period when such prisoner was lawfully in custody in prison or otherwise; and
- (iv) any other offence or contravention specially determined by the Minister.

Remission of Sentence Not a Legal Right.

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

(W) Release.

Medical Examination before Release.

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

Further Detention of Prisoner on Medical Grounds.

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

Interview Prior to Release.

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

After-care.

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

Disposal of Private Property, and Material Assistance.

(5) (a) On the release of a prisoner—

- (i) his private money, other valuables and personal effects which have not been destroyed or confiscated under the provisions of this Act, shall be handed over to him, as prescribed; and
- (ii) he shall be provided with suitable clothing and other essential equipment as prescribed, if his clothing has been destroyed or otherwise disposed of under the provisions of this Act or if he has no clothing or totally unserviceable clothing and is unable to obtain suitable civil clothing out of his own funds or from any other source.

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

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

Geen strafvermindering ten opsigte van sekere vonnisse nie.

(4) Strafvermindering moet nie toegeken word nie ten opsigte van 'n vonnis van gevangenisstraf wat opgelê is weens skuldigbevinding aan—

- (i) 'n oortreding ingevolge hierdie regulasies;
- (ii) 'n misdryf ingevolge die Wet;
- (iii) 'n oortreding ingevolge enige ander statutêre bepaling of die gemene reg, wat gepleeg is gedurende enige tydperk wat sodanige gevangene wettig in 'n gevangenis of op 'n ander manier in bewaring was; en
- (iv) enige ander misdryf of oortreding spesiaal deur die Minister bepaal.

Strafvermindering nie 'n wettige reg nie.

(5) Die toekenning van enige strafvermindering kragtens die bepalings van hierdie regulasies geskied uitsluitlik na goedvinde van die Kommissaris, en sodanige bepalings mag op geen wyse so uitgelê word dat sodanige strafvermindering aan enige gevangene 'n reg verleen waarop hy wettiglik aanspraak kan maak nie.

(W) Vrylating.

Geneeskundige ondersoek voor vrylating.

120. (1) 'n Geneeskundige beamppte moet, sover dit uitvoerbaar is, 'n gevonniste gevangene ondersoek, so kort moontlik voor vrylating uit 'n gevangenis.

Verdere aanhouding van gevangene om geneeskundige redes.

(2) Indien 'n geneeskundige beamppte sertifiseer dat 'n gevangene wie se vonnis haas sal verstryk, aan 'n ernstige of aansteeklike siekte of besering ly, en dat ontslag, vrylating of verwydering uit 'n gevangenis by verstryking van sy vonnis vermoedelik sy dood of ernstige skade aan sy gesondheid ten gevolge sal hê, of 'n bron van besmetting en gevaar vir die gesondheid van ander sal wees, kan sodanige gevangene aangehou word vir dié verdere tydperk en onder dié omstandighede wat die Kommissaris mag bepaal.

Onderhoud voor vrylating.

(3) 'n Offisier, indien beskikbaar, of die hoof van die gevangenis, moet 'n gevonniste gevangene so kort moontlik voor sy vrylating uit 'n gevangenis te woord staan.

Nasorg.

(4) Sover uitvoerbaar, moet voorsiening voor die vrylating van 'n gevonniste gevangene gemaak word vir sy plasing in 'n geskikte herberg en stabiele werk en vir die nodige toesig en leiding in belang van sy suksesvolle heraanpassing in die vrye lewe.

Beskikking oor private eiendom, en materiële bystand.

(5) (a) By die vrylating van 'n gevangene—

- (i) moet sy private geld, ander waardevolle artikels en persoonlike besittings wat nie kragtens die bepalings van hierdie Wet, vernietig of verbeur is nie, aan hom oorhandig word soos voorgeskryf; en
- (ii) moet geskikte kleding en ander noodsaaklike uitrusting, soos voorgeskryf, aan hom verskaf word indien sy kleding vernietig is of as daar kragtens die bepalings van hierdie Wet op 'n ander manier daarvoor beskik is of as hy heeltemal ondienlike kleding of geen kleding het nie en nie in staat is om geskikte siviele kleding uit sy eie fondse of 'n ander bron te bekom nie.

(b) Benewens die vereistes van paragraaf (a), kan by die vrylating van 'n gevonniste gevangene—

- (i) 'n order, teen staatarief, vir 'n reis per spoor en/of per Suid-Afrikaanse Spoorwegpadvervoerdiens en vir beddegoed vir sodanige reis na die stasie of halte wat die naaste aan sy bestemming is, uitgereik word; en

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

(X) *Petitions.*

Basis.

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

Manner and Form of Submission.

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

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

Assistance on Release.

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

(Z) *Visits and Interviews by Legal Representatives.*

Legal Proceedings or Action.

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

Other Legal Matters.

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

Qualifications of Legal Representative and Conditions of Visit and Interview.

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

- the status or legal qualifications required by a person alleged or purporting to be the legal representative of a prisoner, and he may require proof of such status or legal qualifications before the acceptance of such person as legal representative of the prisoner;
- the manner and form of application, conditions, formalities and requirements incidental to the granting of a visit to and interview with a prisoner by a legal representative; and
- subject to the provisions of sub-regulations (1) and (2) and the necessary security measures, the conditions under which such visit may be made and such interview may be conducted.

- (ii) voldoende voedsel vir die gewone duur van die reis na sy bestemming verskaf word of, indien dit nie uitvoerbaar is om hom van voldoende voedsel vir die volle reis of 'n gedeelte daarvan te voorsien nie, kan 'n bedrag wat nie hoër is nie as dié wat in oorleg met Tesourie voorgeskryf is aan hom toegeken word.

(X) *Versoekskrifte.*

Grondslag.

121. (1) 'n Gevangene wat spesiale inligting, feite of vertoë vir oorweging wil voorlê wat regstreeks of onregstreeks wesenlik op sy veroordeling en/of vonnis betrekking mag hê en wat nie voorheen te berde gebring kon word nie of aan hom onbekend was of wat hy weens onkunde, onnadenkendheid, gebrek aan geleentheid of om 'n ander grondige rede nie aan die hof of ander betrokke owerheid op of binne die voorgeskrewe tyd geopenbaar of voorgelê het nie, kan toestemming en geriewe verleen word om die Minister te nader per versoekskrif waarin sodanige inligting, feite en vertoë bondig en duidelik uiteengesit word.

Wyse en vorm van voorlegging.

(2) 'n Versoekskrif in subregulasie (1) bedoel, moet in die voorgeskrewe vorm en op die voorgeskrewe wyse voorgelê word.

(Y) *Bevordering van, en hulptoelae aan, goedgekeurde welsynsinrigtings, verenigings en individue.*

Hulp by vrylating.

122. Die Minister kan stappe doen om die instelling van welsynsinrigtings of -verenigings te bevorder of om gekwalifiseerde individue aan te stel om die funksies en werksaamhede van sodanige welsynsinrigtings, verenigings of individue te bepaal vir die bevordering van die rehabilitasie en nasorg van gevangenes by vrylating, en hy kan, uit gelde wat deur die Parlement vir daardie doel bewillig is, 'n hulptoelae aan enige sodanige welsynsinrigting, vereniging of individu toeken op 'n grondslag en op 'n wyse wat hy bepaal, maar wat onderworpe is aan enige voorwaarde wat by regulasie voorgeskryf mag word.

(Z) *Besoeke en onderhoude deur regsverteenvoerders.*

Regsverrigting of geding.

123. (1) 'n Gevangene wat 'n party is by of 'n getuie is in 'n siviele of kriminele verrigting of geding, moet redelike geleentheid gebied word om sy regsverteenvoerder in verband met sodanige verrigting of geding te spreek ten aanskoue maar buite die gehoor van 'n lid of spesiale bewaarder.

Ander regsangeleenthede.

(2) Behoudens die toestemming van die Kommissaris, kan die regsverteenvoerder van 'n gevangene hom besoek en spreek ten aanskoue en in die gehoor van 'n lid of spesiale bewaarder in verband met enige ander regsangeleentheid as dié in subregulasie (1) bedoel, waarin sodanige gevangene betrokke is.

Kwalifikasies van regsverteenvoerder en voorwaardes van besoek en onderhoud.

(3) Vir die toepassing van hierdie regulasie, kan die Kommissaris spesiaal of in die algemeen—

- die status of regskwalifikasies bepaal wat nodig is vir 'n persoon wat beweer of voorgee die regsverteenvoerder van 'n gevangene te wees, en kan hy bewys van sodanige status of regskwalifikasies vereis voordat sodanige persoon as die regsverteenvoerder van die gevangene aanvaar word;
- die wyse en vorm van aansoek, voorwaardes, formaliteite en vereistes bepaal in verband met die bestaan van 'n besoek aan en onderhoud met 'n gevangene deur 'n verteenwoordiger; en
- behoudens die bepalinge van subregulasies (1) en (2) en die nodige veiligheidsmaatreëls, die voorwaardes bepaal waarop sodanige besoek afgelê en onderhoud gevoer kan word.

Refusal or Abuse of Visit and Interview.

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

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

*(AA) Safe Custody and Guarding of Prisoners.**Determination of Security Measures.*

124. Except that a White prisoner shall at all times be in the safe custody and under the guard of a White member or White special warder, the Commissioner shall specially and generally determine all the measures to be taken for the safe custody and guarding of all categories of prisoners, whether at work or at rest.

*(BB) Interview of Certain Categories of Sentenced Prisoners.**Annual Interview.*

125. The Commissioner, Deputy Commissioner, Assistant Commissioner or Chairman of the Prison Board shall at least once each calendar year interview every prisoner who has been declared a habitual criminal or who is serving a sentence of imprisonment for life or a determinate period of nine years and longer.

PRISON BOARDS.*(A) Constitution of Prison Boards.**Name, Seat and Area of Jurisdiction.*

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

Designation of Vice-Chairman.

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

*(B) Functions and Duties of a Prison Board.**Compliance with Requirements of Act, Regulations and Directions of Commissioner.*

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

Interview and Report on Reception.

(2) A prison board shall, as soon as possible after the reception of a sentenced prisoner referred to in sub-paragraphs (i), (ii), (iii), (iv), (v) and (vi) of paragraph (a) of section sixty-one of the Act, interview such prisoner for the purpose of—

- (a) admonishing him to be of good behaviour;
- (b) enlightening him in regard to the implications of his sentence, programme of discipline, treatment and training, and of enlisting his co-operation in the implementation thereof;

Weiering of misbruik van besoek en onderhoud.

(4) (a) Ondanks die bepalings van subregulasie (1), kan 'n regsverteenwoordiger toestemming geweier word om die betrokke gevangene te besoek en te spreek indien hy, op versoek van die hoof van die gevangenis, versuim of nalaat om sy identiteit te bewys en om die aard van die regsverrigting, -geding of saak in verband waarmee hy die gevangene wil spreek, te openbaar of om te voldoen aan enige voorwaarde, formaliteit of vereiste soos deur die Kommissaris kragtens subregulasie (3) bepaal.

(b) Indien 'n regsverteenwoordiger op enige wyse misbruik maak van 'n vergunning vir 'n besoek aan of onderhoud met 'n gevangene wat kragtens hierdie regulasie aan hom verleen is, of indien sodanige regsverteenwoordiger enige gevangenisreël, regulasie of voorwaarde wat die Kommissaris kragtens paragraaf (c) van subregulasie (3) bepaal het, oortree of poog om dit te oortree of skuldig bevind word aan enige misdryf kragtens die Wet, kan verdere besoeke aan enige gevangenis hom ontsê word vir dié tydperk wat die Kommissaris mag bepaal.

*(AA) Veilige bewaring en bewaking van gevangenes.**Bepalings van veiligheidsmaatreëls.*

124. Behalwe dat 'n Blanke gevangene te alle tye in die veilige bewaring en onder bewaking van 'n Blanke lid of Blanke spesiale bewaarder moet wees, moet die Kommissaris spesiaal of in die algemeen al die maatreëls bepaal wat getref moet word vir die veilige bewaring en bewaking van alle kategorië gevangenes, hetsy gedurende werk- of rustyd.

*(BB) Onderhoud met sekere kategorië gevonnisde gevangenes.**Jaarlikse onderhoud.*

125. Die Kommissaris, Adjunk-kommissaris, Assistent-kommissaris of Voorsitter van die Gevangenisraad moet ten minste een keer iedere kalenderjaar 'n onderhoud voer met elke gevangene wat tot gewoontemisdadiger verklaar is of wat 'n vonnis van lewenslange gevangenisstraf of 'n bepaalde tydperk van gevangenisstraf van nege jaar en langer uitdien.

GEVANGENISRADE.*(A) Samestelling van gevangenisrade.**Naam, setel en regsgebied.*

126. (1) Die Minister kan een of meer gevangenisrade saamstel en die naam en setel van 'n gevangenisraad aankondig en die regsgebied van 'n gevangenisraad omskryf, uitbrei of inperk.

Aanwysings van Ondervoorsitter.

(2) Die Kommissaris kan een of meer amptelike lede van 'n gevangenisraad, uitgesonderd die amptelike lid wat die Minister kragtens subartikel (3) van artikel vyf van die Wet as voorsitter aangewys het, as ondervoorsitters van sodanige gevangenisraad aanwys, en enigeen van sodanige ondervoorsitters moet optree as en in die algemeen die werksaamhede en pligte verrig van die voorsitter wanneer die voorsitter nie beskikbaar is nie of om enige rede afwesig is van die setel of vergadering van die gevangenisraad.

*(B) Werksaamhede en pligte van 'n gevangenisraad.**Nakoming van vereistes van Wet, regulasies en voorskrifte van Kommissaris.*

127. (1) Benewens die nakoming van die bepalings soos in Hoofstuk VI van die Wet vervat, moet 'n gevangenisraad dié werksaamhede uitoefen en dié pligte nakom wat by regulasie of by voorskrifte van die Kommissaris aan hom toegewys is.

Onderhoud en verslag by opneming.

(2) 'n Gevangenisraad moet, so spoedig moontlik na opneming 'n onderhoud met 'n gevonnisde gevangene, soos in subparagrafe (i), (ii), (iii), (iv), (v) en (vi) van paragraaf (a) van artikel een-en-sestig van die Wet bedoel, voer met die doel—

- (a) om hom te maan tot goeie gedrag;
- (b) om hom in te lig oor die implikasies van sy vonnis, program van dissipline, behandeling en opleiding en om sy samewerking by die uitvoering daarvan te verkry;

- (c) making personal contact with him, and of submitting a recommendation to the Commissioner in regard to suitable classification, safe custody, treatment and training; and
- (d) giving advice and guidance on any personal or special matter raised by such prisoner.

Delegation of Functions and Duties.

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

(C) Meetings of a Prison Board.

Constitution.

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

Convening of Meeting.

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

Quorum.

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

Agenda.

