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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF CORRECTIONAL SERVICES DEPARTEMENT VAN KORREKTIEWE DIENSTE

No. R. 1337

28 October 1998

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 this Schedule "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 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, R.537 of 13 April 1995, R.812 of 7 June 1995, R.1140 of 4 August 1995, R.785 of 10 May 1996 and R.1780 of 8 November 1996.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended -
 - (a) by the deletion of the definition of "Black authority" ;
 - (b) by the substitution for the definition of "commander" of the following definition:

"Area Manager" means a [commissioned officer] senior official or [member] correctional official appointed as such by the Commissioner with command over all the [members] correctional officials who are on the establishment of a Correctional Services [command] management area or office or who have been attached thereto for duty or discipline and all temporary [warders] correctional officials in the Correctional Services [command] management area or office.

- (c) by the substitution for the definition of "Correctional Services command area" of the following definition:

" **Correctional Services management area** " means an area determined by a Provincial Commissioner, which consists of one or more prison or office or prisons or offices and which is under the control of an Area Manager, and "management area" has a corresponding meaning;" ;

- (d) by the substitution for the definition of "Correctional Services region" of the following definition :

" **Correctional Services province** " means a province as determined in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and which consists of one or more Correctional Services management area or Correctional Services management areas and which is under the control of a Provincial Commissioner, and "province" has a corresponding meaning;" ;

- (e) by the insertion before the definition of "foreign country" of the following definition:

" **registered nurse** " means a person registered as a nurse under section 16 of the Nursing Act, 1978 (Act No. 50 of 1978) as amended and excludes any reference to "nursing auxiliary" and "enrolled nurse", enrolled under the provisions of the said section;" ;

- (f) by the substitution for the definition of "foreign country" of the following definition :

" **foreign country** " means any country or territory beyond the borders of the Republic [or South West Africa];" ;

- (g) by the insertion before the definition of "headquarters" of the following definition :

" **Head of Community Corrections** " means a correctional official in charge of community corrections and who is directly responsible to the Area Manager for the management thereof;" ;

- (h) by the substitution for the definition "household" of the following definition :

" **household** " -

- (a) the spouse of a married correctional official: Legal marriages as well as marriages solemnised in terms of customary- or religious law, are acknowledged for this purpose. In the case of a marriage solemnised in terms of customary- or religious law, the spouse is the person whom the official indicated the spouse of such official and who is permanently part of the household, on condition that only one person is indicated as spouse; or

(b) the necessarily dependent child of an official or of the spouse of such official who is permanently part of the official's household, on condition that, if such a child studies at an institution for post-school education, whether intramurally or extramurally, the child may be deemed to be a member of the household, but only -

(i) if the child did not take up any permanent full-time employment (including any type of vocational training to which remuneration is attached) after leaving school, i.e. excluding compulsory military service which the child had to undergo after leaving school or work during vacations or temporary full-time employment which the child had taken up between -

(aa) leaving school and the commencement of the academic year; or

(bb) leaving school and the commencement of such military service; or

(cc) the completion of such military service and the commencement of the academic year,

and the child had commenced with studies at such an institution at the commencement of the academic year following the completion of the child's schooling or military service; and

(ii) until -

(aa) the child attains the minimum post-school qualification (or minimum combination of post-school qualifications) which will enable such child to take up employment in the field of study for which the child originally intended to qualify himself or herself; or

(bb) the normal duration of the study course, as prescribed by the institution concerned, plus one academic year, expires, if it takes the child longer than such period to attain the relevant qualification as a result of poor academic performance; or

(cc) the child discontinues the relevant course of study; or

(dd) the child changes course of study, whichever of the said four events occurs first; or

(c) a relative of an official who is permanently part of the household of such official and necessarily dependent on such official and whose income, from any source, does not exceed the sum of -

- (i) the appropriate maximum basic social pension ; and
- (ii) the maximum allowance for a war veteran to whom a social pension has been awarded; and
- (iii) the maximum allowance paid to a person as a result of a late application for a social pension,

and if the relative concerned is a social pensioner, then any allowances other than those mentioned in subparagraphs (ii) and (iii) above, which such relative may receive in terms of the relevant regulations referred to above, e.g. an attendant's allowance, should be ignored for the purposes of this paragraph, on condition that where two relatives so reside with and are dependent on such relative and where the one relative would normally have been a dependant of the other relative, for instance a father and a mother, both such relatives may be regarded as members of the household only if half of their joint income, from any source, does not exceed, the sum of the maximum basic social pension in question and the allowances contemplated in subparagraphs (i) to (iii) above ; and

- (d) not more than two servants (including nurse-maids) who are employed in a full-time capacity by a correctional official or temporary correctional official;"

- (i) by the deletion of the definition of "member" ;
- (j) by the deletion of paragraph (c) of the definition of "service";
- (k) by the deletion of the definition of "South West Africa" ;
- (l) by the substitution for the definition of "uniform" of the following definition:

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

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the deletion of paragraph (a) of subregulation (2).

Amendment of regulation 3 of the Regulations

4. Regulation 3 of the Regulations is hereby amended -

- (a) by the substitution of subregulation (1) of the following subregulation:

- "(1) The post levels and designations in the Department are as follows:
- (a) **correctional officials on or above the post level of senior official**
 Commissioner
 Chief Deputy Commissioner
 Deputy Commissioner
 Director
 Deputy Director
 Assistant Director
 Senior Correctional Officer" ;
 - (b) **Other post levels**
 Correctional Officer Grade I
 Correctional Officer Grade II
 Correctional Officer Grade III
 Temporary Correctional Official
 Temporary Matron" ;
 - (c) Other Occupational Classes as defined in the Personnel Administration Standard in the service of the Department.";

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

"[Members] Correctional officials of the same [rank] post level shall take precedence of [rank] post level according to the respective dates of their appointment to such [rank] post level : Provided that a [regional Commissioner] Provincial Commissioner, [a commander] an Area Manager or head of a prison or office shall have command [area] over all other [members] correctional officials and [temporary warders] temporary correctional officials in that [region] province, [command] management area or prison or office, irrespective of date of appointment : Provided further that, if on appeal in terms of subsection (2) of section 13 of the Act, an order of reduction of [rank] post level or seniority of a [member] correctional official is set aside or altered such [member] official shall be reinstated in and take precedence of [rank] post level in accordance with an order to this effect issued by the Minister." ;

- (c) by the deletion of subregulation (5).

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is hereby amended -

- (a) by the substitution for the heading under the heading "FUNCTIONS AND DUTIES" of subregulation (4) of the following heading :

"(A) *Commissioner, Chief Deputy, Deputy [Regional and Assistant] and Provincial Commissioner*";

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

"Chief Deputy, Deputy[,] and [Regional and Assistant] Provincial Commissioner"

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

Repeal of regulation 6A of the Regulations

6. Regulation 6A of the Regulations is hereby repealed.

Substitution of regulation 7A of the Regulations

7. Regulation 7A of the Regulations is hereby substituted for the following regulation:

"PARTICIPATION IN SPORT AND RECREATION"

7A(1) The Commissioner may, for the [Prisons Service] Department as a whole or at such place as he deems fit, authorise the establishment of a sport or [recreation] recreational club (hereinafter called a "club") for [members] correctional officials of the [Prisons Service] Department or their families, and he shall control the spending of moneys voted by Parliament for this purpose, or received as membership fees from members of the club, which may, subject to his approval, be deducted from the salaries of such [members] correctional officials, or which may accrue to the club in any other way.

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

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

- (a) acting on instructions, travels to or from, or participates in an exercise, performance, display, contest or competition in connection with a form of sport approved in his particular case;

- (b) acting on instructions, travels to or from, or participates in an exercise, performance, display, contest or competition as member of a civil club referred to in subregulation (2); **[or]**
 - (c) in an official capacity officiates at[,] or, acting on instructions, travels to or from an exercise, performance, display, contest or competition which is referred to in paragraph (a) or (b)[.] ; **or**
 - (d) acting on instructions as an official or a participant in biokinetics, recreation or sport development.
- (4) The provisions of subregulation (3) shall mutatis mutandis apply to a correctional official of the Department who has been selected at departmental level for participation in an approved sport.
- [(4)](5) A **[member] correctional official** of the **[Prisons Service] Department** who participates in an authorised sport as a member or official of a team selected at regional, provincial or national level, shall, in the case of injury sustained as a member or official in the course of such competition, contest or exercise, be deemed to be on official duty for the purposes of regulation 36 (1).".

Amendment of regulation 8 of the Regulations

8. Regulation 8 of the Regulations is hereby amended -

- (a) by the substitution for subparagraph (i) of paragraph (a) of subregulation (1) of the following subparagraph :
 - "(i) is a South African citizen[, or is a citizen of any territory which formed part of the Republic and in terms of an Act of Parliament became an independent State];";
- (b) by the substitution for subparagraph (vii) of paragraph (a) of subregulation (1) of the following subparagraph :
 - "(vii) is able to speak, read or write to the satisfaction of the Commissioner one of **[or both]** the official languages of the Republic but at least Afrikaans or English ; and".

Amendment of regulation 10 of the Regulations

9. Regulation 10 of the Regulations is hereby substituted by the following regulation:

"Prescribed course of training

10. The Commissioner may, in his discretion, order **[a member]** all new appointees in the disciplinary and vocational groups as mentioned in the Personnel Administration Standard to undergo a prescribed **[course of training]** basic training course at a training college or other place and on the completion **[of such course of training]** thereof to undergo such further training as determined by **[him]** the Commissioner

except in those cases where a new appointee has specifically been exempted from basic training in his appointment documentation".

Amendment of regulation 11 of the Regulations

10. Regulation 11 of the Regulations is hereby amended

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

"(b) The uniform referred to in this regulation shall be worn only in accordance with **[prescribed dress orders]** the Dress Code.";

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

*"Issue to **[member]** correctional official on enrolment*

- (3) On enrolment, a **[member]** correctional official shall be supplied at public expense with the articles of uniform and equipment and accoutrement, that are prescribed for his **[rank]** post level or according to the duties he performs: Provided that if he resigns or is discharged or dismissed **[and does not qualify for reception into the Reserve Force]**, such articles of uniform and equipment and accoutrement issued at public expense during his term of service and for which the period of serviceableness has not yet expired 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 the State Revenue Fund."

