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GOVERNMENT NOTICE

DEPARTMENT OF CORRECTIONAL SERVICES

No. R. 812

7 June 1995

CORRECTIONAL SERVICES ACT, 1959

AMENDMENT OF THE CORRECTIONAL SERVICES REGULATIONS

The Minister of Correctional Services has, under section 94 of the Correctional Services Act, 1959 (Act No. 8 of 1959), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the Correctional Services Regulations published by Government Notice No. R. 2080 of 31 December 1965, as amended by Government Notices Nos. R. 992 of 30 June 1967, R. 441 of 22 March 1968, R. 801 of 10 May 1968, R. 1865 of 11 October 1968, R. 2227 of 6 December 1968, R. 2325 of 20 December 1968, R. 1530 of 18 September 1970, R. 1979 of 13 November 1970, R. 557 of 8 April 1971, R. 1199 of 9 July 1971, R. 53 of 14 January 1972, R. 776 of 12 May 1972, R. 1476 of 25 August 1972, R. 384 of 16 March 1973, R. 922 of 30 May 1973, R. 2368 of 14 December 1973, R. 1842 of 11 October 1974, R. 1311 of 11 July 1975, R. 921 of 28 May 1976, R. 2261 of 3 December 1976, R. 173 of 11 February 1977, R. 607 of 15 April 1977, R. 966 of 3 June 1977, R. 967 of 3 June 1977, R. 968 of 3 June 1977, R. 1047 of 17 June 1977, R. 1199 of 23 June 1977, R. 1584 of 12 August 1977, R. 1731 of 2 September 1977, R. 2094 of 14 October 1977, R. 992 of 19 May 1978, R. 1759 of 1 September

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN KORREKTIEWE DIENSTE

No. R. 812

7 Junie 1995

WET OP KORREKTIEWE DIENSTE, 1959

WYSIGING VAN DIE KORREKTIEWE DIENSTEREGULASIES

Die Minister van Korrektiewe Dienste het kragtens artikel 94 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die Korrektiewe Diensteregulasies afgekondig by Goewermentskennisgewing No. R. 2080 van 31 Desember 1965, soos gewysig by Goewermentskennisgewings Nos. R. 992 van 30 Junie 1967, R. 441 van 22 Maart 1968, R. 801 van 10 Mei 1968, R. 1865 van 11 Oktober 1968, R. 2227 van 6 Desember 1968, R. 2325 van 20 Desember 1968, R. 1530 van 18 September 1970, R. 1979 van 13 November 1970, R. 557 van 8 April 1971, R. 1199 van 9 Julie 1971, R. 53 van 14 Januarie 1972, R. 776 van 12 Mei 1972, R. 1476 van 25 Augustus 1972, R. 384 van 16 Maart 1973, R. 922 van 30 Mei 1973, R. 2368 van 14 Desember 1973, R. 1842 van 11 Oktober 1974, R. 1311 van 11 Julie 1975, R. 921 van 28 Mei 1976, R. 2261 van 3 Desember 1976, R. 173 van 11 Februarie 1977, R. 607 van 15 April 1977, R. 966 van 3 Junie 1977, R. 967 van 3 Junie 1977, R. 968 van 3 Junie 1977, R. 1047 van 17 Junie 1977, R. 1199 van 23 Junie 1977, R. 1584 van 12 Augustus 1977, R. 1731 van 2 September 1977, R. 2094 van 14 Oktober 1977, R. 992 van 19 Mei 1978, R. 1759 van 1 September 1978, R. 1993 van 6 Oktober 1978,

1978, R. 1993 of 6 October 1978, R. 1994 of 6 October 1978, R. 2091 of 21 September 1979, R. 350 of 18 February 1980, R. 1091 of 30 May 1980, R. 1434 of 11 July 1980, R. 832 of 16 April 1981, R. 1933 of 30 August 1985, R. 1229 of 24 June 1988, R. 586 of 31 March 1989, R. 774 of 30 March 1990, R. 2251 of 21 September 1990, R. 2486 of 28 August 1992, R. 3042 of 30 October 1992, R. 1809 of 27 September 1993 and R. 537 of 13 April 1995.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of "commander" of the following definition:

"'community corrections' includes all the direct processes which are aimed at the placement of sentenced prisoners back in the community under correctional or parole supervision and the surveillance within the community of the probationers, parolees and other persons sentenced to correctional supervision or placed under the supervision of the Department in order to prevent their relapse into crime."

Amendment of regulation 95 of the Regulations

3. Regulation 95 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

"(4) A prisoner shall be granted the opportunity to be examined by the medical officer as shortly as possible prior to his removal to another prison: Provided that a prisoner shall not be exempted from transfer should he not avail himself of this opportunity."

Amendment of regulation 96 of the Regulations

4. Regulation 96 of the Regulations is hereby amended—

(a) by the substitution for the heading of subregulation (3) of the following heading:

"Disposal of personal property of a deceased prisoner";

(b) by the substitution for paragraph (a) of subregulation (3) of the following paragraph:

"(a) The personal property of a deceased prisoner which was kept in safe custody in accordance with regulation 90 or which was otherwise lawfully in his possession during incarceration may, whether or not his death occurred from natural causes or was the result of judicial execution, be handed over to his wife, child or next-of-kin, irrespective of whether or not an executor has been appointed in his estate."