(4) Subject to the approval of the Commissioner, the chairman or vice-chairman shall draw up the agenda of a meeting of a prison board.

Proceedings.

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

Decisions of Meeting.

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

(D) Reports and Recommendations.

Annual and Subsidiary Reports.

129. (1) A prison board shall, in the prescribed form, report at least once a year, or as often as may be necessary, on a prisoner referred to in sub-regulation (2) of regulation 127, and such report shall, in addition to information and comments on any other relevant personal factor, include a personal assessment of such prisoner's—

- (a) adjustment to institutional treatment and his fellow prisoners;
- (b) co-operation and progress in training; and
- (c) conduct and possible rehabilitation.

- (c) om persoonlik met hom in aanraking te kom en om 'n aanbeveling aan die Kommissaris voor te lê oor geskikte klassifikasie, veilige bewaring, behandeling en opleiding; en
- (d) om raad en leiding te gee oor enige persoonlike of spesiale saak deur sodanige gevangene geopper.

Delegering van werksaamhede en pligte.

(3) Enige werksaamheid of plig wat by regulasie toevertrou is aan 'n gevangenisraad kan met die instemming van of kragtens opdrag van die Kommissaris in die algemeen of spesiaal gedelegeer word aan en uitgeoefen word deur enige lid of lede van sodanige raad.

(C) Vergaderings van 'n gevangenisraad.

Samestelling.

128. (1) Behoudens die bepalings van subregulasie (3), kan een of meer vergaderings van 'n gevangenisraad onder die voorsitterskap van die voorsitter of ondervoorsitter, na gelang van die geval, byeengeroep word, en alle sodanige vergaderings word geag behoorlik saamgestel te wees ondanks die feit dat twee of meer daarvan op een en dieselfde tyd of op een of meer plekke binne die regsgebied van sodanige raad gehou word.

Sameeroeping van vergadering.

(2) So dikwels as wat die Kommissaris mag bepaal, moet die voorsitter 'n vergadering van die gevangenisraad saamroep by sy setel, 'n gevangenis of ander plek waar gevangenes in veilige bewaring mag wees binne die regsgebied van sodanige gevangenisraad.

Kworum.

(3) Die voorsitter of 'n ondervoorsitter, na gelang van die geval, tesame met minstens een ander lid van 'n gevangenisraad, vorm 'n kworum by 'n vergadering.

Agenda.

(4) Behoudens die goedkeuring van die Kommissaris, moet die voorsitter of ondervoorsitter die agenda van 'n vergadering van 'n gevangenisraad opstel.

Verrigtings.

(5) Die voorsitter of ondervoorsitter moet die volgorde van die agenda van en die prosedure by 'n vergadering van 'n gevangenisraad bepaal, en sy beslissing in sodanige sake op sodanige vergadering is finaal: Met dien verstande dat, terwille van eenvormigheid en presedent, enige sodanige beslissing of 'n teenstrydige beslissing deur twee of meer gevangenisrade gegee, hersien kan word deur die Kommissaris, wie se beslissing daarna vir alle gevangenisrade finaal en bindend sal wees.

Beslissing van 'n vergadering.

(6) 'n Beslissing van 'n gevangenisraad oor enige saak wat hy oorweeg, moet geformuleer word as 'n besluit wat aangeneem word deur die meerderheidstem van die lede wat teenwoordig is by die bespreking en wat stem oor daardie saak; elke lid (insluitende die voorsitter of ondervoorsitter wanneer laasgenoemde voorsit) het een stem. en in geval van 'n staking van stemme het die voorsitter of ondervoorsitter, na gelang van die geval, ook 'n beslissende stem: Met dien verstande dat enige minderheidsaanbeveling onder die aandag van die Kommissaris gebring moet word in 'n verslag of aanbeveling van 'n gevangenisraad oor sodanige saak.

(D) Verslae en aanbevelings.

Jaarlikse en bykomstige verslae.

129. (1) 'n Gevangenisraad moet minstens een keer per jaar of so dikwels as wat nodig mag wees, in die voorgeskrewe vorm verslag doen oor 'n gevangene in sub-regulasie (2) van regulasie 127 bedoel, en sodanige verslag moet, benewens inligting en kommentaar oor enige ander persoonlike faktor wat ter sake is, 'n persoonlike aanslag insluit van sodanige gevangene se—

- (a) aanpassing by inrigtingsbehandeling en sy medegevangenes;
- (b) samewerking en vordering by opleiding; en
- (c) gedrag en moontlike rehabilitasie.

Regular Contact, and Recommendations.

(2) A prison board shall maintain regular contact, personal or otherwise, with a prisoner referred to in sub-regulation (2) of regulation 127, and shall, as often as is necessary, submit a report and recommendation to the Commissioner in respect of such prisoner in regard to—

- (a) his reclassification or a change of training, treatment and institution; or
- (b) his release, when qualified therefor, and the form and conditions thereof; or
- (c) the period and conditions of probation, if such form of release is recommended; or
- (d) the period, supervision and conditions of parole, if such form of release is recommended.

Committal to Farm Colony.

(3) If a prison board is satisfied that a prisoner sentenced to detention at a farm colony has acquired regular habits of discipline and industry and that he can be placed in suitable accommodation and employment, it may recommend the release of such prisoner as follows:—

- (a) On parole, if he has served at least half of his sentence; or
- (b) on probation, or on another condition, or unconditionally, if he has served at least two-thirds of his sentence.

Release on Parole by Commissioner.

130. On the recommendation of a prison board, the Commissioner may, in terms of section sixty-eight of the Act, approve the release on parole of a prisoner who is serving an aggregate sentence of less than two years' imprisonment, with or without the option of a fine, if—

- (a) the prisoner has served at least half of such sentence; and
- (b) the prison board reports that such release will promote the rehabilitation of the prisoner and that suitable accommodation, employment and supervision is available:

Provided that the Commissioner may at any time approve the release of a prisoner on parole if the aggregate sentence imposed is for a period of not more than four months' imprisonment.

Remission of Sentence by Commissioner (Section sixty-three of the Act).

131. (1) For the purpose of section sixty-three of the Act, the Commissioner may, on the recommendation of a prison board, grant remission not exceeding one-third of an aggregate sentence of imprisonment of two years and more, with or without the option of a fine, being served by the prisoner.

Forfeiture of Remission of Sentence.

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

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

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

Gereelde kontak en aanbevelings.

(2) 'n Gevangenisraad moet gereeld kontak, persoonlik of andersins, met 'n gevangene in subregulasie (2) van regulasie 127 bedoel, behou en moet so dikwels as wat nodig is aan die Kommissaris 'n verslag en aanbeveling ten opsigte van sodanige gevangene voorlê oor—

- (a) sy herklassifikasie of 'n verandering van opleiding, behandeling en inrigting; of
- (b) sy vrylating wanneer daartoe bevoeg, en die vorm en voorwaardes daarvan; of
- (c) sy proeftydperk en -voorwaardes, indien sodanige vorm van vrylating aanbeveel word; of
- (d) die tydperk en voorwaardes van sy parool en toesig-houding daaroor, indien daardie vorm van vrylating aanbeveel word.

Verwysing na boerderykolonie.

(3) Indien 'n gevangenisraad daarvan oortuig is dat 'n gevangene wat gevonnissen is tot aanhouding in 'n boerderykolonie gereelde gewoontes van dissipline en ywer aangeleer het en dat hy in 'n geskikte herberg en werk geplaas kan word, kan die raad die vrylating van sodanige gevangene soos volg aanbeveel:—

- (a) Op parool, indien hy ten minste die helfte van sy vonnis uitgedien het; of
- (b) op proef of op 'n ander voorwaarde of onvoorwaardelik, indien hy ten minste twee derdes van sy vonnis uitgedien het.

Vrylating op parool deur Kommissaris.

130. Op aanbeveling van 'n gevangenisraad, kan die Kommissaris, kragtens artikel agt-en-sestig van die Wet, die vrylating op parool van 'n gevangene wat altesaam 'n vonnis van minder as twee jaar gevangenisstraf, met of sonder die keuse van 'n boete, uitdien, goedkeur as—

- (a) die gevangene minstens die helfte van sodanige vonnis uitgedien het; en
- (b) die gevangenisraad rapporteer dat sodanige vrylating die rehabilitasie van die gevangene sal bevorder en dat geskikte herberg, werk en toesig beskikbaar is:

Met dien verstande dat die Kommissaris te eniger tyd die vrylating van 'n gevangene op parool kan goedkeur indien die totale vonnis opgelê, nie meer as 'n tydperk van vier maande gevangenisstraf beloop nie.

Strafvermindering deur Kommissaris (artikel drie-en-sestig van die Wet).

131. (1) Vir die toepassing van artikel drie-en-sestig van die Wet, kan die Kommissaris, op aanbeveling van 'n gevangenisraad, goedkeuring verleen vir 'n strafvermindering van hoogstens een derde van die totale gevangenisstraf van twee jaar of meer, met of sonder die keuse van 'n boete, wat deur 'n gevangene uitgedien word.

Verbeuring van strafvermindering.

(2) Die Kommissaris kan gelas dat die strafvermindering wat op aanbeveling van 'n gevangenisraad toegeken is, op die grondslag bepaal in paragraaf (a) van subregulasie (3) van regulasie 119, verbeur word ten opsigte van 'n oortreding of misdryf wat die betrokke gevangene gepleeg het, of hy kan op aanbeveling van die gevangenisraad, dié verbeuring wat hy nodig ag, gelas ten opsigte van enige ander vorm van wangedrag of weens 'n ander rede in paragraaf (b) van subregulasie (3) van regulasie 119 vermeld: Met dien verstande dat die Kommissaris, op aanbeveling van die gevangenisraad, kan gelas dat meer strafvermindering ten opsigte van sodanige oortreding of misdryf verbeur moet word as dié bepaal vir die grondslag voorgeskryf by paragraaf (a) van subregulasie (3) van regulasie 119.

Geen strafvermindering ten opsigte van sekere vonnisse en strafvermindering nie 'n wettige reg nie.

(3) Die bepalings van subregulasies (4) en (5) van regulasie 119 is *mutatis mutandis* van toepassing, ten opsigte van die toekenning van strafvermindering aan 'n gevangene wat 'n totale vonnis van gevangenisstraf van twee jaar of meer, met of sonder die keuse van 'n boete, uitdien.

CHAPTER III.

PRISONERS—SPECIAL REGULATIONS FOR DIFFERENT CATEGORIES.

UNSENTENCED PRISONERS.

(A) *Prisoners Awaiting Trial or Sentence.**Segregation.*

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

Association.

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

Search.

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

Food.

(4) Subject to the provisions of section *eighty-two* of the Act, a prisoner awaiting trial or sentence shall be provided with food according to the prescribed diet scale applicable to his sex and race group.

Stationery and Reading Matter.

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

Delivery of Personal Effects and Valuables.

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

Private Medical and Dental Services.

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

Compliance with Conditions of Bail.

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

Preparations of Defence.

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

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

HOOFSTUK III.

GEVANGENES—SPESIALE REGULASIES VERSKILLEND KATEGORIEË.

ONGEVONNISTE GEVANGENES.

(A) *Verhoor- of Vonnisafwagende gevangenes.**Afsondering.*

132. (1) 'n Gevangene wat verhoor of vonnis afwag, moet sover moontlik van gevonniste of ander kategorieë ongevonniste gevangenes afgesonder word.

Onderlinge Verkeer.

(2) Die onderlinge verkeer van gevangenes wat verhoor of vonnis afwag, moet tot 'n minimum beperk word ten einde samespanning of sameswering tot dwarsboming van die gereg te voorkom.

Visentering.

(3) By die visentering van 'n gevangene wat verhoor of vonnis afwag, moet geen ander persoonlike besittings of artikels as gevaarlike wapens of artikels waarmee ontsnapping bewerkstellig kan word of dié ander artikels, geld of waardevolle artikels wat die Kommissaris spesiaal of in die algemeen mag verbied, van hom verwyder word nie.

Voedsel.

(4) Behoudens die bepalinge van artikel *twee-en-tagtig* van die Wet, moet 'n gevangene wat verhoor of vonnis afwag, van voedsel voorsien word volgens die voorgeskrewe dieetskaal wat van toepassing is op sy geslag en rassegroep.

Skryfbehoeftes en leesstof.

(5) 'n Gevangene wat verhoor of vonnis afwag, kan dié skryfbehoeftes en leesstof wat die Kommissaris mag goedkeur, van buitebronne ontvang of dit op eie koste aankoop: Met dien verstande dat sodanige voorreg summier teruggetrek kan word indien, na die mening van die Kommissaris, wie se beslissing finaal is, sodanige gevangene op enige wyse misbruik van die voorreg maak.

Oorhandiging van persoonlike besittings en waardevolle artikels.

(6) Die hoof van die gevangenis kan die geld, waardevolle artikels, dokumente of ander persoonlike besittings van 'n gevangene wat verhoor of vonnis afwag, op versoek of met die toestemming van so 'n gevangene aan 'n familielid, vriend of regsvertegenwoordiger oorhandig.

Private geneeskundige en tandheelkundige dienste.

(7) Behoudens veiligheidsmaatreëls, kan die Kommissaris, na sy goedvinde, op die versoek van 'n gevangene wat verhoor of vonnis afwag, magtiging verleen dat hy van die dienste van 'n private geneeskundige praktisyn of tandarts gebruik maak, op sodanige voorwaardes soos spesiaal of in die algemeen voorgeskryf is: Met dien verstande dat sodanige private geneeskundige of tandheelkundige dienste geen addisionele koste vir die Staat meebring nie.

Nakoming van voorwaardes van borgtog.

(8) 'n Gevangene wat nie in staat was om die voorwaardes van borgtog na te kom nie, moet op redelike tye gedurende enige dag besoeke toegestaan word en ook die geleentheid en fasiliteite gebied word om briewe te skryf en te ontvang met die doel om sodanige voorwaardes na te kom.

Voorbereiding van verdediging.

(9) Aan 'n gevangene wat verhoor of vonnis afwag, kan daar met die oog op sy regsverdediging binne redelike perke—

- (a) skryfbehoeftes verskaf word;
- (b) geleentheid gebied word om sy verdediging voor te berei; en
- (c) geleentheid gebied word om briewe in verband daarmee aan 'n familielid, vriend of regsvertegenwoordiger te skryf.

Sale or Transfer of Private Property Prohibited.

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

A Prisoner Detained for Mutinous or Seditious Conduct.

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

*(B) Recalcitrant or Absconding Witnesses, or Prohibited Immigrants, or Fugitive or Civil Debtors.**Applicability of Regulation 132.*

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

- (a) a prohibited person detained in prison pending his removal from the Republic; and
- (b) recalcitrant or absconding witnesses or fugitive or civil debtors committed to a prison in terms of sections two hundred and twelve and two hundred and fourteen of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, or sections sixteen and thirty of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended.