Amendment of regulation 17 of the Regulations

11. Regulation 17 of the Regulations is hereby amended -

- (a) by the substitution for the preamble of subregulation (1) of the following preamble :

"(1) **[With effect from 1 April 1981 the South African Prisons Service Medical Scheme]** There shall be a medical scheme referred to as the Department of Correctional Services Medical Scheme (hereinafter referred to as the Scheme) **[shall]** who, subject to the provisions of this regulation and regulations 18 and 19, **[be]** is established to provide medical, dental and hospital treatment and supplementary health services (including drugs, dressings, medical comforts, aids and appliances, and transportation in the case of indisposition) for **[members]** correctional officials and their dependents at public expense: " ;

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

- "(a) a **[member] correctional official** shall pay one-tenth of the cost of medicine, with a minimum of R5,00 (five rand) per prescription, which medicine must be prescribed or supplied by persons registered with the South African Medical and Dental Council, the South African Pharmacy Board, or the Nursing Council: Provided further that medicine which has been supplied to a **[member] correctional official** during hospital treatment, or, supplied by a pharmacy which is under the control of the **[South African Prisons Service]**, **Department** is not subject to a proportional contribution by a **[member] correctional official**";
- (c) by the substitution for paragraph (a) bis of subregulation (1) of the following paragraph:
- "(a)bis a **[member] correctional official** shall make a contribution of R10 (ten rand) for consultations or visits in respect of medical, dental and supplementary health services, excluding consultations or visits during admission, care and nursing in a military, public or private hospital or nursing or maternity home, and medical auxiliary services supplied to a **[member] correctional official** while he is being cared for in such hospital or home: Provided further that this provision is not applicable to a **[member] correctional official** and his dependents referred to in subparagraph (2) (a) (ii) [.] and (iii) **[and (v)]**";
- (d) by the insertion after paragraph (b) of subregulation (1) of the following paragraph :
- "(c) The Commissioner may temporarily or permanently limit or temporarily or permanently suspend the medical benefits of a correctional official or of the dependents of such correctional official entirely, if it seems that the correctional official or the dependents of such correctional official is abusing medical benefits.";
- (e) by the substitution for paragraph (ii) of paragraph (a) of subregulation 2 of the following subparagraph:
- (ii) a **[member] correctional official** referred to in subparagraph (i) who has retired or has been discharged from the Department **[with an annuity and a gratuity, unless otherwise directed by the Commissioner,]** and has completed at least ten years of continuous service directly before his retirement. If the member has completed two or more terms of service which, when combined amounts to at least 25 years, the Commissioner may at his own discretion, on merit, approve continued membership";
- (f) by the deletion of subparagraph (v) of paragraph (a) of subregulation (2);
- (g) by the substitution for subparagraph (vi) of paragraph (a) of subregulation (2) by the following subparagraph:

" [(vi)] v a "dependent" as defined in paragraph (b) ;";

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

"(b) "dependent" means--

- (i) the legally recognised [wife] spouse or [widow] surviving spouse or dependent child of a [member] correctional official referred to in paragraph (a) (i) and (ii) ; and

unless otherwise directed by the Commissioner --

- (ii) the legally recognised [wife] spouse or [widow] surviving spouse or dependent child of a [member] correctional official referred to in paragraph (a) (iii), (iv) and (v):

Provided that if such a [widow]] surviving spouse remarries or the [husband] spouse of such a remarried [widow] surviving spouse dies or [if she] is being divorced, [she] such surviving spouse and any dependent child shall forfeit all the benefits and privileges accruing to them under this regulation, but if the Commissioner is of the opinion that such a child does not receive adequate medical, dental or hospital treatment because of financial circumstances or for any special of sufficient reason, [he] the Commissioner may, notwithstanding the remarriage of such [widow] surviving spouse authorise such child's continued membership of the Scheme for as long as the child is a "dependent child", as contemplated in subregulation (3).";

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

"(b) eighteen years or older, is a full-time scholar or student who physically attends classes at a school or other educational institution, as a result of which such child cannot be employed permanently and, notwithstanding any bursaries, loans or merit awards received, is entirely dependent upon such [member] correctional official for [his] maintenance";

- (j) by the substitution for subparagraph (iii) of paragraph (c) of subregulation (3) of the following subparagraph;

"(iii) the Commissioner may, notwithstanding the provisions of this subregulation, approve that the child of a [member] correctional official who is estranged from his [wife] spouse, judicially separated or divorced, be deemed a dependent child if such [member] correctional official has been ordered by a competent court to pay maintenance for such child and also to bear the child's full medical expenses.";

- (k) by the deletion of subregulation (4).

Amendment of regulation 25 of the Regulations

12. Regulation 25 of the Regulations is hereby amended -

- (a) by the substitution for subregulation (2) of the following subregulation :

"Compulsary Occupation of official quarters

- (2) The official quarters allocated to a married **[member] correctional official** may be occupied only by such **[member] correctional official** and his household: Provided that, subject to the provisions of subregulation (4), the **[commander] Area Manager** may, on application by such **[member] correctional official**, permit another relative or any other person to reside permanently with the **[member] correctional official** if the **[commander] Area Manager** is satisfied that there is sufficient room at the official quarters and that such relative or other person is wholly dependent on such **[member] correctional official** or that the circumstances of the application are of an exceptionally urgent or deserving nature." ;

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

"Liability for rent

- (3) A **[member] correctional official** shall be liable for the rent **[of] as determined by the Commissioner in consultation with Treasury for the official quarters allocated to [him] the correctional official up to the date [on which] he vacates such quarters.**" ;

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

"Sub-letting prohibited

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

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

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

Amendment of regulation 27 of the Regulations

13. Regulation 27 of the Regulations is hereby amended by the substitution for subparagraph (i) of paragraph (b) of subregulation (4) of the following subparagraph:

- "(i) Whenever a [member] correctional official leaves the [Service] Department, any leave of absence granted to him shall lapse on the day immediately preceding the day on which such [member] correctional official actually leaves the [Service] Department or on the date determined in terms of paragraph (a) if that paragraph is applicable to him."

Amendment of regulation 37 of the Regulations

14. Regulation 37 of the Regulations is hereby amended -

- (a) by the substitution for subparagraphs (ii) and (iii) of paragraph (d) of subregulation (1) of the following subparagraphs :

"(ii) represent South Africa, and not merely a club or province, as a competitor, coach or manager at international sporting events within the Republic [or the Territory]; [or]

(iii) accompany a foreign national team visiting the Republic [or the Territory], as a representative of the South African sports association organising the tour[.] ; or" ;

- (b) by the insertion after subparagraph (iii) of paragraph (d) of subregulation (1) of the following subparagraph :

"(iv) take part, as a member of an organised sports group, whether as a competitor, official, coach or manager in recreation, biokinetics or sport development.";

- (c) by the insertion after paragraph (d) of subregulation (1) of the following paragraph :

"(e) When he has been selected by a recognized amateur sports association to participate in sport at -

(i) interprovincial level ;

(ii) a level between provincial and national level; or

(iii) a level lower than national level against an international team,

on a 50/50 basis, subject to the conditions which the Department of Public Service Commission and Administration may recommend and the Department of State Expenditure may approve."

Amendment of regulation 57 of the Regulations

15. Regulation 57 of the Regulations is hereby amended -

- (a) by the substitution for subregulation (2) of the following subregulation :

"Official journeys to and from the Republic[, the self-governing territories or the independent states, which prior to becoming independent were part of the Republic]

- (2) Subject to the provisions of subregulation (1) of regulation 55, official journeys to, from, between and in places outside the Republic[, the self-governing territories or the independent states, which prior to becoming independent were part of the Republic,] shall be undertaken by the cheapest public transport available, including transport by aeroplane, having due regard to the salary and any allowance payable to the [member] correctional official in respect of the duration of the journey, as well as other cost items."

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

"(i) he shall travel by such transport at his own risk in so far as this provision is not inconsistent with the provisions of the [Workmen's Compensation Act, 1941 (Act 30 of 1941)] Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), as amended;"

Amendment of regulation 58 of the Regulations

16. Regulations 58 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation :

"(1) By train in the Republic [or the Territory] : First class, if available, otherwise second class."

Amendment of regulation 64 of the Regulations

17. Regulation 64 of the Regulations is hereby amended -

- (a) by the substitution for the heading under the heading "TRANSFERS" of the following heading :

"(A) *Within the Republic [and South-West Africa]*" ;

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

"(a) Subject to the provisions of these regulations, a [member] correctional official may be transferred and [he] the correctional official and [his] the household of such correctional official and personal effects moved at state expense from any [headquarters] head office to another within the Republic [and South-West Africa]."

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

"(a) The Commissioner may pay in respect of every member of such [member's] correctional official's household who is 12 years of age or older, a subsistence allowance at the full rate applicable to such [member] correctional official himself and in respect of every other member of his household an allowance at half such rate for the period necessary spent in travelling from one [headquarters] head office 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." ;

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

"(b) A member of the household, including a nursemaid, may travel by train in the same class as that in which the [member] correctional official travels."

Amendment of regulation 67 of the Regulations

18. Regulation 67 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (2) of the following paragraph :

"(a) The provisions of paragraph (b) of subregulation (5) of regulation 57 shall *mutatis mutandis* apply to a [member] correctional official or [temporary warder] temporary correctional official referred to in subregulation (1) or to his household: Provided that the members of the household of such [member] correctional official may be regarded as official passengers for the purposes of paragraph (b) of subregulation (1) of regulation 60."

Amendment of regulation 69 of the Regulations

19. Regulation 69 of the Regulations is hereby amended -

- (a) by the substitution for subregulation (1) of the following subregulation :

"(1) When it is evident or when there are, in the opinion of the Commissioner, reasonable grounds to believe that a [member] correctional official or a [special warder] temporary correctional official is in debt to an unreasonable extent or when a [member] correctional official or [temporary warder] temporary correctional official 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] correctional official or [temporary warder] temporary correctional official 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." ;

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

"Notice of legal proceedings for debt.