(c) by the substitution for the heading of subregulation (5) of the following heading:

"Disposal of personal property of an escaped prisoner";

(d) by the substitution for paragraphs (a) and (b) of subregulation (5) of the following paragraphs respectively:

"(a) The personal property of a prisoner who has escaped and has not been recaptured, which has been kept in safe custody in accordance with regulation 90 or which was otherwise lawfully in his possession during incarceration, shall, after six months after the date of escape, be sold by auc-

R. 1994 van 6 Oktober 1978, R. 2091 van 21 September 1979, R. 350 van 18 Februarie 1980, R. 1091 van 30 Mei 1980, R. 1434 van 11 Julie 1980, R. 832 van 16 April 1981, R. 1933 van 30 Augustus 1985, R. 1229 van 24 Junie 1988, R. 586 van 31 Maart 1989, R. 774 van 30 Maart 1990, R. 2251 van 21 September 1990, R. 2486 van 28 Augustus 1992, R. 3042 van 30 Oktober 1992, R. 1809 van 27 September 1993 en R. 537 van 13 April 1995.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur voor die omskrywing van "herberg" die volgende omskrywing in te voeg:

"'gemeenskapskorreksies' ook alle direkte prosesse wat daarop afgestem is om gevonniste gevangenes onder korrektiewe- of parooltoesig in die gemeenskap terug te plaas en die waarneming binne die gemeenskap van die toesiggevalle, geparoleerdes en ander persone wat tot korrektiewe toesig gevonniss of onder die Departement se toesig geplaas is, ten einde terugval in misdaad te voorkom;"

Wysiging van regulasie 95 van die Regulasies

3. Regulasie 95 van die Regulasies word hierby gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) 'n Gevangene moet so kort moontlik voor oorplasing na 'n ander gevangenis die geleentheid gebied word om deur die geneeskundige beaampte ondersoek te word: Met dien verstande dat 'n gevangene nie van oorplasing gevrywaar word indien hy nie van hierdie geleentheid gebruik maak nie."

Wysiging van regulasie 96 van die Regulasies

4. Regulasie 96 van die Regulasies word hierby gewysig—

(a) deur die opskrif van subregulasie (3) deur die volgende opskrif te vervang:

"Beskikking oor persoonlike besittings van 'n afgestorwe gevangene";

(b) deur paragraaf (a) van subregulasie (3) deur die volgende paragraaf te vervang:

"(a) 'n Afgestorwe gevangene se persoonlike besittings wat ooreenkomstig regulasie 90 in bewaring gehou word of wat andersins tydens aanhouding wettiglik in die gevangene se besit was, kan, hetsy sy afsterwe aan natuurlike oorsake te wyte is of nie, of die gevolg is van 'n geregtelike teregstelling, en ongeag of daar 'n eksekuteur in sy boedel aangestel is of nie, aan sy vrou, kind of naasbestaande oorhandig word."

(c) deur die opskrif van subregulasie (5) deur die volgende opskrif te vervang:

"Beskikking oor persoonlike besittings van 'n ontvlugte gevangene";

(d) deur paragrafe (a) en (b) van subregulasie (5) deur onderskeidelik die volgende paragrafe te vervang:

"(a) 'n Gevangene wat ontvlug het en nie weer in hegtenis geneem is nie, se persoonlike besittings wat ooreenkomstig regulasie 90 in bewaring gehou word of wat andersins tydens aanhouding wettiglik in die gevangene se besit was, moet na ses maande vanaf die datum van ontvlugting per

tion, 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 State Revenue Fund: Provided that the Commissioner may approve the handing over of the personal property of such prisoner 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 personal property of a prisoner which have been paid into the State Revenue Fund 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.”; and

(e) by the substitution for the heading of subregulation (6) of the following heading:

“Disposal of unclaimed personal property”;

(f) by the substitution for subregulation (6) of the following subregulation:

“(6) The unclaimed personal property of a prisoner who has been released, which was kept in safe custody in accordance with regulation 90 or which was otherwise lawfully in his possession during incarceration, shall, after six months from the date of his release, be disposed of *mutatis mutandis* in accordance with the provisions of subregulation (3).”.

Amendment of regulation 98 of the Regulations

5. Regulation 98 of the regulations is hereby amended by the deletion of subregulation (5).

Amendment of regulation 99 of the Regulations

6. Regulation 99 of the Regulations is hereby amended—

(a) by the deletion of subregulation (2);

(b) by the substitution for subregulation (3) of the following subregulation:

“(3) The head of the prison may, in general, designate one or more members at such prison to act as prosecutor at trials in pursuance of section 51 of the Act: Provided that the trial magistrate may designate any other member to conduct such prosecution if the so designated member is not available or cannot for good reason appear: Provided further that the magistrate may, at his discretion, designate a person who is competent to prosecute in a magistrate's court to act as prosecutor at such trial.”;

(c) by the substitution for subregulation (4) of the following subregulation:

“(4) (a) The person designated in terms of subregulation (3) to act as prosecutor or the Chairman of the Institutional Committee in the case of disciplinary hearings in terms of section 54 of the Act shall make arrangements for the attendance at the trial of the accused prisoner and any member or temporary warder required to give evidence at the

veiling verkoop word, en die opbrengs van die verkoop en enige ander geld wat die gevangene in die gevangenis gehad het, moet ter vereffening van enige eise deur die Staat toegeëien word, en die saldo, indien daar is, moet in die Staatsinkomstefonds gestort word: Met dien verstande dat die Kommissaris kan goedkeur dat die persoonlike besittings van so 'n gevangene aan sy vrou, kind of naasbestaande oorhandig word as die Staat geen eis ten opsigte van sodanige besittings het nie.

(b) Die opbrengs van die verkoop van enige persoonlike besittings van 'n gevangene kragtens paragraaf (a) in die Staatsinkomstefonds gestort, kan op aanbeveling van die Kommissaris terugbetaal word aan die eienaar of ander persoon wat wettiglik daarop geregtig is.”; en

(e) deur die opskrif van subregulasie (6) deur die volgende opskrif te vervang:

“Beskikking oor onopgeëiste persoonlike besittings”;

(f) deur subregulasie (6) deur die volgende subregulasie te vervang:

“(6) Daar moet, na ses maande vanaf die datum van sy vrylating, *mutatis mutandis* ooreenkomstig die bepalings van subregulasie (3) oor 'n gevangene wat vrygelaat is, se onopgeëiste persoonlike besittings wat ooreenkomstig regulasie 90 in bewaring gehou word of wat andersins tydens aanhouding wettiglik in die gevangene se besit was, beskik word.”.