*(C) Indigent or Destitute Sick Persons.**Authority for Admission and Maintenance in Prison Hospital.*

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

- (a) there is no hospital available in the immediate vicinity for the admission, maintenance, care and treatment of such person;
- (b) the illness or other condition of such person is not of an infectious or other communicable form;
- (c) accommodation according to the sex and race of the person concerned is available at such prison hospital; and
- (d) such person is not living with, or being accommodated by, his employer who is able to provide the necessary maintenance, care and treatment for him.

Applicability of Regulation 132.

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

*(D) Judgment Civil Debtors.**Segregation and Association.*

135. (1) A prisoner committed for detention under a decree of civil imprisonment, including a committal under section sixty-five of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended, shall, as far as is practicable, be segregated and be allowed association only with prisoners of the same category: Provided that, if such segregation and association is not practicable owing to the limited number of such civil debtors in the prison concerned, such prisoner may be segregated and allowed association with any other unsentenced prisoner.

Verkoop of oordrag van private eiendom verbode.

(10) 'n Gevangene wat verhoor of vonnis afgag, begaan 'n oortreding van hierdie regulasies indien hy 'n artikel wat hy toegelaat is om vir sy eie gebruik in die gevangenis in te bring, sonder die toestemming van die Kommissaris verkoop of aan 'n ander persoon oordra of poog om sodanige artikel aan 'n ander persoon te verkoop of oor te dra.

Gevangene aangehou weens opstandige of oproerige gedrag.

(11) Die bepalings van hierdie regulasie is *mutatis mutandis* van toepassing op 'n gevangene wat aangehou word weens beweerde opstandige of oproerige gedrag of weens enige ander beweerde gedrag of misdryf teen die openbare- en Staatsveiligheid, soos die Minister mag bepaal.

*(B) Weerspannige of voortvluggende getuies, verbode Immigrante of voortvluggende siviele gyselaars.**Toepaslikheid van regulasie 132.*

133. Die bepalings van regulasie 132 is *mutatis mutandis* van toepassing op—

- (a) 'n verbode persoon wat in 'n gevangenis aangehou word in afwagting van sy verwydering uit die Republiek; en
- (b) weerspannige of voortvluggende getuies of voortvluggende siviele gyselaars wat na 'n gevangenis verwys is kragtens artikels tweehonderd-en-twaalf en tweehonderd-en-veertien van die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig, of artikels sestiën en dertig van die Landdroshowewet, 1944 (Wet No. 32 van 1944), soos gewysig.

*(C) Armlastige of behoeftige siek persone.**Magtiging vir opneming en onderhoud in 'n Gevangenis-hospitaal.*

134. (1) 'n Armlastige of behoeftige siek persoon kan op bevel van 'n landdros in 'n gevangenis-hospitaal opgeneem en onderhou word so lank as wat dit vir die gesondheid, lyfsbehoud of algemene versorging en behandeling van sodanige persoon noodsaaklik is: Met dien verstande dat geen sodanige bevel vir die opname van sodanige persoon in 'n gevangenis-hospitaal uitgereik mag word nie bloot omdat daar beweer word dat hy 'n armlastige of behoeftige siek persoon is, tensy—

- (a) daar geen hospitaal vir die opneming, onderhoud, versorging en behandeling van sodanige persoon in die onmiddellike omgewing beskikbaar is nie;
- (b) die siekte of ander toestand van sodanige persoon nie van 'n besmetlike of ander oordraagbare aard is nie;
- (c) huisvesting volgens die geslag en ras van die betrokke persoon by sodanige gevangenis-hospitaal beskikbaar is; en
- (d) sodanige persoon nie by sy werkgever, wat in staat is om die nodige versorging, onderhoud en behandeling te verskaf, inwoon of deur hom van huisvesting voorsien word nie.

Toepaslikheid van regulasie 132.

(2) Die bepalings van regulasie 132 is *mutatis mutandis* van toepassing op 'n armlastige of behoeftige siek persoon wat kragtens subregulasie (1) in 'n gevangenis-hospitaal opgeneem, onderhou en behandel word.

*(D) Siviele vonnisgyselaars.**Afsondering en onderlinge verkeer.*

135. (1) 'n Gevangene wat kragtens 'n bevel tot siviele gyseling vir aanhouding verwys is, met inbegrip van 'n verwysing kragtens artikel vyf-en-sestig van die Landdroshowewet, 1944 (Wet No. 32 van 1944), soos gewysig, moet, sover uitvoerbaar, afgesonder en toegelaat word om slegs met gevangenes van dieselfde kategorie te verkeer: Met dien verstande dat, indien sodanige afsondering en verkeer nie uitvoerbaar is nie weens die beperkte getal sodanige siviele gyselaars in die betrokke gevangenis, sodanige gevangene afgesonder en toegelaat kan word om met enige ander ongevonniste gevangene te verkeer.

Applicability of Regulation 132.

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

*(E) Mentally Defective Persons.**Treatment and Restraint.*

136. (1) A prisoner detained as an alleged mentally defective person in terms of paragraph (d) of sub-section (2) of section *twenty-seven* of the Act shall be subject to such treatment or restraint as may be prescribed by the medical officer.

Applicability of Regulation 132.

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

*OTHER CATEGORIES.**(A) Juvenile Prisoners.**Segregation.*

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

*(B) Female Prisoners.**Guarding and Safe Custody.*

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

*(C) Condemned Prisoners.**Place of Execution.*

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

Search.

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

Segregation.

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

Special Security Measures.

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

Diet Scale.

(5) A condemned prisoner shall be provided with food according to the diet scale prescribed for a White prisoner: Provided that the Commissioner may approve of a variation of such diet scale.

Provision of Stimulants.

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

Visits and Religious Ministrations.

(7) (a) Subject to the written permission of the Commissioner, a condemned prisoner may, if he so desires, receive visits from a relative, friend or legal representative.

Toepaslikheid van regulasie 132.

(2) Behoudens die bepalinge van subregulasie (1), is die bepalinge van regulasie 132 *mutatis mutandis* ook op 'n ongevonniste gevangene van hierdie kategorie van toepassing.

*(E) Geestelik gekrenkte persone.**Behandeling en bedwang.*

136. (1) 'n Gevangene wat ingevolge paragraaf (d) van subartikel (2) van artikel *sewe-en-twintig* van die Wet as 'n beweerde geestelik gekrenkte persoon aangehou word, is onderworpe aan die behandeling en bedwang wat deur die geneeskundige beaampte voorgeskryf mag word.

Toepaslikheid van regulasie 132.

(2) Behoudens die bepalinge van subregulasie (1), is die bepalinge van regulasie 132 *mutatis mutandis* op 'n beweerde geestelik gekrenkte persoon wat in 'n gevangenis aangehou word, van toepassing.

*ANDER KATEGORIEË.**(A) Jeugdige gevangenes.**Afsondering.*

137. In afwagting van die oorplasing na 'n gevangenis soos in paragraaf (b) van subartikel (1) van artikel *twintig* van die Wet bedoel, moet 'n jeugdige wat tot gevangenisstraf gevonnis is, sover moontlik van 'n ouer en meer geharde gevangene afgesonder word.

*(B) Vroulike gevangenes.**Bewaking en veilige bewaring.*

138. 'n Vroulike gevangene moet in die veilige bewaring en onder die bewaking van alleenlik 'n vroulike lid of spesiale bewaarster wees, en wanneer dit vir sodanige gevangene nodig mag wees om opleiding of onderrig van 'n manlike lid of spesiale bewaarster te ontvang, moet sodanige opleiding of onderrig in die teenwoordigheid en onder die toesig van 'n vroulike lid of spesiale bewaarster geskied.

*(C) Terdoodveroordeelde gevangenes.**Plek van teregstelling.*

139. (1) Teregstellings moet in die Sentrale Gevangenis, Pretoria, voltrek word.

Visentering.

(2) Die visentering van 'n terdoodveroordeelde gevangene moet ten volle en op 'n deeglike wyse uitgevoer word en daar moet op alle artikels en voorwerpe in sy besit, wat enigsins as gevaarlik of ongewens beskou word, beslag gelê word, en sodanige artikels en voorwerpe moet van hom verwyder word.

Afsondering.

(3) 'n Terdoodveroordeelde gevangene moet in 'n spesiale sel wat vir daardie doel voorgeskryf is, opgesluit word en moet van alle ander kategorieë gevangenes afgesonder word.

Spesiale veiligheidsmaatreëls.

(4) 'n Terdoodveroordeelde gevangene moet dag en nag in veilige bewaring en gedurig onder spesiale bewaking gehou word.

Dieetskaal.

(5) 'n Terdoodveroordeelde gevangene moet van voedsel volgens die voorgeskrewe dieetskaal van 'n Blanke gevangene voorsien word: Met dien verstande dat die Kommissaris 'n afwyking van sodanige dieetskaal kan goedkeur.

Verskaffing van stimuleermiddels.

(6) Stimuleermiddels kan op voorskrif van die geneeskundige beaampte aan 'n terdoodveroordeelde gevangene gegee word.

Besoeke en godsdienstige bearbeiding.

(7) (a) Behoudens die skriftelike toestemming van die Kommissaris, kan 'n terdoodveroordeelde gevangene, indien hy dit verlang, besoeke van 'n familielid, vriend of regsvertegenwoordiger ontvang.

(b) Subject to the normal administrative requirements of the prison, a condemned prisoner may, if he so desires, have his spiritual needs freely ministered to at all reasonable times by a minister or religious worker of his own faith or church denomination, who has been duly appointed in terms of sub-section (1) of section seven of the Act.

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

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

Work and Physical Exercise.

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

SPECIFIC SENTENCES.

(A) Periodical Imprisonment.

Minimum Period of Detention.

140. (1) A person sentenced to periodical imprisonment, in terms of section *three hundred and thirty-four (bis)* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), as amended, shall serve such sentence in uninterrupted periods of not less than twenty-four hours at a time as determined, with due regard to the circumstances of such person's employment, by the head of the prison at which the person surrenders himself to undergo such imprisonment: Provided that any period thus determined may be less than twenty-four hours, if—

- (a) on the strength of the written application of such person's employer, the head of the prison decides that, in the special circumstances of such person's employment a shorter period is justified; or
- (b) any unexpired portion of the sentence of periodical imprisonment is less than 24 hours.

Further Notice to Undergo Sentence.

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

Offences.

(3) A person who—

- (a) without lawful excuse, proof of which shall rest on him, fails to comply with a notice served on him under sub-regulation (2); or
- (b) while under the influence of intoxicating liquor or narcotic drugs, surrenders himself to undergo further periodical imprisonment; or
- (c) impersonates, or falsely represents himself to be, the person who has been directed in terms of sub-regulation (2) to surrender himself to undergo further periodical imprisonment,

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

(b) Behoudens die gewone administratiewe vereistes van die gevangenis, kan daar, indien 'n terdoodveroordeelde gevangene dit verlang, vrylik en te alle tye in sy geestelike behoeftes voorsien word deur 'n predikant of godsdienstige werker van sy eie geloof of kerkgenootskap, wat behoorlik kragtens subartikel (1) van artikel sewe van die Wet aangestel is.

(c) Geen ander persoon as 'n lid, spesiale bewaarder, balju, adjunk-balju of 'n persoon in paragrawe (a) en (b) bedoel, mag sonder dat die toestemming van die Kommissaris vooraf verkry is toegang tot 'n terdoodveroordeelde gevangene verleen word nie.

(d) Alle besoeke aan 'n terdoodveroordeelde gevangene, van watter aard of vir watter doel ook al, met inbegrip van 'n besoek deur 'n regsvertegenwoordiger in verband met 'n appèl, voorbehoud van 'n regsvraag of enige ander saak, moet ten aanskoue en binne gehooraftand van 'n lid of spesiale bewaarder plaasvind.

Arbeid en liggaamsoefening.

(8) Daar mag nie van 'n terdoodveroordeelde gevangene vereis word om sonder sy toestemming enige arbeid te verrig of enige vorm van liggaamsoefening te neem of te ondergaan nie: Met dien verstande dat, indien hy verkies om liggaamsoefening te neem of te ondergaan, geriewe vir daardie doel gereël moet word op 'n plek wat geheel en al van ander kategorieë gevangenes afgesonder is.

BEPAALE VONNISSE.

(A) Periodieke gevangenisstraf.

Minimum tydperk van aanhouding.

140. (1) 'n Persoon wat kragtens artikel *driehonderd vier-en-dertig bis* van die Strafproseswet, 1955 (Wet No. 56 van 1955), soos gewysig, gevonnissen is tot periodieke gevangenisstraf, moet sodanige vonnis uitdien in ononderbroke tydperke van minstens vier-en-twintig uur op 'n keer soos, met behoorlike inagneming van sodanige persoon se werkomstandighede, deur die hoof van die gevangenis waar die persoon hom oorgee om sodanige gevangenisstraf te ondergaan, bepaal word: Met dien verstande dat enige tydperk aldus bepaal, minder as vier-en-twintig uur mag wees indien—

- (a) uit hoofde van die skriftelike aansoek van sodanige persoon se werkgever, die hoof van die gevangenis besluit dat, weens die persoon se besondere werkomstandighede, 'n korter tydperk geregverdig word; of
- (b) enige onverstreke gedeelte van die vonnis tot periodieke gevangenisstraf minder as vier-en-twintig uur beloop.

Verdere kennisgewing om vonnis te ondergaan.

(2) Behalwe wanneer die finale tydperk van die vonnis tot periodieke gevangenisstraf uitgedien is, moet die hoof van die gevangenis 'n kennisgewing, wat hoofsaaklik in die vorm moet wees soos in die Tweede Bylae voorgeskryf en vervat, aan die betrokke persoon beteken telkens wanneer hy uit die gevangenis vrygelaat word nadat hy elke tydperk van die vonnis soos kragtens subregulasie (1) bepaal, uitgedien het.

Misdrywe.

(3) Iemand wat—

- (a) sonder 'n wettige verskoning, waarvan die bewyslas op hom rus, in gebreke bly om 'n kennisgewing wat ingevolge subregulasie (2) aan hom beteken is, te gehoorsaam; of
- (b) terwyl hy onder die invloed van bedwelmende drank of verdowingsmiddels is, hom oorgee om verdere periodieke gevangenisstraf te ondergaan; of
- (c) hom uitgee vir of hom valslik voordoen as die persoon wat kragtens subregulasie (2) gelas is om hom oor te gee om verdere periodieke gevangenisstraf te ondergaan,

begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens eenhonderd rand of, by wanbetaling van sodanige boete, tot gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Detention after Expiration of Sentence.

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

Avoidance of Association with Other Categories of Prisoners.

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

(B) *Corrective Training.*

Application.