- (2) Any legal proceedings in connection with debt, **[civil imprisonment,]** judgment or insolvency in which a **[member] correctional official** or a **[special warder] temporary correctional official** 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] correctional official** or the **[temporary warder] temporary correctional official** concerned." ;

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

*"Steps against **[member] correctional official** or **[special warder] temporary correctional official** in debt".*

Amendment of regulation 71 of the Regulations

20. Regulation 71 of the Regulations is hereby amended -

- (a) by the substitution for the paragraph of subregulation (1) before paragraph (a) of the following paragraph :

"(1) A **[member] correctional official**, **[temporary warder] temporary correctional official**, **[member of the reserve force]** or any person appointed in terms of section 84C (1) of the Act 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 in terms of the Act or these regulations) or who--" ;

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

"(n) directly or indirectly borrows money from or through a **[member] correctional official** of a lower **[rank] post level** or from or through a **[special warder] temporary correctional official**, or places himself under a pecuniary obligation to a junior in **[rank] post level**; or" ;

- (c) by the substitution for paragraph (x) of subregulation (1) of the following paragraph :

"(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] correctional official or [special warder] temporary correctional official from endeavouring to obtain redress of any grievance through Parliament; or".

Amendment of regulation 74 of the Regulations

21. Regulation 74 of the Regulations is hereby amended -

- (a) by the substitution for subregulation (4) of the following subregulation :

"Determination and notice of date and place of the inquiry

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

- (b) by the substitution for paragraph (b) of subregulation (5) of the following paragraph :

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

Substitution of regulation 85 of the Regulations

22. Regulation 85 of the Regulations is hereby substituted for the following regulation :

"Acceptance of nomination

85. (1) If a [member] correctional official or [temporary warder] temporary correctional official accepts a nomination or requisition as candidate for election as a member of-

- (a) parliament, any provincial council[, the legislative assembly of the territory] or any provincial legislator; or

- (b) a divisional council, city council, municipal council, village management or consultative committee, local authority or school board [; or]

- [(c) a Black authority],

he shall, subject to the provisions of subregulation (2) (b) [and (c)], be deemed to have voluntarily retired from the Department with effect from the date on which he accepted such nomination or requisition.

Retention of membership or appointment

(2) Notwithstanding the provisions of subregulation (1), a **[member] correctional official** or **[temporary warder] temporary correctional official** -

(a) who, immediately prior to the date of the coming into operation of this regulation, was a member of a council, committee, board or authority mentioned in subregulation (1) (b) may remain a member of such council, committee, board or authority for the unexpired portion of the period for which he has been elected;

(b) may, with the permission of the Minister, accept an appointment, nomination or requisition as candidate for election as a member of a council, committee, board or authority mentioned in subregulation (1) (b) if the Minister is satisfied that there will be no interference with the **[member's] correctional official's** or **[temporary warder's] temporary correctional official's** official duties[;] .

[(c) may, with the permission of the Minister, accept appointment, nomination or requisition as candidate for election as a member of a Black authority on such conditions as the Department of State Expenditure may approve on the recommendation of the Commission for Administration.]

Non-participation in dispute between the State and a public body

(3) In the event of a question arising between the Government and a council, committee, board or authority mentioned in subregulation (2) a **[member] correctional official** or **[temporary warder] temporary correctional official** who is a member of such council, committee, board or authority, shall not take part in the discussion or give any vote on that question."

Amendment of regulation 93 of the Regulations

23. Regulation 93 of the Regulations is hereby substituted for the following regulation :

"93 Every prisoner, or child of such prisoner, shall, as soon as possible after reception into a prison, be examined by **[the] a medical officer or registered nurse**, who shall report fully on the physical and mental condition of such prisoner or child of such prisoner and furnish any other medical information which may be required or prescribed [.] : Provided that the registered nurse when identifying any of the following aspects, refer the prisoner, or child of such prisoner, to the medical officer as soon as possible if :

(a) a prisoner, or child of such prisoner, on admittance, is evidently injured, ill or complains that he is injured or ill;

(b) a prisoner, or child of such prisoner, receives prescribed medicament and or healthcare;

- (c) a prisoner, or child of such prisoner, should receive continued or additional medical treatment;
- (d) the prisoner is a pregnant woman; and
- (e) a registered nurse deem it necessary."

Amendment of regulation 95 of the Regulations

24. Regulation 95 of the Regulations is hereby amended -

- (a) by the substitution for subregulation (1) of the following subregulation :

"(1) A prisoner who is removed on the instructions of the Commissioner, shall be in the safe custody of a **[member] correctional official** or **[temporary warder] temporary correctional official** : 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] the South African Police Service** for that purpose.";

- (b) by the substitution for subregulation (4) of the following subregulation :

"(4) A prisoner, or child of such prisoner, shall be examined by **[the] a medical officer or registered nurse** as shortly as possible prior to his removal to another prison, and he shall not be so removed unless the medical officer or registered nurse has certified, in writing, that he is fit for removal **[.]** : Provided that the registered nurse on identification of any of the aspects as described in regulation 93 refer the prisoner, or child of such prisoner, to the medical officer as soon as possible before removal realizes."

Repeal of regulation 100 of the Regulations

25. Regulation 100 of the Regulations is hereby repealed.

Amendment of regulation 113 of the Regulations

26. Regulation 113 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"Physical fitness for exercise

- (3) **[The] A medical officer or registered nurse** shall indicate in his report on a prisoner whether such prisoner is fit for normal physical exercise or is totally unfit for any such exercise **[.]** Provided that the registered nurse does not issue such a report if the aspects as described in regulation 93 are identified."

Repeal of regulation 135 of the Regulations

27. Regulation 135 of the Regulations is hereby repealed.

Substitution of regulation 138 of the Regulations

28. Regulation 138 of the Regulations is hereby substituted for the following regulation:

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

Repeal of regulation 139 of the Regulations

29. Regulation 139 of the Regulations is hereby repealed.

Amendment of regulation 148 of the Regulations

30. Regulation 148 of the Regulations is hereby amended:

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

"(b) The appointment, conditions of service organising or arranging or controlling sport, discipline, functions and performance of the duties of [members] correctional officials, [special warders] temporary correctional officials and other persons in the service of the [Prisons] Department, whether on a temporary or permanent basis.";

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

" (2) All [members] correctional officials of the [Prisons Service] Department, temporary [warders] correctional officials and other persons in the service of the [Prisons] Department shall obey such [Prison Service Orders] Correctional Services Orders as are applicable to them."

Substitution of certain expressions in the Regulations

31. The Regulations is hereby amended -

(a) by the substitution wherever it appears for the expression "command area" of the expression "management area";

(b) by the substitution wherever it appears for the expression "commander" of the expression "Area Manager" ;

(c) by the substitution wherever it appears for the expression "commissioned officer" of the expression "senior official" ;

- (d) by the substitution wherever it appears for the expression "Correctional Services Region" of the expression "Correctional Services province";
- (e) by the substitution wherever it appears for the expression "headquarters" of the expression "head office";
- (f) by the substitution wherever it appears for the expression "member" of the expression "correctional official" excluding regulation 126(2) and 127(1),(3)
- (g) by the substitution wherever it appears for the expression "members" of the expression "correctional officials" excluding regulation 66(2) ; 126(2); 127(3) and 128(3);
- (h) by the substitution wherever it appears in regulation ; 16(1) ; 74(1) ; 103(3)(b) ; 130(3)(b) ; 151(1) for the expression "officer" or "an officer" of the expression "senior official" ;
- (i) by the substitution wherever it appears for the expression "Prisons Department" of the expression "Department";
- (j) by the substitution wherever it appears for the expression "Prisons Service" of the expression "Department";
- (k) by the substitution wherever it appears for the expression "Public Service Act, 1957 (Act 54 of 1957)" or "Public Service Act, 1984 (Act 111 of 1984)" of the expression "Public Service Act, 1994 (Proclamation No. 103 of 1994)" ;
- (l) by the substitution wherever it appears for the expression "rank" of the expression "post level" ;
- (m) by the substitution wherever it appears for the expression "ranks" of the expression "post levels" ;
- (n) by the substitution wherever it appears for the expression "region" of the expression "province" ;
- (o) by the substitution wherever it appears for the expression "regions" of the expression "provinces" ;
- (p) by the substitution wherever it appears for the expression "regional" of the expression "provincial" ;
- (q) by the substitution wherever it appears for the expression "Regional Commissioner" of the expression "Provincial Commissioner"
- (r) by the substitution wherever it appears for the expression "sessional officer" of the expression "sessional official" ;
- (s) by the substitution wherever it appears for the expression "sessional officers" of the expression "sessional officials" ;

- (t) by the substitution wherever it appears for the expression "temporary warder" or "special warder" or "temporary wardress" of the expression "temporary correctional official" ;
- (u) by the substitution wherever it appears for the expression "temporary warder's" of the expression "temporary correctional official's" ;
- (v) by the substitution wherever it appears for the expression "temporary warders" or "special warders" of the expression "temporary correctional officials".

Substitution of certain expressions in the Schedules to the Regulations

32. The Schedules to the Regulations is hereby amended -

- (a) by the substitution wherever it appears for the expression "member" of the expression "correctional official" ;
- (b) by the substitution wherever it appears for the expression "Prisons Department" of the expression "Department";
- (c) by the substitution wherever it appears for the expression "Public Service Act, 1957 (Act 54 of 1957)" of the expression "Public Service Act, 1994 (Proclamation No. 103 of 1994)" ;
- (d) by the substitution wherever it appears for the expression "rank" of the expression "post level" ;
- (e) by the substitution wherever it appears for the expression "South African Prison Service" of the expression "Department";
- (f) by the substitution wherever it appears for the expression "temporary warder" of the expression "temporary correctional official" ;
- (g) by the substitution wherever it appears for the expression "temporary warders of the expression "temporary correctional officials" ;
- (h) by the substitution wherever it appears for the expression "temporary warder / wardress" of the expression "temporary correctional official" ;
- (i) by the substitution wherever it appears for the expression "warder / wardress" of the expression "correctional official".