Wysiging van regulasie 98 van die Regulasies

5. Regulasie 98 van die Regulasies word hierby gewysig deur subregulasie (5) te skrap.

Wysiging van regulasie 99 van die Regulasies

6. Regulasie 99 van die Regulasies word hierby gewysig—

(a) deur subregulasie (2) te skrap;

(b) deur subregulasie (3) deur die volgende subregulasie te vervang:

“(3) Die hoof van die gevangenis kan in die algemeen een of meer lede by daardie gevangenis aanwys om as aanklaer op te tree by verhoor ingevolge artikel 51 van die Wet: Met dien verstande dat die verhoorlanddros by 'n verhoor enige ander lid kan aanwys om sodanige vervolging waar te neem indien die lid aldus deur die hoof aangewys, nie beskikbaar is nie of om 'n grondige rede nie kan verskyn nie: Met dien verstande voorts dat die landdros na goeë dunske 'n persoon wat bevoeg is om 'n vervolging in 'n landdroshof waar te neem, kan aanwys om as aanklaer by sodanige verhoor op te tree.”;

(c) deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) (a) Die persoon wat kragtens subartikel (3) aangewys is om as aanklaer op te tree, of die Voorsitter van die Inrigtingskomitee in die geval van dissiplinêre verhore ingevolge artikel 54 van die Wet, moet reëlins tref vir die bywoning van die verhoor deur die aangeklaagde gevangene en enige lid of tydelike bewaarder wat by die verhoor

trial, and shall warn or subpoena, as the case may be, 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, in the case of disciplinary hearings in terms of section 54 of the Act, the Chairman of the Institutional Committee, 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 person designated in terms of subregulation (3) as prosecutor to give evidence other than evidence of a merely formal nature he shall, as far as possible, give such evidence first.”;

(d) by the substitution for subregulation (5) of the following subregulation:

“(5) Whenever a prisoner has pleaded to a charge of contravening or failing to comply with any provision of these regulations, the prosecution of such charge shall proceed to verdict: Provided that the Commissioner or, with his consent, the member designated under subregulation (3) to act as prosecutor, may, for good and sufficient reasons, at any time after plea and before verdict, stop the trial in which event the accused prisoner shall be entitled to a verdict of acquittal in respect of that charge.”;

(e) by the substitution for the heading of subregulation (6) of the following heading:

“Disciplinary hearing by institutional committee”;

(f) by the substitution for paragraph (a) of subregulation (6) of the following paragraph:

“(a) If a prisoner is accused of any contravention of or failure to comply with any provision of these regulations, the matter may be dealt with in terms of section 54 of the Act.”;

(g) by the substitution for paragraph (b) of subregulation (6) of the following paragraph:

“(b) Whenever a prisoner has pleaded to a charge of contravening or failing to comply with any provision of these regulations, the disciplinary hearing shall proceed to verdict: Provided that the Commissioner or the Chairman of the Institutional Committee may, for good and sufficient reasons, at any time after plea and before verdict, stop the hearing, in which event the accused prisoner shall be entitled to a verdict of acquittal in respect of that charge.”;

nodig is om getuienis af te lê, en moet enige ander persoon wie se aanwesigheid by die verhoor nodig blyk te wees, aansê of dagvaar, na gelang van die geval, om die verhoor by te woon en getuienis af te lê, of om enige dokument of ding voor te lê, hetsy ter staving van die aanklag of ter verdediging van die aangeklaagde gevangene.

(b) 'n Dagvaardiging, in die voorgeskrewe vorm, beteken aan 'n persoon wat by die verhoor nodig is om getuienis 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, in die geval van dissiplinêre verhore ingevolge artikel 54 van die Wet, die Voorsitter van die Inrigtingskomitee, en die betekening daarvan is onderworpe aan die hofreëls wat van toepassing is op die betekening van so 'n prosesstuk in 'n summier verhoor van 'n kriminele aanklag in 'n landdroshof.

(c) As dit vir die persoon wat kragtens subregulasie (3) aangewys is om as aanklaer op te tree, nodig is om ander getuienis as getuienis van 'n bloot formele aard aan te bied, moet hy, sover moontlik, sodanige ander getuienis eerste aanbied.”;

(d) deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Wanneer 'n gevangene op 'n aanklag van 'n oortreding van of versuim om te voldoen aan die bepalings van hierdie regulasies gepleit het, moet die voortsetting van sodanige verhoor tot uitspraak voortgaan: Met dien verstande dat die Kommissaris of, met sy toestemming, die lid wat kragtens subregulasie (3) aangewys is om as aanklaer op te tree, om grondige en afdoende redes te eniger tyd na pleit en voor uitspraak die verhoor kan staak, in welke geval die aangeklaagde gevangene ten opsigte van daardie aanklag op onskuldigbevinding geregtig is.”;

(e) deur die opskrif van subregulasie (6) deur die volgende opskrif te vervang:

“Dissiplinêre verhoor deur inrigtingskomitee”;

(f) deur paragraaf (a) van subregulasie (6) deur die volgende paragraaf te vervang:

“(a) Indien 'n gevangene beskuldig word van 'n oortreding van of versuim om te voldoen aan die een of ander bepaling van hierdie regulasies, kan die beweerde oortreding ooreenkomstig artikel 54 van die Wet hanteer word.”;

(g) deur paragraaf (b) van subregulasie (6) deur die volgende paragraaf te vervang:

“(b) Wanneer 'n gevangene op 'n aanklag van 'n oortreding van of versuim om te voldoen aan die bepalings van hierdie regulasies gepleit het, moet die dissiplinêre verhoor tot uitspraak voortgesit word: Met dien verstande dat die Kommissaris of die Voorsitter van die Inrigtingskomitee, om grondige en afdoende redes te eniger tyd na pleit en voor uitspraak die verhoor kan staak, en in so 'n geval is die aangeklaagde gevangene ten opsigte van daardie aanklag op onskuldigbevinding geregtig.”;

(h) by the deletion of paragraph (c) of subregulation (6);

(i) by the deletion of paragraph (d) of subregulation (6);

(j) by the deletion of subregulation (7).