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

- (a) intensive practical and theoretical training in suitable work which, as far as is practicable, will equip and assist the prisoner on release in earning an honest living in free life;
- (b) personal influencing, encouragement and guidance of the prisoner to be of good conduct and character; and
- (c) the provision of opportunities for the cultivation and development of a sense of responsibility.

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

Institutional Treatment and Training.

142. (1) Unless the Commissioner otherwise directs, a prisoner who has been sentenced to imprisonment for the prevention of crime or has been declared a habitual criminal, shall be detained at a maximum security prison for initial treatment and training.

Determination of Treatment and Training by Commissioner.

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

(D) *Detention at a Farm Colony.*

Aim of Treatment and Training.

143. (1) A prisoner sentenced to detention at a farm colony shall undergo such treatment and training and perform such work as may be determined by the Commissioner to enable such prisoner to—

- (a) acquire and develop good habits of discipline and industry; and
- (b) qualify, as far as practicable, for regular and steady employment in free life.

Applicability of Chapter II of the Regulations.

(2) Except for the provisions in respect of remission of sentence, Chapter II of these regulations shall *mutatis mutandis* be applicable to a prisoner sentenced to detention at a farm colony.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

Establishment of Prisons Service Canteen.

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

Aanhouding na verstryking van vonnis.

(4) Wanneer die finale onderbroke tydperk van periodieke gevangenisstraf wat deur 'n gevangene uitgedien word, te eniger tyd na 5 nm. op enige dag en voor 6 vm. van die daaropvolgende dag verstryk, kan sy vrylating uitgestel word tot 'n later uur indien die gevangene skriftelik daarmee toestem.

Vermydning van verkeer met ander kategorieë gevangenes.

(5) Alle redelike stappe moet gedoen word om te voorkom dat 'n gevangene wat periodieke gevangenisstraf ondergaan, met enige ander kategorieë gevangenes verkeer.

(B) *Korrektiewe opleiding.*

Toepassing.

141. Benewens die vereistes van artikel een-en-sestig van die Wet en die betrokke bepalings van Hoofstuk II van hierdie regulasies, moet die behandeling en opleiding van 'n gevangene wat tot gevangenisstraf vir korrektiewe opleiding gevonnis is, op die volgende grondslag toegepas word:—

- (a) intensiewe praktiese en teoretiese opleiding in geskikte werk wat die gevangene sover prakties moontlik by vrylating sal toerus en sal help om 'n eerlike bestaan in die vrye lewe te voer;
- (b) persoonlike beïnvloeding, aanmoediging en leiding van die gevangene om hom goed te gedra en 'n goeie karakter te ontwikkel; en
- (c) die verskaffing van geleenthede vir die kweek en ontwikkeling van 'n verantwoordelike sin.

(C) *Gevangenisstraf ter voorkoming van misdaad, en gewoontemisdadigers.*

Inrigtingsbehandeling en -opleiding.

142. (1) Tensy die Kommissaris anders gelas, moet 'n gevangene wat tot gevangenisstraf vir die voorkoming van misdaad gevonnis is of tot 'n gewoontemisdadiger verklaar is, by 'n maksimumveiligheidsgevangenis vir aanvanklike behandeling en opleiding aangehou word.

Bepaling van behandeling en opleiding deur Kommissaris.

(2) Benewens die vereistes van artikel een-en-sestig van die Wet en die betrokke bepalings van Hoofstuk II van hierdie regulasies, kan die Kommissaris, ter bevordering van die oogmerke van hierdie Wet, enige maatreëls of metodes bepaal wat getref of toegepas moet word vir die behandeling, opleiding en rehabilitasie van enige gevangene wat tot gevangenisstraf ter voorkoming van misdaad gevonnis is of wat tot 'n gewoontemisdadiger verklaar is.

(D) *Aanhouding in 'n boerderykolonie.*

Oogmerk van behandeling en opleiding.

143. (1) 'n Gevangene wat tot aanhouding in 'n boerderykolonie gevonnis is, moet dié behandeling en opleiding ondergaan en dié werk verrig soos deur die Kommissaris bepaal mag word om sodanige gevangene in staat te stel om—

- (a) goeie gewoontes van dissipline en ywer te kweek en te ontwikkel; en
- (b) hom, sover doenlik, te bekwaam vir gereelde en bestendige werk in die vrye lewe.

Toepaslikheid van Hoofstuk II van die Regulasies.

(2) Met uitsondering van die bepalings ten opsigte van strafvermindering, is Hoofstuk II van hierdie regulasies *mutatis mutandis* van toepassing op 'n gevangene wat tot aanhouding in 'n boerderykolonie gevonnis is.

HOOFSTUK IV.

DIVERSE BEPALINGS.

Stigting van gevangensdienswinkel.

144. (1) Behoudens enige spesiale of algemene voorskrif deur die Minister, kan die Kommissaris die stigting van 'n gevangensdienswinkel goedkeur indien, na sy mening, sodanige winkel nodig is en dit aan die vereistes van artikel agt-en-tagtig van die Wet voldoen.

Management of Prisons Service Canteen.

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

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

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

Establishment of the Prisons Service Benefit Fund.

145. (1) (a) The Commissioner may establish a fund to be known as "The Prisons Service Benefit Fund", hereinafter called "The Fund", to provide for grants and loans for the following purposes:—

- (i) The provision of facilities for recreation and sport;
- (ii) The establishment and maintenance of libraries, the provision of reading rooms, and the promotion of studies; and
- (iii) the promotion of any other undertaking which, in the opinion of the Commissioner, is directly or indirectly conducive to the benefit and welfare of members.

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

Constitution and Maintenance of The Fund.

(2) The Fund shall consist of—

- (i) moneys, assets and investments, together with accrued interest or dividends, which, with the approval of the Commissioner, have been paid or transferred by any existing prisons service benefit fund or association to The Fund for its sole benefit and ownership;
- (ii) any grants made by the State;
- (iii) any distribution accruing to The Fund in terms of paragraph (b) of sub-regulation (2) of regulation 144; and
- (iv) any other donations to The Fund, interest or dividends from investments, and any other income.

Control and Administration of The Fund.

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

Statistics and Research.

146. (a) Information of statistical value, as prescribed, shall be regularly kept in order to investigate and ascertain the causes of and trends in crime, the degree of success or otherwise of the treatment and training of the various categories of prisoners, of other suitable methods or measures for the prevention of crime and the treatment of the offender, and all other incidental matters.

Bestuur van 'n gevangenisdienswinkel.

(2) (a) 'n Gevangenisdienswinkel (met inbegrip van 'n menasie) wat kragtens subregulasie (1) gestig is, moet deur 'n komitee onder die voorsitterskap van die bevelvoerende offisier beheer word, en sodanige komitee moet saamgestel word en moet sy werksaamhede uitoefen ooreenkomstig die reëls wat van tyd tot tyd voorgeskryf mag word: Met dien verstande dat die Kommissaris na sy goedvinde enige besondere lid kan benoem om in sodanige komitee te dien of om enige bepaalde plig ten opsigte van die beheer en bestuur van sodanige winkel te verrig.

(b) Enige winste of bates, of opbrengs uit die likwidasie, van 'n gevangenisdienswinkel kan soos spesiaal of in die algemeen deur die Kommissaris bepaal mag word, deur die beheerkomitee verdeel word vir enige doel in sub-artikel (3) van artikel agt-en-tagtig van die Wet beoog of vir die gemeenskaplike voordeel of welsyn van lede, gepensioeneerdes en siviele werknemers in sodanige sub-artikel bedoel, en hul afhanklikes.

(c) 'n Gevangenisdienswinkel moet volgens handelsbeginsels bestuur word, en met uitsondering van huisvesting of ander noodsaaklike benodighede wat deur die Staat verskaf mag word en behoudens uitgawes wat die Kommissaris in oorleg met Tesourie uit staatsfondse mag magtig, moet so 'n winkel selfonderhoudend wees.

Instelling van die gevangenisdiensbystandsfonds.

145. (1) (a) Die Kommissaris kan 'n fonds wat as „Die Gevangenisdiensbystandsfonds” bekend staan, hieronder „Die Fonds” genoem, instel om voorsiening te maak vir toekennings en lenings vir die volgende doeleindes:—

- (i) Die verskaffing van geriewe vir ontspanning en sport;
- (ii) die instelling en onderhoud van biblioteke, die verskaffing van leeskamers en die bevordering van studies; en
- (iii) die bevordering van enige ander onderneming wat, na die mening van die Kommissaris, regstreeks of onregstreeks tot die onderlinge voordeel en welsyn van lede strek.

(b) „Die Fonds” wat aldus ingestel is, is regtens bevoeg om in sy eie naam te dagvaar en gedagvaar te word en om roerende en onroerende eiendom aan te skaf, te besit of te vervreem.

Samestelling en Instandhouding van „Die Fonds”.

(2) „Die Fonds” bestaan uit—

- (i) gelde, bates en beleggings, met opgelope rente of dividende, wat met die goedkeuring van die Kommissaris deur enige bestaande bystandsfonds van die Gevangenisdiens of Vereniging aan sodanige Fonds betaal of oorgedra is vir sy eie voordeel en as sy eiendom;
- (ii) enige toekenning wat deur die Staat gemaak mag word;
- (iii) enige verdeling wat Die Fonds kragtens paragraaf (b) van subregulasie (2) van regulasie 144 toekom; en
- (iv) enige ander donasie aan Die Fonds, rente of dividende op beleggings, en ander inkomste.

Beheer oor en bestuur van Die Fonds.

(3) Die beheer oor en bestuur van Die Fonds en die inkomste daarvan, berus by 'n Raad van Trusteë met die bevoegdhede, werksaamhede en pligte soos voorgeskryf, en sodanige Raad moet bestaan uit die Kommissaris of, in sy afwesigheid, die Adjunk- of Assistent-kommissaris, as voorsitter en dié ander lid of lede wat nodig geag en deur die Kommissaris vir enige bepaalde tydperk, deur hom aangedui, aangestel word.

Statistieke en Navorsing.

146. (a) Inligting van statistiese waarde, soos voorgeskryf, moet gereeld bygehou word ten einde die oorsake van en neigings in misdaad, die mate van sukses of andersins van die behandeling en opleiding van die verskillende kategorieë gevangenes, ander geskikte metodes of maatreëls vir die voorkoming van misdaad en die behandeling van die oortreder en alle ander bykomstige aangeleenthede te ondersoek en te bepaal.

(b) Any other investigation or research shall be conducted in respect of any of the matters referred to in paragraph (a), and any observation or report in connection with such investigation or research shall receive due consideration, and the recommendations contained therein shall be applied as the Commissioner may determine.

Penalties for Contraventions.

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

- (a) for a contravention or for non-compliance by a member or special warder, a fine not exceeding one hundred rand, or, in default of payment, imprisonment for a period not exceeding six months, or such imprisonment without the option of a fine, or both such fine and such imprisonment; or
- (b) for a contravention or for non-compliance by a prisoner, any one of the penalties set out in sub-section (2) of sections *fifty-one* and *fifty-four* of the Act; or
- (c) for a contravention or for non-compliance by any person other than a person referred to in paragraph (a) or (b), a fine not exceeding one hundred rand, or, in default of payment, imprisonment for a period not exceeding six months.

Prison Service Orders.

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

- (a) The application of discipline, control and security measures for the effective administration of prisons;
- (b) the appointment, conditions of service, discipline, functions and performance of the duties of members, special warders and other persons in the service of the Prisons Department, whether on a temporary or permanent basis;
- (c) the practical and effective application of the provisions of this Act in relation to the safe custody, discipline, treatment, spiritual, and medical care, training, work, remission of sentence and rehabilitation of all categories of prisoners;
- (d) directives to, and the guidance of, prison boards in the exercise of their functions with a view to uniformity of performance of their duties in conformity with departmental policy, and the effective and productive use of the services of members, whether official or non-official, of all prison boards;
- (e) the form of and procedure for, the submission of petitions to the Minister;
- (f) conditions of approval, and manner of payment or use, of gratuities and *ex gratia* grants; and
- (g) in general the regular and efficient administration of the Prisons Department and the exercise of its functions.

Compliance with Prison Service Orders.

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

(b) Enige ander ondersoek of navorsing moet gedoen word ten opsigte van enigeen van die sake in paragraaf (a) bedoel, en enige waarneming of verslag in verband met sodanige ondersoek of navorsing moet behoorlik aandaag geniet, en die aanbevelings daarin vervat moet toegepas word soos die Kommissaris mag bepaal.

Strawwe vir oortredings.

147. Wanneer daar geen uitdruklike straf vir die oortreding of nie-nakoming van 'n regulasie deur 'n lid, spesiale bewaarder, gevangene of ander persoon, hetsy by 'n eerste of daaropvolgende skuldigbevinding, voorgeskryf is nie, is die strawwe voorgeskryf in subartikel (2) van artikel *vier-en-negentig* van die Wet, van toepassing, naamlik—

- (a) weens 'n oortreding of versuim deur 'n lid of spesiale bewaarder, 'n boete van hoogstens eenhonderd rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande, of sodanige gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf; of
- (b) weens 'n oortreding of versuim deur 'n gevangene, enigeen van die strawwe gemeld in subartikel (2) van artikels *een-en-vyftig* en *vier-en-vyftig* van die Wet; of
- (c) weens 'n oortreding of versuim deur enige ander persoon as dié in paragraaf (a) of (b) bedoel, 'n boete van hoogstens eenhonderd rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Gevangenisdiensorders.

148. (1) Die Kommissaris kan, in dié vorm en op dié wyse wat hy mag bepaal, Gevangenisdiensorders wat nie met die Wet en Regulasies teenstrydig is nie, oor enigeen van of al die volgende sake uitreik, wysig of herroep:—

- (a) Die toepassing van dissipline-, beheer- en veiligheidsmaatreëls vir die doeltreffende administrasie van gevangenis;
- (b) die aanstelling, diensvoorwaardes, dissipline, werksaamhede en uitvoering van die pligte van lede, spesiale bewaarders en ander persone in diens van die Departement van Gevangenis, hetsy op 'n tydelike of permanente grondslag;
- (c) die praktiese en doeltreffende toepassing van die bepalings van hierdie Wet met betrekking tot die veilige bewaring, dissipline, behandeling, geestelike en geneeskundige versorging, opleiding, arbeid, strafvermindering en rehabilitasie van alle kategorieë gevangenes;
- (d) voorskrifte en leiding aan gevangenisrade by die uitoefening van hul werksaamhede, met die oog op eenvormigheid in die uitvoering van hul pligte ooreenkomstig departementele beleid en die doeltreffende en produktiewe gebruik van die dienste van lede, hetsy amptelik of nie-amptelik, van al die gevangenisrade;
- (e) die vorm van en prosedure vir die voorlegging van versoekskrifte aan die Minister;
- (f) voorwaardes vir die goedkeuring, en die wyse van betaling of gebruik, van gratifikasies en *ex gratia*-toekennings; en
- (g) in die algemeen die gerceelde en doeltreffende administrasie van die Departement van Gevangenis en die uitvoering van sy werksaamhede.