Deletion of certain expressions in the Schedules to the Regulations

33. The Schedules to the Regulations is hereby amended -

- (a) by the deletion wherever it appears of the expression "or the territory of South-West Africa" ;
- (b) by the deletion wherever it appears of the expression "and South-West Africa".

No. R. 1337

28 Oktober 1998

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 Bylae beteken "die Regulasies" die Korrektiewe Diensteregulasies, afgekondig by Goewermentskennisgewing No. R.2080 van 31 Desember 1965, soos gewysig deur 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, 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, R.537 van 13 April 1995, R.812 van 7 Junie 1995, R.1140 van 4 Augustus 1995, R.785 van 10 Mei 1996 en R.1780 van 8 November 1996.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig -

- (a) deur die omskrywing van "bevelvoerder" deur die volgende omskrywing te vervang:

"'Areabestuurder" 'n [offisier] senior beampte of [lid] korrektiewe beampte wat deur die Kommissaris aangewys is om bevel te voer oor die [lede] korrektiewe beamptes op die diensstaat van 'n Korrektiewe [Dienstebevelsarea] Dienstebestuursarea of kantoor of wat vir diens of dissipline daaraan toegevoeg is en alle tydelike [bewaarders] korrektiewe beamptes in die Korrektiewe [Diensbevelsarea] Dienstebestuursarea of kantoor;"

- (b) deur die omskrywing van "buiteland" deur die volgende omskrywing te vervang:

" "buiteland" 'n land of gebied buite die grense van die Republiek [en Suidwes-Afrika]; " ;

- (c) deur paragraaf (c) van die omskrywing van "diens" te skrap ;

- (d) deur die volgende omskrywing na die omskrywing van "diens" in te voeg:

" "geregistreerde verpleegkundige" iemand as verpleegkundige kragtens artikel 16 van die Wet op Verpleging, 1978 (Wet No. 50 van 1978) soos gewysig, geregistreer en sluit enige verwysing na " verpleeghulp" en "ingeskrewe verpleegkundige" ingeskryf kragtens die bepalings van genoemde artikel, uit;" ;

- (e) deur die volgende omskrywing voor die omskrywing van "hoof van 'n gevangenis of kantoor" in te voeg :

" "Hoof Gemeenskapskorreksies" 'n korrektiewe beampte wat aan die hoof van gemeenskapskorreksies staan en wat vir die bestuur daarvan, regstreeks aan die Areabestuurder, verantwoordelik is;" ;

- (f) deur die omskrywing van "huishouding" deur die volgende omskrywing te vervang :

" "huishouding"-

- (a) die gade van 'n getroude korrektiewe beampte : Wettige huwelike sowel as huwelike wat ingevolge gewoonte- of godsdienereg voltrek is, word vir hierdie doel erken. Die gade in die geval van huwelike wat ingevolge gewoonte - of godsdienereg voltrek is, is die persoon wat die beampte aanwys as die gade van die beampte en wat permanent deel is van die huishouding van sodanige beampte, op voorwaarde dat slegs een sodanige persoon as gade aangewys kan word;of
- (b) die noodsaaklikerwys nie-selfonderhoudende kind van 'n beampte of van die gade van sodanige beampte wat permanent deel is van die beampte se huishouding, op voorwaarde dat, indien sodanige kind aan 'n naskoolse opvoedkundige inrigting studeer, hetsy binnemuurs of buitemuurs, die kind geag kan word lid van die huishouding te wees, dog slegs -
- (i) indien die kind na skoolverlating geen permanente voltydse betrekking (met inbegrip van enige vorm van beroepsopleiding waaraan besoldiging verbonde is) aanvaar het nie, dit wil sê uitgesonderd verpligte militêre diens wat die kind na skoolverlating moes verrig of vakansiewerk of 'n tydelike voltydse betrekking wat die kind aanvaar het tussen -

- (aa) skoolverlating en die aanvang van die akademiese jaar ; of
- (bb) skoolverlating en die aanvang van sodanige militêre diens; of
- (cc) die voltooiing van sodanige militêre diens en die aanvang van die akademiese jaar,

en die kind by die aanvang van die akademiese jaar wat volg op die voltooiing van sodanige kind se skoolopleiding of militêre diensplig met studies aan sodanige inrigting begin het; en

(ii) totdat -

- (aa) die kind die minimum naskoolse kwalifikasie (of minimum kombinasie van naskoolse kwalifikasies) verwerf wat sodanige kind in staat stel om 'n betrekking te aanvaar in dié studierigting waarin die kind homself of haarself aanvanklik wou bekwaam; of
- (bb) die normale voorgeskrewe studietydperk, soos vir bedoelde studierigting deur die betrokke inrigting voorgeskryf, plus een akademiese jaar, verstryk, indien die kind as gevolg van swak akademiese prestasies langer as bedoelde studietydperk sou neem om die betrokke kwalifikasies te verwerf; of
- (cc) die kind die betrokke studiekursus staak; of
- (dd) die kind van studierigting verander,

watter een van genoemde vier gebeure ook al eerste plaasvind; of

- (c) 'n familielid van 'n beampte wat permanent deel is van die huishouding van sodanige beampte en noodsaaklikerwys van die beampte afhanklik is en wie se inkomste, uit enige bron, nie meer is nie as die totaal van -

- (i) die toepaslike maksimum basiese maatskaplike pensioen; en
- (ii) die maksimum toelae vir 'n oudstryder aan wie 'n maatskaplike pensioen toegeken is; en
- (iii) die maksimum toelae wat as gevolg van 'n laat aansoek om 'n maatskaplike pensioen aan 'n persoon betaal word,

en as die betrokke familielid 'n maatskaplike pensioentrekker is, moet enige ander toelaes as dié in subparagrafe (ii) en (iii) hierbo genoem, wat die familielid kragtens die toepaslike regulasies hierbo bedoel, mag ontvang,

byvoorbeeld 'n oppasserstoelae, vir die doeleindes van hierdie paragraaf geïgnoreer word, op voorwaarde dat waar twee familieledes aldus by sodanige familielid inwoon en van sodanige familielid afhanklik is en die een familielid normaalweg 'n afhanklike van die ander familielid sou wees, byvoorbeeld 'n vader en 'n moeder, albei sodanige familieledes geag kan word lede van die huishouding te wees slegs as die helfte van hulle gesamentlike inkomste, uit enige bron, nie meer is nie as die totaal van die toepaslike maksimum basiese maatskaplike pensioen en die toelaes in subparagraaf (i) tot (iii) hierbo bedoel; asook

- (d) hoogstens twee bediendes (met inbegrip van kinderoppassers) wat 'n voltydse hoedanigheid by 'n korrektiewe beampte of tydelike korrektiewe beampte in diens is;"
- (g) deur die omskrywing van "Korrektiewe Dienstebevelsarea" deur die volgende omskrywing te vervang:
"Korrektiewe Dienstebestuursarea" 'n area deur 'n Provinsiale Kommissaris bepaal, wat bestaan uit een of meer gevangenis of kantoor of gevangenis of kantore en onder beheer van 'n Areabestuurder is, en het "bestuursarea" 'n ooreenstemmende betekenis;"
- (h) deur die omskrywing van "Korrektiewe Dienstestreek" deur die volgende omskrywing te vervang:
"Korrektiewe Diensteprovisie" 'n provinsie soos bepaal en omskryf in artikel 103 van die Grondwet van die Republiek van Suid Afrika, 1996 (Wet No. 108 van 1996) en wat bestaan uit een of meer Korrektiewe Dienstebestuursarea of Korrektiewe Dienstebestuursareas en onder beheer van 'n Provinsiale Kommissaris is, en het "provinsie" 'n ooreenstemmende betekenis;"
- (i) deur die omskrywing van "lid" te skrap;
- (j) deur die omskrywing van "Suidwes Afrika" te skrap;
- (k) deur die omskrywing van "Swart owerheid" te skrap;
- (l) deur die omskrywing van "uniform" deur die volgende omskrywing te vervang:
"uniform" knope, onderskeidings- en ander kentekens, uniform-uitrustingsartikels, kledingstukke en toebehore, van watter aard ookal, wat kragtens regulasie 11 voorgeskryf is;"

Wysiging van regulasie 2 van die Regulasies

3. Regulasie 2 van die Regulasies word hierby gewysig deur in subregulasie (2) paragraaf (a) te skrap.

Wysiging van regulasie 3 van die Regulasies

4. Regulasie 3 van die Regulasies word hierby gewysig deur-

- (a) subregulasie 1 deur die volgende subregulasie te vervang :

"(1) Die posvlakke en ampstitels in die Departement is soos volg:

- (a) **korrektiewe beamptes op of bo die posvlak van senior beampte**

Kommissaris
Hoofadjunkkommissaris
Adjunkkommissaris
Direkteur
Adjunkdirekteur
Assistent direkteur
Senior korrektiewe beampte

- (b) **Ander posvlakke**

Korrektiewe Beampte Graad I
Korrektiewe Beampte Graad II
Korrektiewe Beampte Graad III
Tydelike Korrektiewe Beampte
Tydelike matrone;

- (b) Ander beroepsklasse soos omskryf in die Personeeladministrasie-standaard in diens van die Departement.";

- (b) deur subregulasie (5) te skrap.

Wysiging van regulasie 4 van die Regulasies

5. Regulasie 4 van die Regulasies word hierby gewysig-

- (a) deur die opskrif onder die opskrif van "WERKSAAMHEDE EN PLIGTE" van regulasie (4) deur die volgende opskrif te vervang :

"(A) Kommissaris, Hoofadjunk-, Adjunk-[,] en [Streek- en Assistentkommissaris] Provinsiale Kommissaris";

- (b) deur die opskrif van subregulasie (2) deur die volgende opskrif te vervang :

"Hoofadjunk-, Adjunk- [Streekkommissaris en Assistentkommissaris] en Provinsiale Kommissaris";

- (c) deur paragraaf (c) van subregulasie (2) te skrap.