Amendment of regulation 100 of the Regulations

7. Regulation 100 of the Regulations is hereby amended by the substitution for the introductory part of subregulation (1) of the following:

“(1) Subject to the provisions of sections 36 and 37 of the Act, sections 302, 308, 309, 316 and 321 (1) (a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and such directions as may be prescribed, corporal punishment shall not be inflicted—”;

Repeal of regulation 101 of the Regulations

8. Regulation 101 of the Regulations is hereby repealed.

Amendment of regulation 109 of the Regulations

9. Regulation 109 of the Regulations is hereby amended by the substitution for subregulation (5) of the following subregulation:

“(5) (a) If a prisoner who has been granted permission to study abuses such permission or his study material in any way or uses it for purposes other than study, such prisoner's study material and the permission to study may be temporarily or permanently withdrawn.

(b) If a prisoner's study material and the permission to study are withdrawn in terms of paragraph (a) and if he has incurred costs in connection with his studies, he shall not be entitled to recover such costs from the State.

(c) The study material remains the property of the prisoner and shall be treated as his personal property.”.

Amendment of regulation 114 of the Regulations

10. Regulation 114 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

“(3) Subject to the provisions of section 82 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.”.

Amendment of regulation 117 of the Regulations

11. Regulation 117 of the Regulations is hereby amended by the substitution for paragraphs (a) and (b) of subregulation (1) of the following paragraphs, respectively:

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

(b) to equip him for a honest and industrious life after his placement or release; and”.

Repeal of regulation 118 of the Regulations

12. Regulation 118 of the Regulations is hereby repealed.

(h) deur paragraaf (c) van subregulasie (6) te skrap.

(i) deur paragraaf (d) van subregulasie (6) te skrap.

(j) deur subregulasie (7) te skrap.

Wysiging van regulasie 100 van die Regulasies

7. Regulasie 100 van die Regulasies word hierby gewysig deur die inleidende gedeelte van subregulasie (1) deur die volgende te vervang:

“(1) Behoudens die bepalings van artikels 36 en 37 van die Wet, artikels 302, 308, 309, 316 en 321 (1) (a) van die Strafproseswet, 1977 (Wet No. 51 van 1977), en sodanige voorskrifte as wat voorgeskryf word, moet lyfstraf nie toegedien word nie—”.

Herroeping van regulasie 101 van die Regulasies

8. Regulasie 101 van die Regulasies word hierby herroep.

Wysiging van regulasie 109 van die Regulasies

9. Regulasie 109 van die Regulasies word hierby gewysig deur subregulasie (5) deur die volgende subregulasie te vervang:

“(5) (a) Indien 'n gevangene wat toegelaat word om te studeer, sodanige vergunning of sy studiemateriaal op enige wyse misbruik of vir ander doeleindes as vir studie aanwend, kan so 'n gevangene se studiemateriaal en die vergunning om te studeer tydelik of permanent ingetrek word.

(b) Indien 'n gevangene se studiemateriaal en die vergunning om te studeer ingevolge paragraaf (a) ingetrek word en indien hy reeds uitgawes in verband met sy studie aangegaan het, het hy geen reg om sodanige uitgawes op die Staat te verhaal nie.

(c) Die studiemateriaal bly die eiendom van die gevangene en moet as deel van sy persoonlike besittings behandel word.”.

Wysiging van regulasie 114 van die Regulasies

10. Regulasie 114 van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

“(3) Behoudens die bepalings van artikel 82 van die Wet of behalwe wanneer die Kommissaris dit goedkeur of die geneeskundige beamppte anders voorskryf, word rantsoene slegs volgens die voorgeskryfde dieet aan 'n gevangene uitgereik.”.

Wysiging van regulasie 117 van die Regulasies

11. Regulasie 117 van die Regulasies word hierby gewysig deur paragrawe (a) en (b) van subregulasie (1) deur onderskeidelik die volgende paragrawe te vervang:

“(a) by hom die begeerte te kweek om na sy uitplasing of vrylating 'n eerlike en vlytige lewe te lei;

(b) hom toe te rus vir 'n eerlike en vlytige lewe na sy uitplasing of vrylating; en”.

Herroeping van regulasie 118 van die Regulasies

12. Regulasie 118 van die Regulasies word hierby herroep.

Repeal of regulation 119 of the Regulations

13. Regulation 119 of the Regulations is hereby repealed.

Amendment of regulation 120 of the Regulations

14. Regulation 120 of the Regulations is hereby amended—

(a) by the substitution for the heading thereof of the following heading:

“(W) Placement and release”;

(b) by the substitution for subregulation (1) and the heading thereof of the following heading and subregulation:

“Medical examination before placement or release

(1) A medical officer shall, as far as is practicable, examine a sentenced prisoner as shortly as possible before his placement or release from prison.”;

(c) by the substitution for subregulation (3) and the heading thereof of the following heading and subregulation:

“Interview prior to placement or release

(3) The head of the prison or a member designated by him shall interview a sentenced prisoner as shortly as possible before his placement or release from prison.”;

(d) by the substitution for subregulation (4) of the following subregulation:

“(4) As far as is practicable, provision shall be made before the placement or 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 to life outside prison.”;

(e) by the substitution for the heading of subregulation (5) of the following heading:

“Disposal of personal property and material assistance”;

(f) by the substitution for the introductory part to paragraph (a) of subregulation (5) of the following:

“(a) On the placement or release of a prisoner”;

(g) by the substitution of the introductory part to paragraph (b) of subregulation (5) of the following:

“(b) On the placement or release of a sentenced prisoner—”;

(h) by the substitution for subparagraph (i) of paragraph (b) of subregulation (5) of the following subparagraph:

“(i) a ticket or travel fare, including a ticket for bedding where applicable, may be issued to him for the most economical transport to his destina-