Nakoming van Gevangenisdiensorders.

(2) Alle lede van die Gevangenisdiens, spesiale bewaarders en ander persone in diens van die Departement van Gevangenis moet dié Gevangenisdiensorders wat op hulle van toepassing is, gehoorsaam.

Establishment of Medical Fund.

149. (1) (a) As from 1st January, 1966, the Prisons Service Medical Fund (hereinafter referred to as the "Medical Fund") shall be established as a body corporate to provide for the continuation of the medical and hospital treatment, as referred to in regulations 17, 18, 19, 20 and 21, of White serving members, their wives and dependent children, namely members who, on or after the said date have retired or retire on pension or on the grounds of medical unfitness and their wives and dependent children, and for the wives and dependent children of White members who have died or die.

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

- (i) contributions by and levies on members of the Medical Fund as provided in this regulation;
- (ii) moneys, assets and investments with accrued interest or dividends which may be paid or transferred by any existing benefit fund of the Prisons Service or an association to such Medical Fund for its benefit or as its property;
- (iii) any grant which may be made by the State to such Medical Fund; and
- (iv) any other grant or donation to the Medical Fund, interest or dividends on investments, and other revenue.

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

Control of the Medical Fund.

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

Powers of the Board of Control.

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

- (a) to receive any income obtained, in terms of this regulation, from contributions by or levies on members of the Medical Fund, or by way of donations, interest on investments, grants or subsidies, or in any other manner;
- (b) to defray, from the income referred to in paragraph (a), the costs of the medical treatment referred to in sub-regulation (5) and all expenses reasonably incurred for the effective administration, regulation, working and control of the Medical Fund;
- (c) to hold in trust any income referred to in paragraph (a) for the benefit of the Medical Fund, and to invest any portion thereof at interest or to call up any such investment;
- (d) to suspend the membership of a member of the Medical Fund either temporarily or permanently;
- (e) to take legal steps on behalf of a member of the Medical Fund in cases of claims against a third party; and
- (f) to negotiate and enter into agreements with the Medical and the Pharmaceutical Society of South Africa.

Membership of the Medical Fund.

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

- (i) Male members: R0.50 per month; and
- (ii) female members: R0.25 per month.

Instelling van Mediese Fonds vir afgetrede en afgestorwe Blanke lede, hul vrouens en kinders.

149. (1) (a) Met ingang van 1 Januarie 1966 word die Gevangenisdiens Mediese Fonds (hieronder die „Mediese Fonds” genoem) as ’n regspersoon ingestel om voorsiening te maak vir die voortsetting van die geneeskundige en hospitaalbehandeling, soos in regulasies 17, 18, 19, 20 en 21 bedoel, van Blanke dienende lede, hul vrouens en afhanklike kinders, naamlik lede wat op of na bedoelde datum met pensioen of weens mediese ongeskiktheid afgetree het of aftree en hul vrouens en afhanklike kinders, en die vrouens en afhanklike kinders van Blanke lede wat te sterwe gekom het of sterf.

(b) Die Mediese Fonds se inkomste bestaan uit—

- (i) bydraes en heffings, soos in hierdie regulasie bepaal, van lede van die Mediese Fonds;
- (ii) gelde, bates en beleggings, met opgelope rente of dividende, wat deur ’n bestaande bystandsfonds van die Gevangenisdiens of ’n vereniging aan sodanige Mediese Fonds betaal of oorgedra word ten bate van hom of as sy eiendom;
- (iii) enige bedrag wat die Staat aan sodanige Mediese Fonds mag toeken; en
- (iv) enige ander toekenning of donasie aan die Mediese Fonds, rente of dividende op beleggings, en ander inkomste.

(c) Die *domicilium citandi* van die Mediese Fonds is Pretoria.

Beheer van Mediese Fonds.

(2) Die sake van die Mediese Fonds word bestuur en beheer deur ’n raad van beheer (hieronder die „Beheerraad” genoem) wat deur die Kommissaris aangestel word en wat ooreenkomstig die Wet en die regulasies, al die bevoegdhede moet uitoefen en al die pligte moet nakom wat deur die Kommissaris aan sodanige Raad toegewys mag word.

Bevoegdhede van die Beheerraad.

(3) Die Beheerraad is bevoeg om namens die Mediese Fonds—

- (a) enige inkomste wat hy ingevolge hierdie regulasie uit bydraes en heffings van lede van die Mediese Fonds of by wyse van skenkings, rente op beleggings, toekennings of subsidies, of op enige ander wyse verkry, te ontvang;
- (b) die koste van die geneeskundige behandeling in sub-regulasie (5) bedoel en alle koste wat redelikerwys aangegaan is vir die doeltreffende administrasie, reëlins en werking van en beheer oor die Mediese Fonds, uit die inkomste in paragraaf (a) bedoel, te bestry;
- (c) inkomste in paragraaf (a) bedoel, ten bate van die Mediese Fonds in trust te hou, en enige gedeelte daarvan op rente te belê of enige belegging op te vra;
- (d) die lidmaatskap van ’n lid van die Mediese Fonds of tydelik of permanent op te skort;
- (e) geregtelike stappe namens ’n lid van die Mediese Fonds te doen in gevalle van eise teen ’n derde party; en
- (f) met die Mediese en die Aptekersvereniging van Suid-Afrika te onderhandel en ooreenkomste aan te gaan.

Lidmaatskap van die Mediese Fonds.

(4) (a) ’n Blanke lid op die vaste diensstaat is met ingang van 1 Januarie 1966 of met ingang van die datum van sy aanstelling daarna *ipso facto* lid van die Mediese Fonds en is verplig om met ingang van 1 Januarie 1966 of met ingang van die datum van sy aanstelling daarna, maandeliks ’n bedrag soos volg aan die Mediese Fonds te betaal wat by wyse van betaalstaataftrekkings ingevorder word:—

- (i) Manlike lede: R0.50 per maand; en
- (ii) Vroulike lede: R0.25 per maand.

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

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

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

(iii) the widow of a White member who while still serving in the Prisons Service, has died or dies on or after the 1st January, 1964; and

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

shall become a member of the Medical Fund should he or she or they, according to circumstances, pay into the Medical Fund the whole amount which, in the case of a serving member, would be payable over a period of ten years, or, in the case of a widow or dependent child referred to in subparagraphs (iii) and (iv), the difference between the total amount which is payable over a period of ten years and the amount which the member of the Prisons Service had actually paid at the date of his death, within ninety days from 1st January, 1966, or, in the case of a widow or dependent child referred to in subparagraphs (iii) and (iv), from the date of the member's death or such longer period as the Board of Control may in exceptional instances determine. Subject to the provisions of subregulation (5), such member, widow or child shall make no further payment or contribution to the Medical Fund, provided that the Medical Fund shall not be liable for any expenses which before 1st January, 1966, or before the member, widow or dependent child concerned became a member of the Medical Fund, were incurred by or on behalf of any such member, wife, widow or dependent child for medical or hospital treatment.

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

Privileges of Medical Fund.

(5) (1) A White member who has retired or retires on pension or has been discharged or is discharged on the grounds of medical unfitness, his wife and dependent child and a widow or dependent child who, in terms of subregulation (4), is a member of the Medical Fund and who, while such membership of the Medical Fund continues, is subject to the provisions of this regulation, shall be entitled to the continued medical and hospital treatment prescribed in regulations 17, 18, 19, 20 and 21 for serving members, their wives and dependent children: Provided that—

(a) the liability of the Medical Fund in respect of hospital treatment shall be limited to the tariff applicable to civilian patients in a general ward of a provincial hospital of the province where the member of the Medical Fund, his wife or dependent child has, on the instructions of the doctor, to be treated: Provided that should the doctor certify that for medical reasons it is necessary for a

(b) 'n Lid van die Mediese Fonds wat binne tien jaar na 31 Desember 1965 met pensioen of weens mediese ongeskiktheid uit die Gevangensdiens tree en verkies om die voordele van die Mediese Fonds te behou, moet die verskil tussen die hele bedrag wat hy in tien jaar sou betaal het en die bedrag wat hy werklik tot die datum van sy uittrede betaal het, binne negentig dae na sodanige uittrede of ontslag weens mediese ongeskiktheid of binne enige langer tydperk wat in uitsonderlike gevalle deur die Beheerraad bepaal mag word, in die Mediese Fonds stort: Met dien verstande dat enige tekort van sy salaris of enige ander gelde wat die Staat aan hom verskuldig mag wees, afgetrek en aan die Mediese Fonds betaal kan word.

(c) (i) 'n Blanke lid wat op of na 1 Januarie 1964 en voor 1 Januarie 1966 met pensioen afgetree het of aftree of as medies ongeskik ontslaan is of ontslaan word; (ii) die weduwee van 'n lid in subparagraaf (i) bedoel, wat op of na 1 Januarie 1964 gesterf het of sterf voordat hy 'n lid van die Mediese Fonds geword het; (iii) die weduwee van 'n Blanke lid wat terwyl hy nog in die Gevangensdiens gedien het of dien, op of na 1 Januarie 1964 gesterf het of sterf; en (iv) in gevalle waar daar geen oorlewende weduwee is nie, die afhanklike kind of kinders van 'n lid in subparagrafe (ii) en (iii) bedoel, word lid van die Mediese Fonds indien hy of sy of hulle, na gelang van omstandighede, die hele bedrag wat oor 'n tydperk van tien jaar in die geval van 'n dienende lid betaalbaar is of, in die geval van 'n weduwee of afhanklike kind in subparagrafe (iii) en (iv) bedoel, die verskil tussen die hele bedrag wat oor 'n tydperk van tien jaar betaalbaar is en die bedrag wat die lid van die Gevangensdiens werklik tot die datum van sy afsterwe betaal het, binne negentig dae vanaf 1 Januarie 1966 of, in die geval van 'n weduwee of afhanklike kind in subparagrafe (iii) en (iv) bedoel, vanaf die datum van die lid se dood of dié langer tydperk wat die Beheerraad in uitsonderlike gevalle mag bepaal, in die Mediese Fonds stort. Sodanige lid, weduwee of kind maak, behoudens die bepalings van subregulasie (5), geen verdere betaling of bydrae tot die Mediese Fonds nie: Met dien verstande dat die Mediese Fonds nie aanspreeklik is nie vir enige uitgawe wat voor 1 Januarie 1966 of voordat die betrokke lid, weduwee of afhanklike kind lid van die Mediese Fonds geword het, deur of ten behoeve van sodanige lid, eggenote, weduwee of afhanklike kind vir geneeskundige of hospitaalbehandeling aangegaan is.

(d) Indien die Beheerraad daarvan oortuig is dat 'n weduwee of afhanklike kind in subparagrafe (c) (ii), (iii) en (iv) bedoel, nie geldelik in die vermoë is om die bedrag in hierdie subregulasie genoem, te betaal nie, kan die Beheerraad haar of hom onthef van die betaling van die hele bedrag of 'n gedeelte daarvan.

Voordele van Mediese Fonds.

(5) (1) 'n Blanke lid wat met pensioen afgetree het of aftree of weens mediese ongeskiktheid ontslaan is of word, sy eggenote en afhanklike kind en 'n weduwee of afhanklike kind wat ingevolge subregulasie (4) lid van die Mediese Fonds is en wat, terwyl sodanige lidmaatskap van die Mediese Fonds voortduur, aan die bepalings van hierdie regulasie onderworpe is, is geregtig op die voorgesette geneeskundige en hospitaalbehandeling wat in regulasies 17, 18, 19, 20 en 21 vir dienende lede en hul vrouens en afhanklike kinders voorgeskrif word: Met dien verstande dat—

(a) die Mediese Fonds se aanspreeklikheid ten opsigte van hospitaalbehandeling beperk is tot die tarief wat van toepassing is op burgerlike pasiënte in 'n algemene saal van 'n provinsiale hospitaal van die provinsie waar die lid van die Mediese Fonds sy vrou of afhanklike kind op voorskrif van die geneesheer behandel moet word: Met dien verstande dat indien die geneesheer sertifiseer dat dit om geneeskundige redes noodsaaklik is dat 'n pasiënt in 'n private saal van die betrokke hospitaal

patient to be treated in a private ward of the hospital concerned, the costs in connection therewith may be paid in full by the Medical Fund for such period as may be determined by the Board of Control;

- (b) a member of the Medical Fund shall be personally liable for one seventh of the cost of all additional medical treatment in respect of himself, his wife and dependent child;
- (c) in the case of any prescription for medicines or dressings issued to a person who is, in terms of this regulation, entitled thereto, an amount of fifty cents in respect of each such separate prescription shall be paid in the prescribed manner;
- (d) the balance of the costs of medical services referred to in sub-paragraphs (b) and (c) shall be paid by the Medical Fund;
- (e) no provision shall be made for the payment by the Medical Fund of subsistence and travelling expenses in connection with medical treatment; and provided further that in any case where, in the opinion of the District Surgeon, admission to a hospital is necessary, the Board of Control may grant authority to a member of the Medical Fund for the transport of the person concerned to or from any hospital by ambulance or any State or public transport, with due regard to what would be the most economic means of transport under the circumstances;
- (f) claims in respect of transport costs, referred to in paragraph (e), shall be considered on the following basis:—
 - (i) The tariff determined by the Treasury in regard to government transport;
 - (ii) the public tariff determined by the S.A. Railways and Harbours Administration in regard to transport by train or by aircraft of the S.A. Airways; or
 - (iii) the relevant tariff applicable to any other transport for this purpose.

Definition of "Dependent Child".

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

Expenses not Payable by Medical Fund.

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

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

Termination of Benefits.