Herroeping van regulasie 6A van die Regulasies

6. Regulasie 6A van die Regulasies word hierby herroep.

Vervanging van regulasie 7A van die Regulasies

7. Regulasie 7A van die Regulasies word hierby vervang deur die volgende regulasie :

"DEELNAME AAN SPORT EN ONTSPANNING

7A(1)Die Kommissaris kan magtiging verleen vir die instelling, vir die [Gevangenis-diens] Departement as geheel of op 'n plek wat hy geskik ag, van 'n sport- of ontspanningsklub (hierna 'n "klub" genoem) vir [lede] korrektiewe beamptes van die [Gevangenisdiens] Departement of hul gesinne, en hy moet die besteding van geld beheer, wat deur die Parlement vir hierdie doel bewillig is, of wat as ledegeld van lede van die klub geïen en behoudens sy goedkeuring van hulle salarisse afgetrek word, of wat aan die klub op enige ander wyse toeval.

- (2) Iedere [lid] korrektiewe beampte van die [Gevangenisdiens] Departement word 'n lid van 'n klub wat aldus ingestel is en neem deur middel van sodanige klub deel aan 'n amateursportsoort wat hy kies uit 'n lys van sportsoorte wat die Kommissaris vir dié doel aangewys het en waarvoor sodanige [lid] korrektiewe beampte volgens die oordeel van sy [bevelvoerder] Areabestuurder in oorleg, waar nodig, met 'n distriksgeneesheer of ander mediese praktisyn, liggaamlik geskik is : Met dien verstande dat waar 'n klub nie by enige [hoofkwartier] hoofkantoor ekonomies ingestel of voorsiening aldaar gemaak kan word vir 'n sportsoort waaraan sodanige [lid] korrektiewe beampte wil deelneem nie, die [lid] korrektiewe beampte deur die Kommissaris toegelaat kan word om vir dié doel by 'n burgerlike klub aan te sluit; en by die toepassing van hierdie regulasie word sodanige burgerlike klub geag 'n klub te wees.
- (3) Behoudens die ander bepalinge van hierdie regulasie word 'n [lid] korrektiewe beampte van die [Suid Afrikaanse Gevangenisdiens] Departement wat voltyds diens doen, geag op amptelike diens te wees gedurende enige tydperk waarin hy -
- (a) in opdrag na of van 'n oefening, opvoering, vertoning, wedstryd of kompetisie in verband met 'n sportsoort, wat in sy besondere geval goedgekeur is, reis, of daaraan deelneem;
 - (b) in opdrag na of van 'n oefening, opvoering, vertoning, wedstryd of kompetisie as lid van 'n burgerlike sportklub, soos in subregulasie (2) vermeld, reis of daaraan deelneem; [of]
 - (c) as beampte optree by of in opdrag reis na of van 'n oefening, opvoering, vertoning, wedstryd of kompetisie wat in paragraaf (a) of (b) vermeld word[.] ; of
 - (d) in opdrag as beampte optree vir of deelnemer is aan biokinetika, rekreasie of sportontwikkeling.

- (4) Die bepalings van subregulasie (3) is mutatis mutandis van toepassing op 'n korrektiewe beampte van die Departement wat departementeel vir deelname aan 'n goedgekeurde sportsoort gekies is.

[(4)](5)'n [Lid] Korrektiewe beampte van die [Gevangenisdiens] Departement wat aan 'n goedgekeurde sportsoort deelneem as lid of beampte van 'n span wat op streek-, provinsiale of nasionale vlak gekies is, word ten opsigte van enige besering wat hy as lid of beampte van sodanige span in die loop van 'n wedstryd, kompetisie of oefening opdoen, vir die toepassing van regulasie 36(1) geag op amptelike diens te wees."

Wysiging van regulasie 8 van die Regulasies

8. Regulasie 8 van die Regulasies word hierby gewysig -

- (a) deur subparagraaf (i) van paragraaf (a) van subregulasie (1) deur die volgende subparagraaf te vervang :

"(i) 'n Suid-Afrikaanse burger is[, of 'n burger is van 'n gebied wat deel van die Republiek uitgemaak het en ingevolge 'n Wet van die Parlement 'n onafhanklike staat geword het];" ;
- (b) deur subparagraaf (vii) van paragraaf (a) van subregulasie (1) deur die volgende subparagraaf te vervang :

"(vii) in staat is om een van [of albei] die amptelike tale van die Republiek, maar ten minste Afrikaans of Engels tot tevredenheid van die Kommissaris te praat, lees en skryf; en".

Wysiging van regulasie 10 van die Regulasies

Regulasie 10 van die Regulasies word hierby deur die volgende regulasie vervang:

"Voorgeskrewe opleidingskursus

9. Die Kommissaris kan na sy goedvinde gelas dat ['n lid] alle nuwe aanstellings in die dissiplinêre en beroepsgroepe soos bedoel in die Personeeladministrasiestandaard 'n voorgeskrewe basiese opleidingskursus by 'n opleidingskollege of ander plek volg en by voltooiing [van sodanige opleidingskursus] daarvan die verdere opleiding ontvang soos [hy] die Kommissaris bepaal uitgesluit daardie gevalle waar 'n nuwe aanstelling spesifiek in sy aanstellingsdokumentasie vrygestel word van basiese opleiding."

Wysiging van regulasie 11 van die Regulasies

10. Regulasie 11 van die Regulasies word hierby gewysig

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

"(b) Die uniform bedoel in hierdie regulasie, word slegs ooreenkomstig [voorgeskrewe tenue voorskrifte] die Dragkode gedra.";

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

"Uitreiking aan [lid] korrektiewe beampte by indiensneming

(3) By indiensneming word 'n [lid] korrektiewe beampte op staatskoste voorsien van die uniform- en uitrustingsartikels en toebehore soos voorgeskryf vir sy [rang] posvlak of volgens die pligte wat hy verrig : Met dien verstande dat as hy bedank, afgedank of ontslaan word [en nie vir opname in die Reserwemag kwalifiseer nie], hy sodanige uniform- en uitrustingsartikels en toebehore wat tydens sy dienstermyn op Staatskoste uitgereik is en waarvan die tydperk van bruikbaarheid nog nie verstreke is nie, moet teruggegee, en in so 'n geval word sodanige uniform- en uitrustingsartikels en toebehore so voordelig moontlik verkoop en die opbrengs in die Staatsinkomstefonds gestort."

Wysiging van regulasie 17 van die Regulasies

11. Regulasie 17 van die Regulasies word hierby gewysig-

- (a) deur die aanhef van subregulasie (1) deur die volgende aanhef te vervang:

"(1) [Met ingang van 1 April 1981 word die Suid-Afrikaanse Gevangenisdiens Mediese Skema] Daar sal 'n mediese skema wees bekend as die Departement van Korrektiewe Dienste Skema (hierna die Skema genoem) ingestel om, behoudens die bepalinge van hierdie regulasie en regulasies 18 en 19, geneeskundige, tandheelkundige en hospitaalbehandeling en aanvullende gesondheidsdienste, (met inbegrip van medisyne, verbandmiddelle, geneeskundige geriewe, hulpmiddels en toestelle), en vervoer tydens ongesteldheid aan [lede] korrektiewe beamptes en hul afhanklikes, op staatskoste te voorsien : ";

- (b) deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(a)'n [lid] korrektiewe beampte een tiende van die koste vir medisyne moet betaal, met minimum van R5,00 (vyf rand) per voorskrif, welke medisyne voorgeskryf of verskaf moet word deur persone wat by die Suid-Afrikaanse Mediese en Tandheelkundige Raad, die Suid-Afrikaanse Aptekersraad of die Raad op Verpleging geregistreer is: Met dien verstande voorts dat medisyne wat aan 'n [lid] korrektiewe beampte verskaf is gedurende hospitaalbehandeling, of, verskaf is deur 'n apteek wat beheer word deur die [Suid-Afrikaanse Gevangenisdiens] Departement, nie onderhewig is aan 'n proporsionele bydrae deur 'n [lid] korrektiewe beampte nie;";

- (c) deur paragraaf (a)bis van subregulasie (1) deur die volgende paragraaf te vervang:

"(a)bis 'n [lid] korrektiewe beampte 'n bybetaling van R10 (tien rand) vir konsultasies of besoeke ten opsigte van geneeskundige, tandheelkundige en aanvullende gesondheidsdienste moet maak, uitgesluit konsultasies of besoeke tydens, opname, versorging en verpleging in 'n militêre, openbare of privaat hospitaal of verpleeg- of kraaminrigting, en geneeskundige hulpdiens wat aan 'n [lid] korrektiewe beampte gelewer word terwyl hy in sodanige hospitaal of

inrigting versorg word: Met dien verstande voorts dat hierdie bepaling nie van toepassing is op 'n in subparagraaf (2) (a) (ii) [,] en (iii) [en (v)] bedoelde [lid] korrektiewe beampte en sy afhanklikes nie;";

- (d) deur die volgende paragraaf na paragraaf (b) van subregulasie (1) in te voeg:

"(c) die Kommissaris die mediese voordele van 'n korrektiewe beampte of van die afhanklikes van sodanige korrektiewe beampte tydelik of permanent kan beperk of tydelik of permanent in die geheel kan opskort, indien dit blyk dat die korrektiewe beampte of die afhanklikes van sodanige korrektiewe beampte misbruik maak van mediese voordele."