Herroeping van regulasie 119 van die Regulasies

13. Regulasie 119 van die Regulasies word hierby herroep.

Wysiging van regulasie 120 van die Regulasies

14. Regulasie 120 van die Regulasies word hierby gewysig—

(a) deur die opskrif van die regulasie deur die volgende opskrif te vervang:

“(W) Uitplasing en vrylating”;

(b) deur subregulasie (1) en die opskrif daarvan deur die volgende opskrif en subregulasie te vervang:

“Geneeskundige ondersoek voor uitplasing of vrylating

(1) 'n Geneeskundige beampte moet, sover dit uitvoerbaar is, 'n gevonniste gevangene so kort moontlik voor sy uitplasing of vrylating uit 'n gevangenis ondersoek.”;

(c) deur subregulasie (3) en die opskrif daarvan deur die volgende opskrif en subregulasie te vervang:

“Onderhoud voor uitplasing of vrylating

(3) Die hoof van die gevangenis of 'n lid deur hom aangewys, moet 'n gevonniste gevangene so kort moontlik voor sy uitplasing of vrylating uit 'n gevangenis te woord staan.”;

(d) deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) Sover uitvoerbaar, moet voorsiening voor die uitplasing of vrylating van 'n gevonniste gevangene gemaak word vir sy plasing in geskikte herberg en stabiele werk en vir die nodige toesig en leiding in belang van sy suksesvolle heraanpassing in die vrye lewe.”;

(e) deur die opskrif van subregulasie (5) deur die volgende opskrif te vervang:

“Beskikking oor persoonlike besittings, en materiële bystand”;

(f) deur die inleidende gedeelte van paragraaf (a) van subregulasie (5) deur die volgende te vervang:

“(a) By die uitplasing of vrylating van 'n gevangene—”;

(g) deur die inleidende gedeelte van paragraaf (b) van subregulasie (5) deur die volgende paragraaf te vervang:

“(b) By die uitplasing of vrylating van 'n gevonniste gevangene kan”;

(h) deur subparagraaf (i) van paragraaf (b) van subregulasie (5) deur die volgende subparagraaf te vervang:

“(i) 'n reiskaartjie of reisgeld, met inbegrip van 'n kaartjie vir beddegoed waar van toepassing, vir die mees ekonomiese vervoer na sy bestemming aan hom voorsien word; en”.

Amendment of regulation 126 of the Regulations

15. Regulation 126 of the Regulations is hereby amended—

(a) by the substitution for the headings of the regulation of the following headings:

"PAROLE BOARDS

(A) Constitution of parole boards";

(b) by the substitution for subregulation (1) of the following subregulation:

"(1) When the Commissioner constitutes a parole board in terms of section 5C of the Act, he may declare the name and seat of a parole board, and define, extend or reduce the area of jurisdiction thereof."; and

(c) by the deletion of subregulation (2).

Amendment of regulation 127 of the Regulations

16. Regulation 127 of the Regulations is hereby amended—

(a) by the substitution for the heading "(B) Functions and duties of a release board" of the following heading:

"(B) Functions and duties of a parole board";

(b) by the substitution for subregulation (1) of the following subregulation:

"(1) (a) In addition to compliance with the provisions in Chapter VI of the Act, a parole board shall exercise the functions and perform the duties assigned to it at regulation or at the direction of the Commissioner.

(b) A member of a parole board who is not a member of the Department shall also exercise the functions and perform the duties assigned to him at the direction of the Commissioner."; and

(c) By the substitution for subregulation (3) of the following subregulation:

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

Amendment of regulation 128 of the Regulations

17. Regulation 128 of the Regulations is hereby amended—

(a) by the substitution for the heading "(C) Meetings of a release board" of the following heading:

"(C) Meetings of a parole board";

(b) by the substitution for subregulations (1), (2), (3) and (5) of the following subregulations, respectively:

"(1) Subject to the provisions of subregulation (3), meetings of one or more parole boards under the chairmanship of the chairmen may be convened and all such meetings shall be regarded as properly constituted, notwithstanding the fact that two or more thereof are held at the same time or at one or more places within the area of jurisdiction of such boards.

Wysiging van regulasie 126 van die Regulasies

15. Regulasie 126 van die Regulasies word hierby gewysig—

(a) deur die opskrifte van die regulasie deur die volgende opskrifte te vervang:

"PAROOLRADE

(A) Samestelling van paroolrade";

(b) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Wanneer die Kommissaris 'n paroolraad kragtens artikel 5C van die Wet aanstel, kan hy die naam en setel van 'n paroolraad bepaal en die regsgebied daarvan omskryf, uitbrei of inperk."; en

(c) deur subregulasie (2) te skrap.

Wysiging van regulasie 127 van die Regulasies

16. Regulasie 127 van die Regulasies word hierby gewysig—

(a) deur die opskrif "(B) Werksaamhede en pligte van 'n gevangenisraad" deur die volgende opskrif te vervang:

"(B) Werksaamhede en pligte van 'n paroolraad";

(b) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) (a) Benewens die nakoming van die bepalings in Hoofstuk VI van die Wet vervat, moet 'n paroolraad die werksaamhede uitoefen en die pligte verrig wat by regulasie of by voorskrif van die Kommissaris aan hom toegewys is.

(b) 'n Lid van 'n paroolraad wat nie 'n lid van die Departement is nie, moet ook die werksaamhede uitoefen en die pligte verrig wat by voorskrif van die Kommissaris aan hom toegewys is."; en

(c) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Enige werksaamheid of plig wat by regulasie aan 'n paroolraad toevertrou is, kan met die instemming 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."

Wysiging van regulasie 128 van die Regulasies

17. Regulasie 128 van die Regulasies word hierby gewysig—

(a) deur die opskrif "(C) Vergaderings van 'n gevangenisraad" deur die volgende opskrif te vervang:

"(C) Vergaderings van 'n paroolraad";

(b) deur subregulasies (1), (2), (3) en (5) deur onderskeidelik die volgende subregulasies te vervang:

"(1) Behoudens die bepalings van subregulasie (3) kan vergaderings van een of meer paroolrade onder voorsitterskap van die voorsitters byeenge-roep word en alle sodanige vergaderings word geag behoorlik gekonstitueer te wees ondanks die feit dat twee of meer daarvan op dieselfde tyd of op een of meer plekke binne die regsgebied van sodanige rade gehou word.