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

- (i) to supply the prescribed personal and other details;
- (ii) after retirement or, in the case of a widow, after the death of her husband to pay the prescribed amount referred to in sub-regulation (4);
- (iii) to pay the prescribed levies for additional medical treatment and prescriptions for medicines or dressings—

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

behandel moet word, kan die koste daaraan verbonde, ten volle deur die Mediese Fonds betaal word vir dié tydperk wat die Beheerraad mag bepaal;

- (b) 'n lid van die Mediese Fonds persoonlik aanspreeklik is vir een sewende van die koste van alle bykomende geneeskundige behandeling ten opsigte van homself, sy vrou en afhanklike kind;
- (c) in geval van enige voorskrif vir medisyne of verbandmiddels uitgereik aan 'n persoon wat ingevolge hierdie regulasie daarop geregtig is, 'n bedrag van vyftig sent vir elke sodanige afsonderlike voorskrif op die voorgeskrewe wyse betaal word;
- (d) die saldo van die koste van geneeskundige dienste in subparagrafe (b) en (c) bedoel, deur die Mediese Fonds betaal word;
- (e) geen voorsiening vir die betaling, uit die Mediese Fonds, van verblyf- en vervoerkoste in verband met geneeskundige behandeling gemaak word nie; en voorts met dien verstande dat die Beheerraad in enige geval waar 'n distriksgeneesheer opname in 'n hospitaal noodsaaklik ag, aan 'n lid van die Mediese Fonds magtiging vir die vervoer van die betrokke persoon na of van enige hospitaal met 'n ambulans of enige Staats- of openbare vervoer kan verleen met behoorlike inagneming van wat die mees ekonomiese vervoerreelings wat onder dié omstandighede sou wees;
- (f) eise ten opsigte van vervoerkoste, in paragraaf (e) bedoel, word op die volgende grondslag oorweeg:—
 - (i) Die tariewe wat die Tesourie met betrekking tot Staatsvervoer bepaal;
 - (ii) die openbare tarief wat die S.A. Spoorwag- en Hawensadministrasie met betrekking tot vervoer per trein of vliegtuig van die S.A. Lugdiens bepaal; of
 - (iii) die toepaslike tarief wat vir dié doel vir enige ander vervoer geld.

Omskrywing van „afhanklike kind”.

(2) „Afhanklike kind” het by die toepassing van hierdie regulasie die betekenis wat in subregulasie (2) van regulasie 19 daaraan geheg is.

Uitgawes nie uit Mediese Fonds betaalbaar nie.

(6) (a) 'n Lid van die Mediese Fonds is nie op die koste verbonde aan die behandeling van 'n bepaalde ongesteldheid, kragtens hierdie regulasie geregtig nie indien hy ingevolge die bepalings van enige ander wet gratis van geneeskundige behandeling voorsien word.

(b) Die verskaffing van geneeskundige en hospitaalbehandeling ten opsigte van die eggenoot of wewenaar van 'n vrouelid van die Gevangenisdiens word nie kragtens hierdie regulasie gemagtig nie.

Staking van voordele.

(7) (a) Indien 'n lid van die Mediese Fonds versuim of weier om—

- (i) die voorgeskrewe persoonlike en ander besonderhede te verstrek;
- (ii) na aftrede of, in geval van 'n weduwee, na die oorlye van haar eggenoot, die voorgeskrewe bedrag in subregulasie (4) bedoel, te betaal;
- (iii) die voorgeskrewe heffings vir addisionele geneeskundige behandeling en voorskrifte vir medisyne of verbandmiddels te betaal,

kan sy lidmaatskap, na goedvinde van die Beheerraad, tydelik of permanent geskors of gestaak word sonder dat enige gedeelte van die maandelikse of ander bydraes wat hy reeds tot die Mediese Fonds gemaak het, terugbetaal word. Sodanige skorsing of staking van voordele geskied sonder benadeling van die regte van die Mediese Fonds om enige bedrag wat die lid aan die Mediese Fonds verskuldig is, op hom te verhaal.

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

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

Third Party Claims.

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

- (a) has himself taken legal steps to recover such costs by including such costs in his claim or has ceded his claim to the Medical Fund;
- (b) has notified the Medical Fund in writing of the grounds of such claim within three calendar months after the date on which such grounds have arisen; and
- (c) has at no time, without the written consent of the Board, accepted any settlement.

Limitation of Liability.

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

Administration of the Medical Fund.

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

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

FIRST SCHEDULE.

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

P.D. 54.

APPOINTMENT OF SPECIAL WARDERS IN TERMS OF REGULATION 9 (1) (a) AND 9 (1) (b) (iii) (cc) (ON BEHALF OF THE SOUTH AFRICAN RAILWAYS AND HARBOURS).

I. ENROLMENT FORM.

N.B. A.—This form is to be completed by the applicant in his/her own handwriting.

B.—A candidate wilfully making a false statement is liable to instant dismissal.

1. Name in full (in block letters, surname first) _____
2. Tribal name (non-Whites only) _____
3. Permanent postal address _____
4. Date of birth _____
5. Place of birth _____
6. Age last birthday _____
7. Kraal or residence (Bantu persons) _____
8. Sex _____

(b) Indien 'n weduwee van 'n oorlede lid van die Mediese Fonds hertrou, verbeur sy en enige kind van so 'n lid al die voorregte en voordele wat uit hoofde van en kragtens hierdie regulasie verleen word: Met dien verstande dat, as die Beheerraad van oordeel is dat so 'n kind weens geldelike omstandighede of om 'n ander buitengewone of afdoende rede, nie voldoende geneeskundige of hospitaalbehandeling ontvang nie, die Beheerraad ondanks die hertroue van sodanige weduwee, magtigting kan verleen vir dié mediese en hospitaalbehandeling wat kragtens hierdie regulasie verskaf kan word.

(c) 'n Lid hou op om lid van die Mediese Fonds te wees sodra hy bedank of ontslaan word op 'n ander wyse as met pensioen of weens mediese ongeskiktheid en verbeur enige bedrag wat hy tot op die datum van sy diensbeëindiging betaal het.

Derdepartye—Eise.

(8) Die koste verbonde aan die geneeskundige en hospitaalbehandeling van lede van die Mediese Fonds en meegebring deur en regtens verhaalbaar is op derde partye, is deur die Mediese Fonds betaalbaar slegs indien die lid van die Mediese Fonds—

- (a) self geregtelike stappe gedoen het om sodanige koste te verhaal deur dit by sy eis in te sluit, of sy eis aan die Mediese Fonds sodeer het;
- (b) die Mediese Fonds skriftelik van die gronde van sodanige eis verwittig het binne drie maande na die datum waarop sodanige gronde ontstaan het;
- (c) op geen tydstop 'n skikking sonder die skriftelike toestemming van die Beheerraad aanvaar het nie.

Beperking van aanspreeklikheid.

(9) Die Kommissaris, individuele lede van die Beheerraad en enige persoon wat met die administrasie of klerklike werk van die Mediese Fonds belas is, is nie persoonlik vir enige tekort in of verlies uit die Mediese Fonds aanspreeklik nie mits daar te goeder trou en binne die bepalings van die Wet en die regulasies gehandel is, maar word slegs aanspreeklik gehou vir gelde wat werklik deur hulle ten behoeve van die Mediese Fonds ontvang of gehanteer is.

Administrasie van die Mediese Fonds.

(10) (a) Daar moet 'n bankrekening ten behoeve van die Mediese Fonds geopen word, en alle maandelikse bydraes van lede van die Mediese Fonds asook alle ander gelde wat ten behoeve van die Mediese Fonds ingevorder of ontvang word, moet in sodanige rekening gedeponeer word en daaruit moet alle bedrae betaal en opgevoer word.

(b) Die rekenings van die Mediese Fonds word geouditeer deur 'n geoktrooieerde rekenmeester, en daar word jaarliks 'n geouditeerde opgawe van rekenings wat die bates en laste van die Mediese Fonds op die betrokke datum toon, asook 'n staat van inkomste en uitgawes oor die betrokke tydperk, aan die Tesourie voorgeleë.

EERSTE BYLAE.

TOEPASLIKE VOORWAARDES VAN AANSTELLING EN AMPSEED: SPESIALE BEWAARDERS (GEMELD IN REGULASIE 9).

P.D. 54.

AANSTELLING VAN SPESIALE BEWAARDERS INGEVOLGE REGULASIE 9 (1) (a) EN 9 (1) (b) (iii) (cc) (NAMENS DIE SUID-AFRIKAANSE SPOORWEE EN HAWENS).

I.—INSKRYWINGSVORM.

L.W.—A.—Hierdie vorm moet deur die applikant in sy/haar eie handskrif ingevul word.

B.—'n Kandidaat wat opsetlik 'n valse verklaring aflê, kan onmiddellik ontslaan word.

1. Naam voluit (in blokletters, Van eerste) _____
2. Stamnaam (slegs nie-Blankes) _____
3. Permanente posadres _____
4. Datum van geboorte _____
5. Geboorteplek _____
6. Ouderdom vorige verjaarsdag _____
7. Kraal of woonplek (Bantoeperone) _____
8. Geslag _____

9. Name of next-of-kin _____
 10. Relationship _____
 11. Address _____
 12. Identity No. _____
 13. State whether applicant is a South African citizen _____
 14. State total period of residence in the Republic or the territory of South West Africa _____
 15. Married or single _____
 If there are children, state age and sex _____

16. Present employment _____
 17. Nationality _____
 18. Qualifications:—
 (a) Education—

Schools attended.	Examinations passed and/or Certificates obtained.	Date.

(b) Languages—

State specifically whether applicant can speak, read or write the following languages and what examinations he/she has passed therein.

Afrikaans _____ English _____

Bantu languages (state dialects) _____

Other _____

19. Particulars of previous experience:—

(a) Public Service—

Department.	Post held.	Period (state dates).		Reason for termination of service.
		From.	To.	

(b) Other employment—

Name of employer.	Nature of employment and position held.	Period (state dates).		Reason for termination of service.
		From.	To.	

20. (a) Has applicant any physical or mental defect? _____
 If so, describe fully _____

(b) State condition of health _____

21. Has applicant ever been—
 (a) convicted of a criminal offence? If so, give full particulars _____

(b) dismissed from any employment? _____

22. (a) Attach at least two certified copies (not original documents) of testimonials and proof of good character of recent date, including one from last employer, if any.
 (b) Original birth, school and marriage certificates must be submitted.

23. I solemnly declare that the replies to the foregoing questions are in every respect true and correct.

Signature.

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

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

Justice of Peace/Commissioner of Oaths.

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

9. Naam van naaste bloedverwant _____
 10. Verwantskap _____
 11. Adres _____
 12. Persoonsno. _____
 13. Meld of applikant 'n Suid-Afrikaanse burger is _____
 14. Meld totale tydperk in die Republiek of die gebied Suidwes-Afrika woonagtig _____
 15. Getroud of ongetroud _____
 Indien daar kinders is, meld ouderdomme en geslag _____
 16. Huidige werk _____
 17. Nasionaliteit _____
 18. Kwalifikasies:—
 (a) Onderwys—

Skole besoek.	Eksamens waarin geslaag en/of Sertifikaat verwerf.	Datum.

(b) Tale—

Meld uitdruklik of applikant die volgende tale kan praat, lees of skryf en watter eksamens hy/sy daarin met welslaes afgelê het.

Afrikaans _____ Engels _____

Bantoetale (meld dialekte) _____

Ander _____

19. Besonderhede van vorige ondervinding—

(a) Staatsdiens—

Departement.	Pos beklee.	Tydperk (meld datums).		Rede vir diensbeëindiging.
		Van.	Tot.	

(b) Ander betrekkings—

Naam van werkgewer.	Aard van werk en betrekking beklee.	Tydperk (meld datums).		Rede vir diensbeëindiging.
		Van.	Tot.	

20. (a) Het applikant enige liggaams- of geestesgebrek? Indien wel, beskryf volledig _____
 (b) Meld gesondheidstoestand _____

21. Is applikant ooit—

- (a) skuldig bevind aan 'n kriminele misdryf? Indien wel, gee volledige besonderhede _____

(b) ontslaan uit enige werk? _____

22. (a) Heg hieraan ten minste twee gewaarmerkte afskrifte (nie oorspronklike dokumente nie) van getuigskrifte en bewyse van goeie karakter van onlangse datum, insluitende een van laaste werkgewer, indien van toepassing.
 (b) Oorspronklike geboorte-, skool- en huweliksertifikaat moet ingedien word.

23. Ek verklaar plegtig dat die antwoorde op die voorafgaande vrae in alle opsigte waar en juis is.

Handtekening.

24. Die verklaarder erken dat hy/sy op hoogte is van die inhoud van die beëdigde verklaring en dit begryp.

Beëdig/Bevestig voor my te _____
 op hede die _____ dag van _____ 19 _____

Vrederegter/Kommissaris van Ede.

Gebied waarvoor aangestel; of
Ex officio Bevoegdheid en Gebied.

II. OATH OF OFFICE.

I, _____
do promise and declare that I shall faithfully and diligently, without fear, partiality, favour or ill-will, perform the several duties prescribed for a member of the Prisons Service, to the best of my ability.

SO HELP ME GOD.

Signature.

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

Sworn to/Affirmed before me at _____
this _____ day of _____ 19____

Justice of Peace/Commissioner of Oaths.

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

III. MEDICAL CERTIFICATE.

Medical certificate on _____
a candidate for appointment in the Prisons Department.

1. Particulars:—

- (a) (i) Height: (without shoes) _____ feet _____ inches.
(ii) Weight _____ lb.
(iii) Chest measurement at nipple line:—
_____ inches (aa) on full inspiration
_____ inches (bb) on full expiration
(iv) Age: _____ years _____ months.
(b) Do the foregoing particulars reveal any departure from the normal?
If so, describe the abnormality in detail with special reference to overweight or underweight and indicate probable cause thereof.

2. Vaccination:—

Has applicant—

- (a) produced satisfactory proof of successful vaccination? _____
If so, state number and nature of marks and nature of certificate produced, if any _____
or
(b) shown immunity to vaccination through three unsuccessful attempts at vaccination at intervals of not less than one month?
(c) suffered from smallpox?

3. Respiratory organs:—

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

4. Circulation of the blood:—

- (a) Are the beats and sounds of the heart natural and the organ and all the arteries normal in every respect?

If the answer is "No" give concise details.

(b) Blood-pressure.

5. Genito-urinary system:—

- (a) State whether there are signs of any disease or abnormality of the kidneys, bladder or other part of the genito-urinary system.
(b) Are there albumen, sugar, puss, blood or other abnormal substances in the urine?

6. Is the applicant suffering from any of the following diseases:—

Rheumatic fever, rheumatism, developing growths, malaria, tubercle (of any part of the body), syphilis, epilepsy, paralysis, convulsions, asthma and other respiratory troubles, spitting of blood, haemorrhoids, hernia, varicocle or flat-feet?

If any, describe (where possible) the nature and/or extent of the complaint.

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

Give full details.

8. Has the applicant any defect in respect of his/her—

- *(a) Hearing?
*(b) Speech?
*(c) Teeth? (describe condition fully)

*(d) Sight?
Visual acuity according to Snellen's chart. Without glasses

With glasses

Left eye

Right eye

II. AMPSEED.

Ek, _____
beloof en verklaar dat ek na die beste van my vermoë, getrou en ywerig, sonder vrees, partydigheid, voorkeur of kwaadwilligheid die verskillende pligte soos vir 'n lid van die Gevangenisdiens voorgeskryf, sal vervul.

SO HELP MY GOD.

Handtekening.

Die verklaarder erken dat hy/sy op hoogte is van die inhoud van hierdie ampseed en dit begryp.

Beëdig/Bevestig voor my te _____
op hede die _____ dag van _____ 19____

Vrederegter/Kommissaris van Ede.