- (e) deur subparagraaf (ii) van paragraaf (a) van subregulasie (2) deur die volgende subparagraaf te vervang:

"(ii) 'n in subparagraaf (i) bedoelde [lid] korrektiewe beampte wat die diens van die [Gevangenisdiens] Departement [met jaargeld en/of 'n gratifikasie] verlaat het of daaruit ontslaan is [, tensy die Kommissaris anders gelas] en ten minste tien jaar aaneenlopende diens direk voor sy aftrede voltooi het. Waar die korrektiewe beampte twee of meer tydperke van diens voltooi het wat gesamentlik minstens 25 jaar beloop, kan die Kommissaris die toelating na goedgekoop op eie meriete oorweeg;"

- (f) deur subparagraaf (v) van paragraaf (a) van subregulasie (2) te skrap;
- (g) deur subparagraaf (vi) van paragraaf (a) van subregulasie (2) deur die volgende subparagraaf te vervang:
- "[(vi)] (v) 'n "afhanklike" soos omskryf in paragraaf (b);"
- (h) deur paragraaf (b) van subregulasie (2) deur die volgende paragraaf te vervang:

" (b) "afhanklike"--

- (i) die regtens erkende [eggenote] gade of [weduwee] langslewende gade of afhanklike kind van 'n in paragraaf (a) (i) en (ii) bedoelde [lid] korrektiewe beampte; en

tensy die Kommissaris anders gelas--

- (ii) die regtens erkende [eggenote] gade of [weduwee] langslewende gade of afhanklike kind van 'n in paragraaf (a) (iii) [,] en (iv) [en (v)] bedoelde [lid] korrektiewe beampte; en

Met dien verstande dat indien sodanige [weduwee] langslewende gade hertrou, of 'n [weduwee] langslewende gade wat hertrou het se [eggenoot] gade te sterwe kom of [as sy] besig is om te skei, [sy] die langslewende gade en enige afhanklike kind al die voorregte en voordele wat uit hoofde van en kragtens hierdie regulasie verleen word, verbeur, maar indien die Kommissaris van oordeel is dat so 'n kind weens geldelike omstandighede of om 'n ander buitengewone of afdoende rede nie voldoende geneeskundige, tandheeldkundige of

kan die Kommissaris, [en] ondanks die hertroue van sodanige [weduwee] langselewende gade, magtiging [kan] verleen dat so 'n kind 'n lid van die Skema mag bly vir solank as wat [hy] die kind aan die vereistes van 'n in subregulasie (3) bedoelde "afhanklike kind" voldoen. ";

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

"(b) agtien jaar of ouer is, 'n voltydse skolier of student wie fisies klasse bywoon aan 'n skool of ander opvoedkundige inrigting is en as gevolg waarvan die kind nie 'n voltydse betrekking kan beklee nie en afgesien van beurse, lenings of merietetoekennings ontvang, geheel en al van sodanige [lid] korrektiewe beampte vir [sy] onderhoud afhanklik is; ";

- (j) deur subparagraaf (iii) van paragraaf (c) van subregulasie (3) deur die volgende subparagraaf te vervang:

" (iii) die Kommissaris, ondanks die bepalings van hierdie subregulasie, goedkeuring kan verleen dat die kind van 'n [lid] korrektiewe beampte, wat van sy [eggenote] gade vervreem is, of van tafel en bed geskei is of wat geskei is, indien bedoelde [lid] korrektiewe beampte benewens 'n bedrag vir onderhoud, deur 'n bevoegde hof gelas is om ook [,] die volle mediese onkoste van sodanige kind te dra, as 'n afhanklike kind beskou word.";

- (k) deur subregulasie (4) te skrap.

Wysiging van regulasie 25 van die Regulasies

12. Regulasie 25 van die Regulasies word hierby gewysig-

- (a) deur subregulasie 2 deur die volgende subregulasie te vervang :

"Beperking van bewoning van amptelike kwartiere

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

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

"Aanspreeklikheid vir huurgeld

(4) 'n [Lid] Korrektiewe beampte is vir die huurgeld, soos deur die

Kommissaris, in oorleg met die Tesourie bepaal, ten opsigte van amptelike kwartiere wat aan [hom] die korrektiewe beampte toegewys is, aanspreeklik tot op die datum waarop hy sodanige kwartiere ontruim." ;

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

"Onderverhuring verbode

(4) 'n [Lid] Korrektiewe beampte mag geen gedeelte van amptelike kwartiere wat hy bewoon, sonder die toestemming van die Kommissaris onderverhuur nie." ;

- (d) deur paragraaf (a) van subregulasie (5) deur die volgende paragraaf te vervang:

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

Wysiging van regulasie 27 van die Regulasies

13. Regulasie 27 van die Regulasies word hierby gewysig deur subparagraaf (i) van paragraaf (b) van subregulasie (4) deur die volgende subparagraaf te vervang :

"(i) Wanneer 'n [lid] korrektiewe beampte die [Diens] Departement verlaat, verval alle afwesighedsverlof wat aan hom verleen is, op die dag onmiddellik voor die dag waarop sodanige [lid] korrektiewe beampte werklik die [Diens] Departement verlaat of op die datum wat kragtens paragraaf (a) bepaal word, indien gemelde paragraaf op hom van toepassing is."

Wysiging van regulasie 37 van die Regulasies

14. Regulasie 37 van die Regulasies word hierby gewysig -

- (a) deur subparagrafe (ii) en (iii) van paragraaf (d) van subregulasie (1) deur die volgende subparagrafe te vervang :

"(ii) Suid-Afrika, en nie slegs 'n klub of provinsie nie, by internasionale sportwedstryde binne die Republiek [of die Gebied] as deelnemer, afrigter of bestuurder te verteenwoordig; [of]

(iii) 'n buitelandse nasionale span wat die Republiek [of die Gebied] besoek, as verteenwoordiger van die Suid-Afrikaanse sportliggaam wat die toer reël, te vergesel[.]; of" ;

- (b) deur die volgende subparagraaf na subparagraaf (iii) van paragraaf (d) van subregulasie (1) in te voeg :

"(iv) as lid van 'n georganiseerde sportgroep, hetsy 'n deelnemer, beampte, afriqter of bestuurder aan rekreasie, biokinetika, of sportontwikkeling deel te neem."

- (c) deur die volgende paragraaf na paragraaf (d) van subregulasie (1) in te voeg :

"(e) wanneer hy deur 'n erkende amateursportvereniging gekies word om aan sport deel te neem op -

(i) inter-provinsiale vlak;

(ii) 'n vlak tussen provinsiale en nasionale vlak; of

(iii) 'n vlak laer as nasionale vlak teen 'n internasionale span,

op 'n 50/50-grondslag, behoudens die voorwaardes wat die Departement van Staatsdienskommissie en Administrasie aanbeveel en die Departement van Staatsbesteding goedkeur."

Wysiging van regulasie 57 van die Regulasies

15. Regulasie 57 van die Regulasies word hierby gewysig -

- (a) deur subregulasie (2) deur die volgende subregulasie te vervang :

"Amptelike reise na en van die Republiek[, die selfregerende gebiede of die onafhanklike state wat voor onafhanklikwording deel van die Republiek was]

(2) Behoudens die bepalings van subregulasie (1) van regulasie 55, moet amptelike reise na, van, tussen en in plekke buite die Republiek[, die selfregerende gebiede of die onafhanklike state wat voor onafhanklikwording deel van die Republiek was,] met die goedkoopste beskikbare openbare vervoermiddels, insluitende 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] korrektiewe beampte betaalbaar is, asook van enige ander koste-items." ;

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

"(i) hy met sodanige vervoer op [sy] eie risiko reis vir sover hierdie bepaling nie strydig met bepalings van die [Ongevallewet, 1941 (Wet 30 van 1941)] Wet op Vergoeding vir Beroepsbeserings en -Siektes, 1993 (Wet No. 130 van 1993), soos gewysig, is nie;"

Wysiging van regulasie 58 van die Regulasies

16. Regulasie 58 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang :

"(1) Per trein in die Republiek [of die Gebied] : Eersteklas indien beskikbaar, anders tweedeklas."

Wysiging van regulasie 64 van die Regulasies

17. Regulasie 64 van die Regulasies word hierby gewysig -

- (a) deur die opskrif onder die opskrif "VERPLASINGS" deur die volgende opskrif te vervang :

"(A) *Binne die Republiek [en Suidwes-Afrika]*" ;

- (b) deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(a) Behoudens die bepalings van hierdie regulasies, kan 'n [lid] korrektiewe beampte verplaas word en [hy] die korrektiewe beampte en [sy] die huishouding van sodanige korrektiewe beampte en persoonlike besittings op staatskoste vervoer word van enige [hoofkwartier] hoofkantoor na 'n ander binne die Republiek [en Suidwes-Afrika].";

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

"(a) Die Kommissaris kan ten opsigte van elke lid van 'n [lid] korrektiewe beampte se huishouding wat [twaalfjaar] 12 jaar oud of ouer is 'n verblyftoelae teen die volle tarief wat op sodanige [lid] korrektiewe beampte 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] hoofkantoor 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." ;

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

"(b) 'n Lid van die huishouding, insluitend 'n kinderoppasser, kan in dieselfde klas op 'n trein reis as dié waarin die [lid] korrektiewe beampte reis."

Wysiging van regulasie 67 van die Regulasies

18. Regulasie 67 van die Regulasies word hierby gewysig deur paragraaf (a) van subregulasie (2) deur die volgende paragraaf te vervang :

"(a) Die bepalings van paragraaf (b) van subregulasie (5) van regulasie 57 is *mutatis mutandis* van toepassing op 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte wat in subregulasie (1) bedoel word of op sy huishouding : Met dien verstande dat lede van die huishouding van sodanige [lid] korrektiewe beampte geag kan word amptelike passasiers te wees vir die toepassing van paragraaf (b) van subregulasie (1) van regulasie 60."

Wysiging van regulasie 69 van die Regulasies**19. Regulasie 69 van die Regulasies word hierby gewysig -**

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang :

"(1) Wanneer dit duidelik is of wanneer daar na die mening van die Kommissaris redelike gronde bestaan om te vermoed dat 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte in 'n onredelike mate in die skuld is of wanneer 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte insolvent verklaar is of sy boedel afgestaan het ten behoeve van sy skuldeisers of wanneer 'n vonnis weens skuld, [of 'n gyselingsbevel of 'n derglike bevel] teen hom in 'n geregshof verkry is, moet sodanige [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte, 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 likwideer of te betaal." ;

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

"Kennisgewing van geregtelike stappe weens skuld

(2) Alle geregtelike stappe in verband met skuld, [siviele gyseling,] vonnis of insolvensie waarby 'n [lid] korrektiewe beampte of 'n [tydelike bewaarder] tydelike korrektiewe beampte 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] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte.";
- (c) deur die opskrif van subregulasie (3) deur die volgende opskrif te vervang :
- "Optrede teen [lid] korrektiewe beampte of [spesiale bewaarder] tydelike korrektiewe beampte in die skuld"*.