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

(3) The chairman, together with at least two other members of a parole board, shall form a quorum at a meeting.

(5) The chairman shall determine the order of the agenda and the procedure at a meeting of a parole board and make recommendations applicable to such matters at such meeting.”; and

(c) by the substitution for subregulation (6) and the heading thereof of the following subregulation and heading:

“Resolution of meeting

(6) A recommendation of a parole 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) shall have one vote and, in the case of an equality of votes, the chairman 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 the parole board in regard to such matter. The Commissioner may submit such report, together with his comments, to the Minister.”.

Repeal of regulation 129 of the Regulations

18. Regulation 129 of the Regulations is hereby repealed.

Repeal of regulation 131 of the Regulations

19. Regulation 131 of the Regulations is hereby repealed.

Amendment of regulation 139 of the Regulations

20. Regulation 139 of the Regulations is hereby amended by the substitution for subregulation (3) and the heading thereof of the following heading and subregulation:

“Detention

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

Repeal of regulation 143 of the Regulations

21. Regulation 143 of the Regulations is hereby repealed.

Amendment of regulation 147 of the Regulations

22. Regulation 147 of the Regulations is hereby amended—

(a) by the substitution for the heading thereof and the words preceding paragraph (a) of the following:

“Penalties or disciplinary measures for contraventions

147. Whenever no specific punishment or disciplinary measures have been prescribed for the contravention of or failure to comply with any regu-

(2) So dikwels as wat die Kommissaris bepaal, moet die voorsitter ’n vergadering van die paroolraad byeenroep by sy setel, ’n gevangenis of ander plek waar gevangenes in veilige bewaring mag wees binne die regsgebied van sodanige paroolraad.

(3) Die voorsitter tesame met minstens twee ander lede maak ’n kworum vir vergadering van ’n paroolraad uit.

(5) Die voorsitter moet die volgorde van die agenda van en die prosedure by ’n vergadering van ’n paroolraad bepaal, en aanbevelings maak van toepassing op sodanige aangeleenthede op sodanige vergadering.”; en

(c) deur subregulasie (6) en die opskrif daarvan deur die volgende opskrif en subregulasie te vervang:

“Besluit van ’n vergadering

(6) ’n Aanbeveling van ’n paroolraad oor enige saak wat hy oorweeg, moet geformuleer word as ’n besluit wat aangeneem word met ’n meerderheidstem van die lede wat teenwoordig is by die bespreking en wat stem oor daardie saak; elke lid (insluitende die voorsitter) het een stem, en in die geval van ’n staking van stemme het die voorsitter 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 die paroolraad oor sodanige saak. Die Kommissaris kan sodanige aanbeveling tesame met sy kommentaar aan die Minister voorlê.”.

Herroeping van regulasie 129 van die Regulasies

18. Regulasie 129 van die Regulasies word hierby herroep.

Herroeping van regulasie 131 van die Regulasies

19. Regulasie 131 van die Regulasies word hierby herroep.

Wysiging van regulasie 139 van die Regulasies

20. Regulasie 139 van die Regulasies word hierby gewysig deur subregulasie (3) en die opskrif daarvan deur die volgende opskrif en subregulasie te vervang:

“Aanhouding

(3) ’n Terdoodveroordeelde gevangene moet in ’n spesiale sel wat vir daardie doel voorgeskryf is, opgesluit word en moet apart van alle ander kategorieë gevangenes aangehou word.”.

Herroeping van regulasie 143 van die Regulasies

21. Regulasie 143 van die Regulasies word hierby herroep.

Wysiging van regulasie 147 van die Regulasies

22. Regulasie 147 van die Regulasies word hierby gewysig—

(a) deur die opskrif daarvan en die woorde wat paragraaf (a) voorafgaan, deur die volgende opskrif en inleidende woorde te vervang:

“Strawwe of tugmaatreëls vir oortredings

147. Wanneer daar geen uitdruklike straf of tugmaatreël vir die oortreding van of versuim om te voldoen aan ’n regulasie deur ’n lid, tydelike

lation by a member, temporary warder, prisoner or other person, whether on a first or subsequent conviction, the penalties prescribed by subsection (2) of section 94 of the Act shall apply, namely -"; and

(b) by the substitution for paragraph (b) of the following paragraph:

"(b) for a contravention or for non-compliance by a prisoner, any one of the penalties set out in subsection (2) of section 51 and the disciplinary measures set out in subsection (13) of section 54 of the Act; or"

Amendment of regulation 148 of the Regulations

23. Regulation 148 of the Regulations is hereby amended—

(a) by the substitution for the heading thereof and subregulation (1) of the following heading and subregulation:

"Departmental orders

(1) The Commissioner may, in such form and manner as he may determine, issue, amend or rescind Departmental orders not inconsistent with the Act and regulations, on any or all of the following matters:"; and

(b) by the substitution for paragraphs (c) and (d) of subregulation (1) of, the following paragraphs, respectively:

"(c) The practical and effective application of the provisions of the Act in relation to the safe custody, discipline, treatment, spiritual and medical care, Training, work, allocation of credits and rehabilitation of all categories of prisoners.

(d) Directives to, and the guidance of, institutional committees and parole 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 institutional committees and parole boards."