Gebied waarvoor aangestel; of *Ex officio* Bevoegdheid en Gebied.

III. GENEESKUNDIGE SERTIFIKAAT.

Geneeskundige sertifikaat oor _____
'n kandidaat vir aanstelling in die Departement van Gevangenis.

1. Besonderhede:—

- (a) (i) Lengte: (sonder skoene) _____ voet _____ duim.
(ii) Gewig _____ pond.
(iii) Borsmaat op tepelhoogte:—
_____ duim (aa) by volle inaseming
_____ duim (bb) by volle uitaseming
(iv) Ouderdom: _____ jaar _____ maande.
(b) Dui die voorafgaande besonderhede enige afwyking van die normale aan?
Indien wel, beskryf die abnormaliteit volledig met spesiale verwysing na oorgewig of ondergewig en meld waaraan dit waarskynlik te wyte is.

2. Inenting:—

Het applikant—

- (a) bevredigende bewys gelewer van suksesvolle inenting?
Indien wel, meld aard en getal merke en aard van sertifikaat, as daar is, wat voorgelê is.
(b) onvatbaarheid vir inenting getoon deurdat hy/sy by tussenpose van minstens een maand drie maal sonder sukses ingeënt is?
(c) aan pokkies gely?

3. Asemhalingsorgane:—

- (a) Meld of borskas goed ontwikkel is.
(b) Meld of daar tekens is van 'n vroeëre siekte of 'n siekte in die beginstadium.

4. Bloedsomloop:—

- (a) Is die klop en geluide van die hart natuurlik en is die orgaan en slagare in alle opsigte normaal?
As die antwoord „Nee” is, gee beknopte besonderhede.
(b) Bloeddruk.

5. Genito-urinstelsel:—

- (a) Meld of daar tekens is van enige siektetoestand of abnormaliteit van die niere, blaas of ander deel van die genito-urinstelsel.
(b) Is daar eiwit, suiker, etter, bloed of ander abnormale stowwe in die urine?

6. Ly die applikant aan enigeen van die volgende kwale:—

Rumatiekkoors, rumatiek, ontwikkelende gewasse, malaria, tuberkel (van enige liggaamsdeel), sifilis, epilepsie, verlamming, stuiptrekkings, asma en ander asemhalingsmoelijkhede, bloedspuwing, aambeie, breuk, spatareuk of platvoete?

Indien wel, beskryf (waar moontlik) die aard en/of omvang van die kwaal.

7. Is die applikant op enigerlei wyse vermink, misvorm of liggaamlik gebrekkig of mismaak of is daar enige operasielittekens?

Verstrek volledige besonderhede.

8. Het die applikant enige gebrek ten opsigte van sy/haar:—

- *(a) Gehoor? *(b) Spraak?
*(c) Tande? (beskryf toestand volledig)
*(d) Gesig?

Gesigskerpie volgens Snellen se toetskaart.

Sonder bril

Met bril

Linkeroog

Regteroog

9. From your examination and observations, are you convinced that the applicant is in good health and free from any physical or mental defect, disease or infirmity which is likely to interfere with the proper performance of his/her duty in the Prisons Department in any part of the Republic of South Africa?

Date 19 Signature.
Place Official designation
Professional qualifications

IV. DECLARATION BY APPLICANT.

I, the undersigned, declare that I have read paragraph III (6) above and that I have suffered from the following diseases:

I further declare that I have not suffered from any disease except those mentioned above.

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

Date 19
Place Signature of Applicant.

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

V. CONDITIONS.

- I accept the appointment on condition that I—
 - receive pay of R per annum on the scale ;
 - have to do duty during the hours as prescribed;
 - am entitled to leave privileges as prescribed by regulation;
 - am entitled to medical services as prescribed by regulation;
 - have to wear and maintain the uniform as prescribed by regulation;
 - have to contribute to the Government Employees Provident Fund as soon as I have completed two years' continuous service;
 - am subject to the provisions of the Prisons Act, 1959 (Act No. 8 of 1959), as amended, and all regulations made and Orders issued in terms of this Act and any amendments thereof which may be made from time to time.
- I understand that these conditions may at any time be altered as may be prescribed.
- I clearly understand that in my capacity as special warder I am vested with the same powers, functions and responsibilities, and have to perform the same duties and am subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.
- I understand further that this employment is on a purely temporary basis and that the contract hereby concluded may be terminated by twenty-four hours' notice on either side (which shall, however, not expire on a Sunday or a day off).

Witness Signature.
Date

VI. APPROVAL.

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

Date Commissioner.

P.D. 54 (a).

APPOINTMENT OF A SPECIAL WARDER IN TERMS OF REGULATION 9 (1) (b) (ii).

I. CONDITIONS.

- I undertake to perform duty as a special warder for the period the head of the prison may require my services to escort prisoners from to.
- I clearly understand that in my capacity as a special warder I am vested with the same powers, functions and responsibilities and have to perform the same duties and am subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.
- I accept this appointment at the inclusive pay of R per day.
- I clearly understand that I am not entitled to any further privileges or benefits.

Witness Signature.
Date

9. Het u ondersoek en waarnemings u oortuig dat die applikant in 'n goeie gesondheid verkeer en dat hy/sy vry is van enige liggaams- of geestesgebrek, siekte of swakheid wat hom/haar sou kon hinder in die behoorlike vervulling van sy/haar pligte in die Departement van Gevangenis in enige deel van die Republiek van Suid-Afrika?

Datum 19 Handtekening.
Plek Ampstittel
Professionele kwalifikasies

IV. VERKLARING DEUR APPLIKANT.

Ek, die ondergetekende, verklaar dat ek paragraaf III (6) hierbo gelees het en dat ek aan die volgende siektes gely het.

Ek verklaar verder dat ek aan geen siekte behalwe dié hierbo genoem, gely het nie.

Hierby verbind ek my om, as ek nie bevredigende bewys kan lewer nie dat ek met goeie gevolg ingeënt is of onvatbaar vir inenting is of dat ek nie pokkies gehad het nie, my te laat inent binne 'n maand na die datum waarop ek in die Departement van Gevangenis aangestel word en bewys te lewer dat ek met goeie gevolg ingeënt is, of anders binne drie maande na gemelde datum bewys te lewer dat ek onvatbaar vir inenting is.

Datum 19

Plek Handtekening van Applikant.

* Beskryf aard van gebrek en meld of dit herstel is.
Skrap indien applikant nie 'n bril dra nie.

V. VOORWAARDES.

- Ek aanvaar die betrekking op die voorwaarde dat ek—
 - betaling van R per jaar volgens die skaal ontvang;
 - diens moet doen gedurende die ure soos voorgeskryf;
 - geregtig is op verlofvoorrage soos by regulasie voorgeskryf;
 - geregtig is op mediese dienste soos by regulasie voorgeskryf;
 - die uniform moet dra en in stand moet hou soos by regulasie voorgeskryf;
 - moet bydra tot die Regeringswerknemersondersteuningsfonds sodra ek twee jaar onafgebroke diens voltooi het;
 - onderworpe is aan die bepaling van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), soos gewysig, en alle regulasies uitgevaardig en orders uitgereik kragtens hierdie Wet en enige wysiging daarvan wat van tyd tot tyd gemaak mag word.
- Ek begryp dat hierdie voorwaardes te eniger tyd verander kan word soos voorgeskryf mag word.
- Ek begryp goed dat ek in my hoedanigheid van spesiale bewaarder met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas is, dieselfde pligte moet verrig en aan dieselfde dissipline en gesag onderworpe is as 'n bewaarder wat kragtens subartikel (1) van artikel agt van die Wet aangestel is.
- Ek begryp voorts dat hierdie indiensneming op 'n bloei tydelike grondslag berus en dat die kontrak hierby aangegaan, met wedersydse kennisgewing van vier-en-twintig uur (wat egter nie op 'n Sondag of vry dag mag verstryk nie) besindig kan word.

Getuie Handtekening.
Datum 19

VI. GOEDKEURING.

Aanstelling, ingevolge artikel nege van die Wet, goedgekeur.

Datum 19 Kommissaris.

P.D. 54 (a).

AANSTELLING VAN 'N SPESIALE BEWAARDER INGEVOLGE REGULASIE 9 (1) (b) (ii).

I. VOORWAARDES.

- Ek verbind my om as 'n spesiale bewaarder diens te doen vir die tydperk waarvoor die hoof van die gevangenis my dienste nodig mag hê om gevangenis van te eskorteer.
- Ek begryp goed dat ek in my hoedanigheid van spesiale bewaarder met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas is en dieselfde pligte moet verrig en aan dieselfde dissipline en gesag onderworpe is as 'n bewaarder wat kragtens subartikel (1) van artikel agt van die Wet aangestel is.
- Ek aanvaar hierdie aanstelling teen die allesinsluitende betaling van R per dag.
- Ek begryp goed dat ek op geen verdere voorregte of voordele geregtig is nie.

Getuie Handtekening.
Datum

II. MEDICAL CERTIFICATE.

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

Date _____ Signature _____
Place _____ Official Designation _____
Professional qualifications _____

III. OATH OF OFFICE.

1. I, _____ do promise and declare that I shall faithfully and diligently, without fear, partiality, favour or ill-will perform the several duties as prescribed for a member of the Prisons Service, to the best of my ability.
2. I declare that I have never served a period of imprisonment.

SO HELP ME GOD.

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

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

Justice of Peace/Commissioner of Oaths.

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

IV. APPROVAL.

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

Date _____ Head of _____ Prison.

P.D. 54 (b).

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

I. CONDITIONS.

1. I undertake to perform duty as a special warder from _____
2. I am aware that the employment is on a purely temporary basis and that the contract hereby concluded may be terminated by twenty-four hours' notice on either side (which shall, however, not expire on a Sunday or day off).
3. I clearly understand that in my capacity as a special warder I am vested with the same powers, functions and responsibilities and have to perform the same duties and am subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.
4. I accept this appointment at the pay of R _____ on the scale _____
5. I clearly understand that I am not entitled to any further privileges or benefits.

Witness _____ Signature _____
Date _____

II. MEDICAL CERTIFICATE.

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

Date _____ Signature _____
Place _____ Official designation _____
Professional qualification _____

III. OATH OF OFFICE.

1. I, _____ do promise and declare that I shall faithfully and diligently, without fear, partiality, favour or ill-will, perform the several duties as prescribed for a member of the Prisons Service, to the best of my ability.
2. I declare that I have never served a period of imprisonment.

II. GENEESKUNDIGE SERTIFIKAAT.

Uit my ondersoek en waarnemings is ek oortuig dat die applikant in goeie gesondheid verkeer en vry is van enige liggaams- of geestesgebrek, siekte of swakheid wat hom/haar waarskynlik sal hinder in die behoorlike vervulling van sy/haar pligte in die Departement van Gevangenis in enige deel van die Republiek en Suidwes-Afrika.

Datum _____ 19 _____ Handtekening _____
Plek _____ Ampstitel _____
Professionele kwalifikasies _____

III. AMPSEED.

1. Ek, _____ beloof en verklaar dat ek na die beste van my vermoë, getrou en ywerig, sonder vrees, partydigheid, voorkeur of kwaadwilligheid die verskillende pligte soos vir 'n lid van die Gevangenisdiens voorgeskryf, sal vervul.
2. Ek verklaar dat ek nooit enige tydperk van gevangenisstraf gedien het nie.

SO HELP MY GOD.

Handtekening _____
Die verklaarder erken dat hy/sy op hoogte is van die inhoud van die Ampseed en dit begryp.

Beëdig/Bevestig voor my te _____
op hede die _____ dag van _____ 19 _____

Vrederegter/Kommissaris van Ede.

Gebied waarvoor aangestel; of
Ex officio Bevoegdheid en Gebied.

IV. GOEDKEURING.

Aanstelling, ingevolge artikel nege (1) van die Wet, goedgekeur

Hoof van _____ gevangenis.

Datum _____

P.D. 54 (b).

AANSTELLING VAN 'N SPESIALE BEWAARDER INGEVOLGE REGULASIE 9 (1) (b) (iii) (aa).

I. VOORWAARDES.

1. Ek verbind my om as 'n spesiale bewaarder diens te doen vanaf _____
2. Ek is bewus dat die indiensneming op 'n blote tydelike grondslag berus en dat die kontrak hierby aangegaan, met wedsydse kennisgewing van vier-en-twintig uur (wat egter nie op 'n Sondag of vry dag mag verstryk nie) beëindig kan word.
3. Ek begryp goed dat ek in my hoedanigheid van spesiale bewaarder met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas is, dieselfde pligte moet verrig en aan dieselfde dissipline en gesag onderworpe is as 'n bewaarder wat kragtens subartikel (1) van artikel agt van die Wet aangestel is.
4. Ek aanvaar hierdie aanstelling teen die betaling van R _____ op die skaal _____
5. Ek begryp goed dat ek op geen verdere voorregte of voordele geregtig is nie.

Handtekening _____
Getuie _____ Datum _____

II. GENEESKUNDIGE SERTIFIKAAT.

Uit my ondersoek en waarnemings is ek oortuig dat die applikant in goeie gesondheid verkeer en vry is van enige liggaams- of geestesgebrek, siekte of swakheid wat hom waarskynlik sal hinder in die behoorlike vervulling van sy pligte in die Departement van Gevangenis.

Datum _____ Handtekening _____
Plek _____ Ampstitel _____
Professionele kwalifikasies _____

III. AMPSEED.

1. Ek, _____ beloof en verklaar dat ek na die beste van my vermoë, getrou en ywerig, sonder vrees, partydigheid, voorkeur of kwaadwilligheid die verskillende pligte soos vir 'n lid van die Gevangenisdiens geskryf, sal vervul.
2. Ek verklaar dat ek nooit enige tydperk van gevangenisstraf gedien het nie.

SO HELP ME GOD.

Signature.

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

Sworn to/Affirmed before me at this day of

Justice of Peace/Commissioner of Oaths.

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

IV. APPROVAL.

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

P.D. 54 (c).

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

I. CONDITIONS.

1. I undertake to perform duty as a special warder during the period of six months ending
2. I am aware that the appointment is on a purely temporary basis and the contract hereby concluded may be terminated by twenty-four hours' notice on either side (which shall, however, not expire on a Sunday or day off).
3. I clearly understand that in my capacity as a special warder I am vested with the same powers, functions and responsibilities and have to perform the same duties and am subject to the same discipline and authority as a warder appointed in terms of sub-section (1) of section eight of the Act.
4. I understand that I am not entitled to any further privileges or benefits of the Prisons Department.

Date Signature.

Witness

II. MEDICAL CERTIFICATE.

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

Date 19 Signature.

Place Official designation

Professional qualifications

III. OATH OF OFFICE.

I, do promise and declare that I shall faithfully and diligently, without fear, partiality, favour or ill-will, perform the several duties as prescribed for a member of the Prisons Service, to the best of my ability.