Wysiging van regulasie 71 van die Regulasies**20. Regulasie 71 van die Regulasies word hierby gewysig -**

- (a) deur die woorde van subregulasie (1) voor paragraaf (a) deur die volgende woorde te vervang :

"(1) 'n [Lid] Korrektiewe beampte, [tydelike bewaarder,] tydelike korrektiewe beampte, [reserwemaglid] of 'n persoon aangestel kragtens artikel 84C(1) van die Wet wat die een of ander bepaling van die Wet of hierdie

regulasies oortree of versuim om daaraan te voldoen (uitgesonderd 'n oortreding of versuim wat ingevolge die Wet of hierdie regulasies uitdruklik tot 'n misdryf verklaar is) of wat -";

- (b) deur paragraaf (n) van subregulasie (1) deur die volgende paragraaf te vervang:

"(n) regstreeks of onregstreeks geld leen van of deur tussenkoms van 'n [lid] korrektiewe beampte van 'n laer [rang] posvlak of van of deur tussenkoms van 'n [spesiale bewaarder] tydelike korrektiewe beampte of homself onder 'n geldelike verpligting teenoor 'n mindere in [rang] posvlak plaas; of";

- (c) deur paragraaf (x) van subregulasie (1) deur die volgende paragraaf te vervang:

"(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 Gevangenis]: Met dien verstande dat die bepalings van hierdie paragraaf nie 'n [lid] korrektiewe beampte of [spesiale bewaarder] tydelike korrektiewe beampte verhinder [nie] om 'n herstel van 'n grief deur bemiddeling van die Parlement te verkry [nie]; of".

Wysiging van regulasie 74 van die Regulasies

21. Regulasie 74 van die Regulasies word hierby gewysig -

- (a) deur subregulasie (4) deur die volgende subregulasie te vervang :

"Bepaling en kennisgewing van tyd en plek [van verhoor] van die ondersoek

(4) Die voorsitter bepaal die plek waar en die datum en tyd waarop die ondersoek gehou sal word. Hy stel die aanklaer en ander lede van die raad dienooreenkomstig in kennis en verskaf ook aan die aanklaer, vir betekening aan die aangeklaagde [offisier] senior beampte, 'n afskrif van die bevel waarkragtens die raad aangestel is.";

- (b) deur paragraaf (b) van subregulasie (5) deur die volgende paragraaf te vervang:

"(b) hetsy ter staving van die aanklag of vir die verdediging, die bywoning verseker van alle [lede] korrektiewe beamptes of [spesiale bewaarders] tydelike korrektiewe beamptes 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.".

Vervanging van regulasie 85 van die Regulasies

22. Regulasie 85 van die Regulasies word hierby deur die volgende regulasie vervang :

"Aanvaarding van nominasie

85.(1) As 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte 'n nominasie of rekwisisie aanvaar as kandidaat vir verkiesing tot lid van -

- (a) die parlement, enige provinsiale raad[, die wetgewende vergadering van die gebied] of enige provinsiale wetgewer; of
- (b) 'n afdelingsraad, stadsraad, munisipale raad, dorpsbestuur, gesondheidskomitee, bestuurs- of raadplegende komitee, plaaslike bestuur of skoolraad[; of]
- [(c) 'n Swart owerheid,]

word hy, behoudens die bepalings van subregulasie (2)(b) [en (c)], geag vrywillig uit die Departement te getree het met ingang van die datum waarop hy sodanige nominasie of rekwisisie aanvaar het.

Behoud van lidmaatskap of aanstelling

- (2) Ondanks die bepalings van subregulasie (1) kan 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte -
 - (a) wat onmiddellik voor die datum van inwerkingtreding van hierdie regulasie 'n lid was van 'n in subregulasie (1)(b) bedoelde raad, komitee of bestuur, lid van sodanige raad, komitee of bestuur bly vir 'n onverstreke gedeelte van die termyn waarvoor hy verkies was;
 - (b) met die toestemming van die Minister 'n aanstelling, nominasie of rekwisisie as kandidaat vir verkiesing tot lid van 'n in subregulasie (1)(b) bedoelde raad, komitee of bestuur aanvaar as die Minister oortuig is dat daar nie inbreuk op die [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte se ampspligte gemaak sal word nie[;]
 - [(c) met die toestemming van die Minister 'n aanstelling, nominasie of rekwisisie as kandidaat vir verkiesing tot lid van 'n Swart owerheid aanvaar op die voorwaardes wat die Departement van Staatsbesteding, op aanbeveling van die Kommissie vir Administrasie, goedkeur.]

Nie-deelname aan 'n geskilpunt tussen Staat en openbare liggaam

- (3) As 'n geskil ontstaan tussen die Regering en 'n in subregulasie (2) bedoelde raad, komitee of bestuur, mag 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte wat lid is van sodanige raad, komitee of bestuur nie aan die bespreking of stemming oor daardie geskilpunt deelneem nie."

Wysiging van regulasie 93 van die Regulasies

- 23. Regulasie 93 van die Regulasies word hierby gewysig deur die regulasie met die volgende regulasie te vervang:

" 93 Elke gevange, of kind van sodanige gevange moet so spoedig moontlik na [opneming] opname in 'n gevangenis deur [die] 'n geneeskundige beampte of 'n

geregisteerde verpleegkundige ondersoek word, wat volledig verslag moet doen oor die liggaamlike en geestestoestand van die gevangene, of kind van sodanige gevangene, en enige ander geneeskundige of verpleegkundige inligting moet verstrek soos verlang of by wyse van wetgewing voorgeskryf mag word. Met dien verstande dat 'n geregisteerde verpleegkundige by die identifisering van enige van die volgende aspekte, die gevangene, of kind van sodanige gevangene, so spoedig moontlik na die geneeskundige beampte moet verwys indien:

- (a) 'n gevangene, of kind van sodanige gevangene met opname klaarblyklik beseer, siek is of kla dat hy beseer of siek is;
- (b) 'n gevangene, of kind van sodanige gevangene, voorgeskrewe medikament of gesondheidsorg ontvang; of
- (c) 'n gevangene, of kind van sodanige gevangene, voortgesette of bykomende geneeskundige behandeling moet ontvang;
- (d) die gevangene 'n swanger vrou is; en
- (e) 'n geregisteerde verpleegkundige dit nodig ag."

Wysiging van regulasie 95 van die Regulasies

24. Regulasie 95 van die Regulasies word hierby gewysig:

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang :

"(1) 'n Gevangene wat in opdrag van die Kommissaris oorgeplaas word, moet in die veilige bewaring van 'n [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte 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] die Suid-Afrikaanse Polisiediens vir daardie doel gestel kan word.";

- (b) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) 'n Gevangene, of kind van sodanige gevangene moet so kort moontlik voor oorplasing na 'n ander gevangenis deur [die] 'n geneeskundige beampte of 'n geregisteerde verpleegkundige ondersoek word, en hy mag nie aldus oorgeplaas word nie tensy die geneeskundige beampte of die geregisteerde verpleegkundige skriftelik gesertifiseer het dat hy vir oorplasing geskik is. [.] : Met dien verstande dat die geregisteerde verpleegkundige by die identifisering van enige van die aspekte soos omskryf in regulasie 93, die gevangene, of kind van sodanige gevangene so spoedig moontlik na die geneeskundige beampte moet verwys alvorens die oorplasing geskied."

Herroeping van regulasie 100 van die Regulasies

25. Regulasie 100 van die Regulasies word hierby herroep.

Wysiging van regulasie 113 van die Regulasies

26. Regulasie 113 van die Regulasies word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang :

"Liggaamlike geskiktheid vir oefening

- (5) [Die geneeskundige] 'n Geneeskundige beampte of 'n geregistreerde verpleegkundige 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 [.]; Met dien verstande dat die geregistreerde verpleegkundige nie so 'n verslag mag uitreik indien enige van die aspekte soos omskryf in regulasie 93 geïdentifiseer word nie."

Herroeping van regulasie 135 van die Regulasies

27. Regulasie 135 van die Regulasies word hierby herroep.

Vervanging van regulasie 138 van die Regulasies

28. Regulasie 138 van die Regulasies word hierby deur die volgende regulasie vervang :

"138. 'n Vroulike gevangene moet in die veilige bewaring en onder die bewaking van alleenlik 'n vroulike [lid] korrektiewe beampte of [tydelike bewaarster] tydelike korrektiewe beampte wees, en wanneer dit vir sodanige gevangene nodig mag wees om opleiding of onderrig van 'n manlike [lid] korrektiewe beampte of [tydelike bewaarder] tydelike korrektiewe beampte te ontvang, moet sodanige opleiding of onderrig in die teenwoordigheid en onder die toesig van 'n vroulike [lid] korrektiewe beampte of [tydelike bewaarster] tydelike korrektiewe beampte geskied."

Herroeping van regulasie 139 van die Regulasies

29. Regulasie 139 van die Regulasies word hierby herroep.

Wysiging van regulasie 148 van die Regulasies

30. Regulasie 148 van die Regulasies word hierby gewysig:

- (a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang :

"(b)Die aanstelling, diensvoorwaardes, organisering of reëling van of beheer oor sport, dissipline, werksaamhede en uitvoering van die pligte van [lede] korrektiewe beamptes, [tydelike bewaarders] tydelike korrektiewe beamptes en ander persone in diens van die Departement [van Gevangenis], hetsy op 'n tydelike of permanente grondslag."

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

"(2) Alle [lede] korrektiewe beamptes van die [Gevangenisdiens] Departement, tydelike [bewaarders] korrektiewe beamptes en ander persone in diens van die Departement [van Gevangenis] moet die [Gevangenisdiensorders] Korrektiewe Diensteorders wat op hulle van toepassing is, gehoorsaam."