Amendment of regulation 153 of the Regulations

24. Regulation 153 of the Regulations is hereby amended—

(a) by the substitution for the heading thereof and subregulation (1) of the following heading and subregulation:

"Duties of the Head of Community Corrections

(1) The Head of Community Corrections, as designated by the Commissioner or a correctional official acting on his authority shall interview every probationer as soon as possible after he is placed under correctional supervision or is sentenced to such supervision.";

(b) by the substitution for subregulation (2) of the following subregulation:

"(2) The Head of Community Corrections shall convey or cause to be conveyed in writing the conditions or amended conditions of correctional supervision to every probationer."

bewaarder, gevangene of ander persoon, hetsy by 'n eerste of daaropvolgende skuldigbevinding, voorgeskryf is nie, is die strawwe voorgeskryf in subartikel (2) van artikel 94 van die Wet, van toepassing, naamlik -"; en

(b) deur paragraaf (b) deur die volgende paragraaf te vervang:

"(b) weens 'n oortreding of versuim deur 'n gevangene, enigeen van die strawwe gemeld in subartikel (2) van artikel 51 en die tugmaatreëls gemeld in subartikel (13) van artikel 54 van die Wet; of"

Wysiging van regulasie 148 van die Regulasies

23. Regulasie 148 van die Regulasies word hierby gewysig—

(a) deur subregulasie (1) en die opskrif daarvan deur die volgende opskrif en subregulasie te vervang:

"Departementele orders

(1) Die Kommissaris kan, in die vorm en op die wyse wat hy bepaal, Departementele orders wat nie met die Wet en Regulasies teenstrydig is nie, oor enigeen van of al die volgende sake uitreik, wysig of herroep:"; en

(b) deur paragrawe (c) en (d) van subregulasie (1) deur onderskeidelik die volgende paragrawe te vervang:

"(c) Die praktiese en doeltreffende toepassing van die bepalings van die Wet met betrekking tot die veilige bewaring, dissipline, behandeling, geestelike en geneeskundige versorging, opleiding, arbeid, toekenning van krediete en rehabilitasie van alle kategorieë gevangenes.

(d) Voorskrifte en leiding aan inrigtingskomitees en paroolrade by die uitoefening van hul werksaamhede, met die oog op eenvormigheid by 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 inrigtingskomitees en paroolrade."

Wysiging van regulasie 153 van die Regulasies

24. Regulasie 153 van die Regulasies word hierby gewysig—

(a) deur subregulasie (1) en die opskrif daarvan deur die volgende opskrif en subregulasie te vervang:

"Pligte van Hoof van Gemeenskapskorreksies

(1) Die Hoof van Gemeenskapskorreksies deur die Kommissaris aangewys, of 'n korrektiewe beampte wat op sy gesag handel, moet elke toesiggeval so spoedig moontlik nadat hy onder korrektiewe toesig geplaas of tot sodanige toesig gevonnissen is, te woord staan.";

(b) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Die Hoof van Gemeenskapskorreksies moet die voorwaardes of gewysigde voorwaardes van korrektiewe toesig skriftelik aan elke toesiggeval meedeel of laat meedeel."

Substitution of the Second Schedule to the Regulations

25. The following Schedule is hereby substituted for the Second Schedule to the Regulations:

G314

"SECOND SCHEDULE"

NOTICE TO UNDERGO FURTHER PERIODICAL IMPRISONMENT

(Regulation 140)

..... Prison

Registration 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 Department of Correctional Services to surrender yourself to the head of the..... Prison at 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 65 (4) (b) (i) of the Correctional Services Act, 1959 (Act No. 8 of 1959).

Issued at

this day of 19.....

.....
Countersigned (rank)

.....
Head of Prison

(On duplicate of "Further Notice")

Original notice received by me.

.....
Signature

Date

(Details to be printed on the reverse side of form G314.)

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 R100 or imprisonment for a period not exceeding six months.

Vervanging van die Tweede Bylae by die Regulasies

25. Die Tweede Bylae by die Regulasies word hierby deur die volgende Bylae vervang:

G314

"TWEDE BYLAE"

KENNISGEWING OM VERDERE PERIODIEKE GEVANGENISSTRAF TE ONDERGAAN

(Regulasie 140)

.....-gevangenis

Registrasieno.

Aan

Woonadres

Besigheidsadres

Nademaal u behoorlik skuldig bevind en gevonnissen is om vir 'n tydperk vanuur periodieke gevangenisstraf te ondergaan soos volledig uiteengesit in die "Kennisgewing om Periodieke Gevangenisstraf te Ondergaan" (J505), uitgereik te op diedag 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 Korrektiewe Dienste gelas word om u op die dag van 19..... omaan die hoof van die-gevangenis oor te gee om 'n verdere tydperk van genoemde gevangenisstraf te ondergaan op die wyse by regulasie kragtens artikel 65 (4) (b) (i) van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), voorgeskryf.

Uitgereik teop hede diedag van 19.....

.....
Mede-onderteken (rang)

.....
Hoof van die gevangenis

(Op duplikaat van "Verdere Kennisgewing")

Oorspronklike kennisgewing deur my ontvang.

.....
Handtekening

Datum

(Besonderhede wat op keersy van vorm G314 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 R100 of met gevangenisstraf van hoogstens ses maande.

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 set of clothing, which may also be used on your release, will be sufficient.

Bring with you your own toilet requisites such as a toothbrush, toothpaste, shaving equipment and soap.

Make the necessary provision for 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 will be at your own risk.

The Department provides work and sleep wear and towels.

Rings, fountain pens, watches and money, except the sum required for transport, should as far as possible not be brought to prison."