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

SO HELP ME GOD.

Signature.

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

Sworn to/Affirmed before me at this day of

Justice of Peace/Commissioner of Oaths.

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

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

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

Date Signature of Hirer.

SO HELP MY GOD.

Handtekening.

Die verklaarder erken dat hy/sy op hoogte is van die inhoud van die Ampseed en dit begryp.

Beëdig/Bevestig voor my te op hede die dag van 19

Vrederegter/Kommissaris van Ede.

Gebied waarvoor aangestel; of *Ex officio* Bevoegdheid en Gebied.

IV. GOEDKEURING.

Aanstelling, ingevolge artikel nege (1) van die Wet goedgekeur.

Datum Hoof van gevangenis.

P.D. 54 (c).

AANSTELLING VAN 'N SPESIALE BEWAARDER INGEVOLGE REGULASIE 9 (1) (b) (iii) (bb) EN (cc).

I. VOORWAARDES.

1. Ek verbind my om as 'n spesiale bewaarder diens te doen gedurende 'n tydperk van ses maande eindigende
2. Ek is bewus dat die aanstelling op 'n blote tydelike grondslag berus en dat die kontrak hierby aangegaan, met wedersydse kennisgewing van vier-en-twintig uur (wat egter nie op 'n Sondag of vry dag mag verstryk nie) beëindig kan word.
3. Ek begryp goed dat ek in my hoedanigheid van spesiale bewaarder met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas is, dieselfde pligte moet verrig en aan dieselfde dissipline en gesag onderworpe is as 'n bewaarder wat kragtens subartikel (1) van artikel agt van die Wet aangestel is.
4. Ek begryp dat ek op geen verdere voorregte of voordele van die Departement van Gevangenisre geregtig is nie.

Datum Handtekening.
Getuie

II. GENEESKUNDIGE SERTIFIKAAT.

Uit my ondersoek en waarnemings is ek oortuig dat die applikant in goeie gesondheid verkeer en vry is van enige liggaams- of geestesgebrek, siekte of swakheid wat hom waarskynlik sal hinder in die behoorlike vervulling van sy pligte in die Departement van Gevangenisre.

Datum 19 Handtekening.

Plek Ampstittel

Professionele kwalifikasies

III. AMPSEED.

Ek, beloof en verklaar dat ek na die beste van my vermoë getrou en ywerig, sonder vrees, partydigheid, voorkeur of kwaadwilligheid die verskillende pligte wat vir 'n lid van die Gevangenisdiens voorgeskryf is, sal vervul.

Ek verklaar dat ek nooit enige tydperk van gevangenisstraf gedien het nie.

SO HELP MY GOD.

Handtekening.

Die verklaarder erken dat hy/sy op hoogte is van die inhoud van die Ampseed en dit begryp.

Beëdig/Bevestig voor my te op hede die dag van 19

Vrederegter/Kommissaris van Ede.

Gebied waarvoor aangestel; of *Ex officio* Bevoegdheid en Gebied.

IV. VUL IN WAAR DIE HUURDER VAN GEVANGENIS-ARBEID OOK AS WAG OPTREE.

Ek, as die huurder van gevangenisarbeid, aanvaar as voorwaarde van my aanstelling as spesiale bewaarder in verband met die huur van sodanige arbeid, dat ek persoonlik en ten volle aanspreeklik is vir enige besering, verlies of skade wat ek mag opdoen in die loop van die uitvoering van die pligte verbonde aan sodanige aanstelling, en ek vrywaar hierby die Staat teen enige eis, van watter aard ook al ten opsigte van enige sodanige besering, verlies of skade.

Datum Handtekening van Huurder.

V. COMPLETE WHERE THE EMPLOYEE OF THE HIRER OF PRISON LABOUR ACTS AS SPECIAL WARDER. [NOT APPLICABLE WHERE THE HIRER IS A STATE DEPARTMENT, AS DEFINED IN THE PUBLIC SERVICE ACT, 1957 (ACT No. 54 OF 1957), AS AMENDED.]

1. I, as hirer of prison labour, accept full liability for any compensation which as my employee may claim as a result of any injury, loss or damage he may sustain in the course of the performance of the duties attached to his appointment as special warder in connection with the prison labour hired by me.
2. I undertake to—
 - (a) pay the special warder as part of the amount due by me for hire of prison labour, a wage of R_____ per day;
 - (b) pay the Prisons Department the whole or any portion of such wage due to the special warder when requested to do so by the head of the prison.

Date_____ Signature of Hirer.

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

Witness_____ Signature of Employee of Hirer of Labour.
Place_____
Date_____

VI. APPROVAL.

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

Date_____ Head of _____ Prison.

P.D. 54 (d)

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

I. CONDITIONS.

1. I undertake to perform duty as a special warder/wardress with effect from _____
2. I clearly understand that in my capacity as a special warder/wardress I am vested with the same powers, functions and responsibilities and have to perform the same duties and am subject to the same discipline and authority as a warder/wardress appointed in terms of sub-section (1) of section eight of the Act.
3. I understand further that this employment is on a purely temporary basis and that the contract hereby concluded may be terminated by twenty-four hours notice on either side.
4. I accept the appointment at an inclusive pay of R_____ per annum.
5. I understand that I am not entitled to any further privileges or benefits.

Witness_____ Signature.

Date_____

II. OATH OF OFFICE.

1. I, _____ do promise and declare that I shall faithfully and diligently, without fear, partiality, favour or ill-will, perform the several duties as prescribed for a member of the Prisons Service, to the best of my ability.
2. I declare that I have never served any term of imprisonment.

SO HELP ME GOD.

Signature.

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

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

Justice of Peace/Commissioner of Oaths.

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

V. VUL IN WAAR DIE WERKNEMER VAN DIE HUURDER VAN GEVANGENISARBEID AS SPESIALE BEWAARDER OPTREE. [NIE VAN TOEPASSING WAAR DIE HUURDER 'N STAATSDEPARTEMENT, SOOS OMSKRYWE IN DIE STAATSDIENSWET, 1957 (WET No. 54 VAN 1957), SOOS GEWYSIG, IS NIE].

1. Ek, as huurder van gevangenisarbeid, aanvaar volle aanspreeklikheid vir enige skadevergoeding wat as my werknemer mag eis as gevolg van enige besering, verlies of skade wat hy in die loop van die uitvoering van die pligte verbonde aan sy aanstelling as spesiale bewaarder, opdoen in verband met die gevangenisarbeid deur my gehuur.
2. Ek verbind my om—
 - (a) as deel van die bedrag deur my verskuldig vir die huur van gevangenisarbeid, aan die spesiale bewaarder 'n loon van R_____ per dag te betaal;
 - (b) die hele bedrag of enige gedeelte van sodanige loon wat aan die spesiale bewaarder verskuldig is, aan die Departement van Gevangenis te betaal wanneer die hoof van die gevangenis my daartoe versoek.

Datum_____ Handtekening van Huurder.

3. Ek, _____ as werknemer van die huurder van gevangenisarbeid, aanvaar as voorwaarde van my aanstelling as spesiale bewaarder in verband met die huur van sodanige arbeid, dat my werkgewer persoonlik en ten volle aanspreeklik is, en sodanige aanspreeklikheid aanvaar het, vir enige besering, verlies of skade wat ek mag opdoen in die uitvoering, deur my, van die pligte verbonde aan sodanige aanstelling, en ek vrywaar hierby die Staat teen enige eis, van watter aard ook al, ten opsigte van enige sodanige besering, verlies of skade.

Handtekening van Werknemer van Huurder van Arbeid.

Getuie_____

Plek_____

Datum_____

VI. GOEDKEURING.

Aanstelling, ingevolge artikel nege (1) van die Wet, goedgekeur.

Datum_____ Hoof van _____ gevangenis.

P.D. 54 (d).

AANSTELLING VAN 'N SPESIALE BEWAARDER/STER OP SPESIALE KONTRAK INGEVOLGE REGULASIE 9 (1) (b) (i).

I. VOORWAARDES.

1. Ek verbind my om as 'n spesiale bewaarder/ster diens te doen met ingang van _____
2. Ek begryp goed dat ek in my hoedanigheid van spesiale bewaarder/ster met dieselfde bevoegdhede, werksaamhede en verantwoordelikhede beklee en belas is, dieselfde pligte moet verrig en aan dieselfde dissipline en gesag onderworpe is as 'n bewaarder/ster wat kragtens subartikel (1) van artikel agt van die Wet aangestel is.
3. Ek begryp verder dat hierdie indiensneming op 'n blote tydelike grondslag berus en dat die kontrak hierby aangegaan, met wedyrsydse kennisgewing van vier-en-twintig uur beëindig kan word.
4. Ek aanvaar die betrekking teen 'n allesinsluitende betaling van R_____ per jaar.
5. Ek begryp dat ek op geen verdere voorregte en voordele geregtig is nie.

Getuie_____

Datum_____ Handtekening.

II. AMPSEED.

1. Ek, _____ beloof en verklaar dat ek na die beste van my vermoë getrou en ywerig, sonder vrees, partydigheid, voorkeur of kwaadwilligheid die verskillende pligte soos vir 'n lid van die Gevangenisdiens bepaal, sal vervul.
2. Ek verklaar dat ek nooit enige tydperk van gevangenisstraf gedien het nie.

SO HELP MY GOD.

Handtekening.

Die verklaarder erken dat hy/sy op hoogte is van die inhoud van die Ampseed en dit begryp.

Beëdig/Bevestig voor my te _____ op hede die _____ dag van _____ 19_____

Vrederegter/Kommissaris van Ede.

Gebied waarvoor aangestel; of Ex officio Bevoegdheid en Gebied.

III. APPROVAL.

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

Date _____ Head of _____ Prison.

SECOND SCHEDULE.

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

P.D. 160.

Prison.

Prison No. _____

To _____
Residential Address _____

Business Address _____

Whereas you were duly convicted and sentenced to undergo periodical imprisonment for a period of _____ hours as fully set out in the "Notice to Undergo Periodical Imprisonment" (U.D.J. 505) issued at _____ on the _____ day of _____ 19 _____ and whereas you have served only _____ hours of the said imprisonment, this is therefore to direct you in terms of sub-regulation (2) of Regulation 140 of the Prisons Department to surrender yourself to the head of the _____ Prison at _____ a.m./p.m. on the _____ day of _____ 19 _____ for the purpose of undergoing a further period of the said imprisonment in the manner prescribed by regulation in terms of section *thirty-nine* (a) of the Prisons Act, 1959 (Act No. 8 of 1959), as amended.

Issued at _____ this _____ day of _____ 19 _____

Countersigned (Rank).

Head of Prison.
(On duplicate of "Further Notice".)
Original notice received by me.

Date _____ Signature.
(Details to be printed on the reverse side of form P.D. 160.)

I. WARNING.

If you—

- (a) without lawful excuse, proof whereof shall lie with you, fail to comply with this notice; or
- (b) while under the influence of intoxicating liquor or narcotic drugs, surrender yourself for the purpose of undergoing periodical imprisonment, you shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or imprisonment for a period not exceeding six months.

II. GENERAL INFORMATION.

When you report on the next occasion to serve a further portion of your sentence, you should not bring any unnecessary private property with you. A full outfit of clothing, which can also be used on your release, will be sufficient.

Bring your own toilet requisites such as a toothbrush, toothpaste, shaving equipment and soap with you.

Make provision for the necessary means of transport such as bus coupons, rail tickets or the necessary money.

If you travel to the prison by motor vehicle, the keys will be taken into safe custody for you, but the parking of your vehicle is at your own risk.

Rings, fountain pens, watches and money, except the amount required for transport, shall as far as possible not be brought to prison.

III. GOEDKEURING.

Aanstelling, ingevolge artikel *nege* (1) van die Wet, goedgekeur.

Datum _____ Hoof van _____ gevangenis.

TWEEDE BYLAE.

P.D. 160.

KENNISGEWING OM VERDERE PERIODIEKE GEVANGENISSTRAF TE ONDERGAAN. (GEMELD IN REGULASIE 140.)

Gevangenis.
Gevangenisno. _____

Aan _____

Woonadres _____
Besigheidsadres _____

Nademaal u behoortlik skuldig bevind en veroordeel is om vir 'n tydperk van _____ uur periodieke gevangenisstraf te ondergaan soos volledig uiteengesit in die „Kennisgewing om Periodieke Gevangenisstraf te Ondergaan" (J. 505) uitgereik te _____ op die _____ dag van _____ 19 _____ en nademaal u slegs _____ uur van genoemde gevangenisstraf uitgedien het, so is dit dat u kragtens subregulasie (2) van Regulasie 140 van die Departement van Gevangenisse gelas word om u op die _____ dag van _____ 19 _____ om _____ vm./nm. aan die hoof van die _____ gevangenis oor te gee om 'n verdere tydperk van genoemde gevangenisstraf te ondergaan op die wyse soos by regulasie kragtens artikel *nege-en-derig* (a) van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), soos gewysig, voorgeskryf.

Uitgereik te _____ op hede die _____ dag van _____ 19 _____

Mede-onderteken (Rang).

Hoof van die Gevangenis.
(Op duplikaat van „Verdere Kennisgewing".)
Oorspronklike kennisgewing deur my ontvang.

Datum _____ Handtekening.
(Besonderhede wat op keersy van vorm P.D 160. gedruk moet word).

I. WAARSKUWING.

Indien u—

- (a) sonder regmatige verskoning, waarvan die bewyslas op u rus, in gebreke bly om hierdie kennisgewing te gehoorsaam; of
- (b) terwyl u onder die invloed van bedwelkende drank of verdowingsmiddels is, u oorgee om periodieke gevangenisstraf te ondergaan, begaan u 'n misdryf en is u by skuldigbevinding strafbaar met 'n boete van hoogstens eenhonderd rand of met gevangenisstraf van hoogstens ses maande.

II. ALGEMENE INLIGTING.

Wanneer u u by die volgende geleentheid aanmeld vir die verdere uitdiening van u straf, moet u geen onnodige private besittings saambring nie. 'n Volledige uitrusting wat u ook by u vrylating kan gebruik, is voldoende.

Bring u eie toiletbenodighede soos 'n tandeborsel, tandepasta, skeergereedskap en seep saam.

Maak voorsiening vir die nodige vervoermiddele soos bus- of treinkaartjie of die nodige geld.

Indien u met 'n motorvoertuig na die gevangenis kom, sal die sleutels daarvan in veilige bewaring geneem word, maar die parkering van u voertuig geskied op u eie risiko.

Die Departement verskaf werk- en slaapkleren en ook handdoeke. Ringe, vulpenne, horlosies en geld, behalwe die bedrag wat vir vervoer nodig is, moet so ver moontlik nie na die gevangenis gebring word nie.

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