Vervanging van sekere uitdrukings in die Regulasies

31. Die Regulasies word hierby gewysig -

- (a) deur die uitdrukking "bevelsarea" oral waar dit voorkom deur die uitdrukking "bestuursarea" te vervang;
- (b) deur die uitdrukking "bevelvoerder" oral waar dit voorkom deur die uitdrukking "Areabestuurder" te vervang ;
- (c) deur die uitdrukking "Departement van Gevangenis" oral waar dit voorkom deur die uitdrukking "Departement " te vervang;
- (d) deur die uitdrukking "Gevangenisdiens" oral waar dit voorkom deur die uitdrukking "Departement" te vervang;
- (e) deur die uitdrukking "hoofkwartier" oral waar dit voorkom deur die uitdrukking "hoofkantoor" te vervang;
- (f) deur die uitdrukking "Korrektiewe Dienstestreek" oral waar dit voorkom deur die uitdrukking "Korrektiewe Diensteprovincie" te vervang ;
- (g) deur die uitdrukking "lid" oral waar dit voorkom, maar uitgesluit regulasies 37(1)(d)(i); 126(2), 127(1), (3) en 128 (6) deur die uitdrukking "korrektiewe beampte" te vervang ;
- (h) deur die uitdrukking "lede" oral waar dit voorkom maar uitgesluit regulasies 64(2)(a); 66(2); 110 (1); 127(3); 128(3) en (6) en 130 (1) en (3) deur die uitdrukking "korrektiewe beamptes" te vervang ;
- (i) deur die uitdrukking "offisier" oral waar dit voorkom deur die uitdrukking "senior beampte" te vervang ;
- (j) deur die uitdrukking "onder-offisier" oral waar dit voorkom deur die uitdrukking "korrektiewe beampte onder die posvlak van senior beampte" te vervang ;
- (k) deur die uitdrukking "rang" oral waar dit voorkom deur die uitdrukking "posvlak" te vervang ;
- (l) deur die uitdrukking "range" oral waar dit voorkom deur die uitdrukking "posvlakke" te vervang ;

- (m) deur die uitdrukkings " Staatsdienswet, 1957 (Wet 54 van 1957) " of " Staatsdienswet, 1984 (Wet 111 van 1984)" oral waar dit voorkom deur die uitdrukking "Staatsdienswet, 1994 (Proklamasie No. 103 van 1994)" te vervang;
- (n) deur die uitdrukking "streek" oral waar dit voorkom deur die uitdrukking "provinsie" te vervang ;
- (o) deur die uitdrukking "streke" oral waar dit voorkom deur die uitdrukking "provinsies" te vervang ;
- (p) deur die uitdrukking "Streekkommissaris" oral waar dit voorkom deur die uitdrukking "Provinsiale Kommissaris" te vervang ;
- (q) deur die uitdrukkings "tydelike bewaarder" of "spesiale bewaarder" of "tydelike bewaarster" oral waar dit voorkom deur die uitdrukking "tydelike korrektiewe beampte" te vervang ;
- (r) deur die uitdrukkings "tydelike bewaarders" of "spesiale bewaarders" of "tydelike bewaarsters" oral waar dit voorkom deur die uitdrukking "tydelike korrektiewe beamptes" te vervang .

Vervanging van sekere uitdrukkings in die Bylaes tot die Regulasies

32. Die Bylaes tot die Regulasies word hierby gewysig -

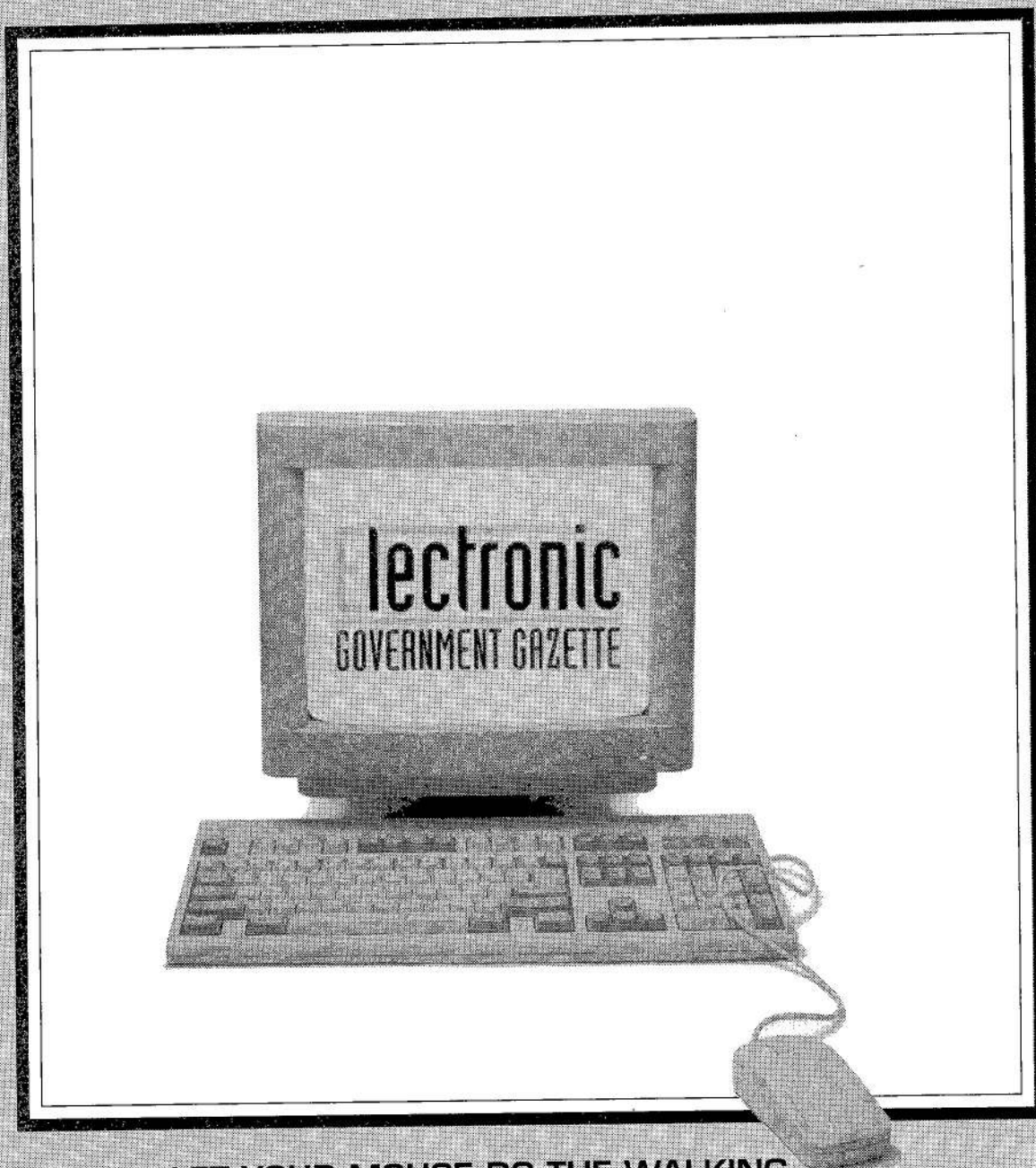
- (a) deur die uitdrukking "bewaarder/ bewaarster" oral waar dit voorkom deur die uitdrukking "korrektiewe beampte" te vervang ;
- (b) deur die uitdrukking "Departement van Gevangenis" oral waar dit voorkom deur die uitdrukking "Departement" te vervang;
- (c) deur die uitdrukking "Gevangenisdiens" oral waar dit voorkom deur die uitdrukking "Departement" te vervang;
- (d) deur die uitdrukking "lid" oral waar dit voorkom deur die uitdrukking "korrektiewe beampte" te vervang ;
- (e) deur die uitdrukking "rang" oral waar dit voorkom deur die uitdrukking "posvlak" te vervang ;
- (f) deur die uitdrukking "Staatsdienswet, 1957 (Wet 54 van 1957)" oral waar dit voorkom deur die uitdrukking "Staatsdienswet, 1994 (Proklamasie No. 103 van 1994)" te vervang ;
- (g) deur die uitdrukking "Suid-Afrikaanse Gevangenisdiens" oral waar dit voorkom deur die uitdrukking "Departement" te vervang;
- (h) deur die uitdrukking "tydelike bewaarder" oral waar dit voorkom deur die uitdrukking "tydelike korrektiewe beampte" te vervang ;

- (i) deur die uitdrukking "tydelike bewaarders" oral waar dit voorkom deur die uitdrukking "tydelike korrektiewe beamptes" te vervang ;
- (j) deur die uitdrukking "tydelike bewaarder/ bewaarster" oral waar dit voorkom deur die uitdrukking "tydelike korrektiewe beampte" te vervang.

Skrapping van sekere uitdrukkings in die Bylaes tot die Regulasies

33. Die Bylaes tot die Regulasies word hierby gewysig -

- (a) deur die uitdrukking "of die gebied Suidwes-Afrika" oral waar dit voorkom te skrap ;
 - (b) deur die uitdrukking "en Suidwes-Afrika" oral waar dit voorkom te skrap.
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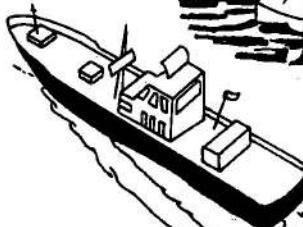
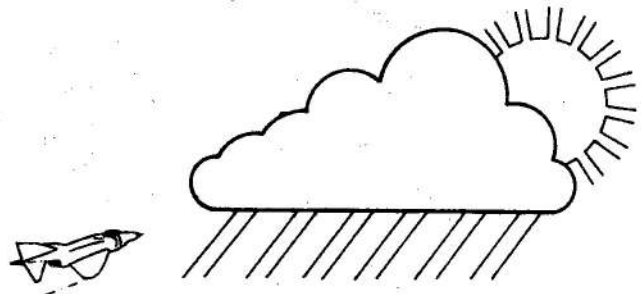
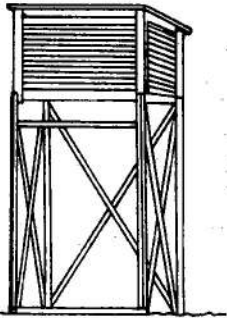
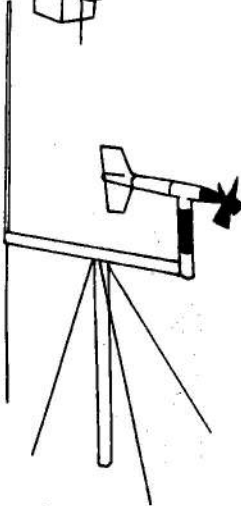


THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



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