II. ALGEMENE INLIGTING

Wanneer u u by die volgende geleentheid aanmeld vir die verdere uitdienting 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 toiletbenodigdhede soos 'n tandeborsel, tandepasta, skeergereedskap en seep saam. Maak die nodige voorsiening vir vervoer soos 'n bus- en 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 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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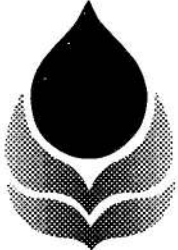
Use it

Don't abuse  it

water is for everybody



Werk mooi daarmee

Ons leef  daarvan

water is kosbaar

IMPORTANT ANNOUNCEMENT***Closing times PRIOR TO PUBLIC HOLIDAYS for*****LEGAL NOTICES 1995**
GOVERNMENT NOTICES 1995

The closing time is 15:00 sharp on the following days:

- ▶ **16 March**, Thursday, for the issue of Friday **24 March**
- ▶ **6 April**, Thursday, for the issue of Thursday **13 April**
- ▶ **12 April**, Wednesday, for the issue of Friday **21 April**
- ▶ **20 April**, Thursday, for the issue of Friday **28 April**
- ▶ **26 April**, Wednesday, for the issue of Friday **5 May**
- ▶ **8 June**, Thursday, for the issue of Thursday **15 June**
- ▶ **3 August**, Thursday, for the issue of Friday **11 August**
- ▶ **21 September**, Thursday, for the issue of Friday **29 September**
- ▶ **20 December**, Wednesday, for the issue of Friday **29 December**
- ▶ **28 December**, Thursday, for the issue of Friday **5 January 1996**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING***Sluitingstye VOOR VAKANSIEDAE vir*****WETLIKE KENNISGEWINGS 1995**
GOEWERMENSKENNISGEWINGS 1995

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **16 Maart**, Donderdag, vir die uitgawe van Vrydag **24 Maart**
- ▶ **6 April**, Donderdag, vir die uitgawe van Donderdag **13 April**
- ▶ **12 April**, Woensdag, vir die uitgawe van Vrydag **21 April**
- ▶ **20 April**, Donderdag, vir die uitgawe van Vrydag **28 April**
- ▶ **26 April**, Woensdag, vir die uitgawe van Vrydag **5 Mei**
- ▶ **8 Junie**, Donderdag, vir die uitgawe van Donderdag **15 Junie**
- ▶ **3 Augustus**, Donderdag, vir die uitgawe van Vrydag **11 Augustus**
- ▶ **21 September**, Donderdag, vir die uitgawe van Vrydag **29 September**
- ▶ **20 Desember**, Woensdag, vir die uitgawe van Vrydag **29 Desember**
- ▶ **28 Desember**, Donderdag, vir die uitgawe van Vrydag **5 Januarie 1996**

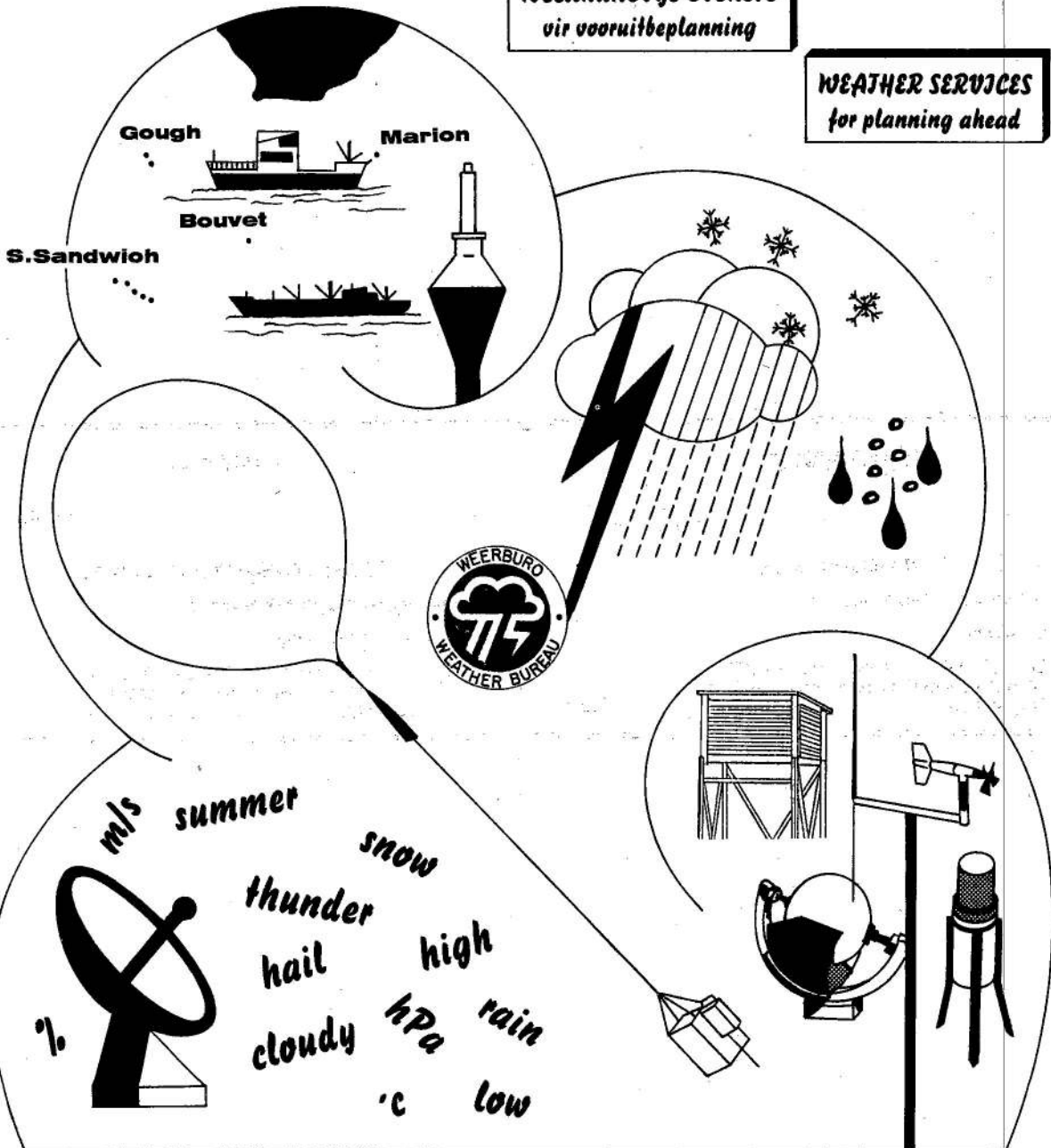
Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

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