



REPUBLIC OF SOUTH AFRICA  
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**STAATSKOERANT**  
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**GOVERNMENT NOTICE****DEPARTMENT OF PRISONS**No. R. 1199 23 June 1977  
AMENDMENT OF THE PRISON REGULATIONS

The State President has, under and by virtue of the powers vested in him by section 94 of the Prisons Act, 1959 (Act 8 of 1959), as amended, amended the Prison Regulations published under Government Notice R. 2080 of 31 December 1965, as follows:

Regulation 123 is amended as follows:

Substitute the following for Prison Regulation 123:

(Z) *Visit to and interview with a prisoner by his legal representative.***Basis**

123. (1) Subject to the permission of the Commissioner and subject to any conditions as determined by him, any prisoner who is a party to civil proceedings or intends to institute such proceedings, or is an accused in a criminal action, may consult his legal representative in connection with such proceedings or action.

**Conditions**

(2) The Commissioner may, for the purposes of this regulation, generally or in a specific instance determine that—

(a) the legal representative at the request of the head of a prison, or in his absence, of the member in charge of the prison, shall lodge proof of his identity and status;

(b) a visit to or interview with a prisoner may take place only during normal office hours except in exceptionally meritorious cases where prior permission shall be obtained from the head of the prison;

(c) the interview be restricted to the civil proceedings or the criminal action to which the prisoner is a party;

(d) should an interpreter be made use of, such interpreter be approved by the Commissioner;

(e) the interview shall take place in sight of a member or temporary warder; and

(f) the interview be subject to such conditions as may be considered necessary by the Commissioner for the general control and management of a prison and the maintenance of good order and discipline therein.

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**GOEWERMENSKENNISGEWING****DEPARTEMENT VAN GEVANGENISSE**No. R. 1199 23 Junie 1977  
WYSIGING VAN DIE GEVANGENISREGULASIES

Die Staatspresident het kragtens die bevoegdheid hom verleen by artikel 94 van die Wet op Gevangenis, 1959 (Wet 8 van 1959), soos gewysig, die Gevangenisregulasies afgekondig by Goewermentskennisgewing R. 2080 van 31 Desember 1965, soos volg gewysig:

Regulasie 123 word soos volg gewysig:

Vervang Gevangenisregulasie 123 deur die volgende:

(Z) *Besoek aan en onderhoud met 'n gevangene deur sy regsverteenvoerwoordiger.***Grondslag**

123. (1) Behoudens die toestemming van die Kommissaris en onderworpe aan enige voorwaardes deur hom bepaal, kan enige gevangene wat 'n party by 'n siviele geding is, of voornemens is om so 'n geding in te stel, of 'n beskuldigde in strafregtelike verrigtinge is, sy regsverteenvoerwoordiger in verband daarmee spreek.

**Voorwaardes**

(2) Vir die toepassing van hierdie regulasie, kan die Kommissaris in die algemeen of in 'n bepaalde geval bepaal dat—

(a) 'n regsverteenvoerwoordiger op versoek van die hoof van die gevangenis of, in sy afwesigheid, van die lid in beheer van die gevangenis, bewys van sy identiteit en status moet lewer;

(b) 'n besoek aan of onderhoud met die gevangene slegs gedurende normale kantoorure mag plaasvind behalwe in uitsonderlike verdienstelike gevalle waar goedkeuring vooraf van die hoof van die gevangenis verkry moet word;

(c) die onderhoud beperk moet word tot die siviele geding of strafregtelike verrigtinge waarby die gevangene betrokke is;

(d) indien van 'n tolk gebruik gemaak word, die tolk deur die Kommissaris goedgekeur moet word;

(e) die onderhoud ten aanskoue van 'n lid of tydelike bewaarder moet plaasvind; en

(f) die onderhoud onderworpe is aan sodanige voorwaardes as wat die Kommissaris nodig ag vir die algemene beheer en bestuur van 'n gevangenis en die handhawing van die goeie orde en tug daarin.

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**Refusal of further visits**

(3) (a) If a legal representative in any way abuses the privilege of visiting or interviewing a prisoner, or contravenes a condition referred to in subregulation (2), or neglects to comply therewith, or is convicted of any offence under the Act, he may be denied further visits to any prison or prisoner for such period as the Commissioner may determine;

(b) if the Commissioner, on good grounds, is of the opinion that the visit of a particular legal representative to a prisoner or a prison is not in the interest of the safety of the State or the good order and administration of a prison, he may refuse to give permission to such legal representative to visit such prisoner or prison: Provided that an appeal may be lodged with the Minister against the decision of the Commissioner; and

(c) if the Commissioner refuses to grant permission for a legal representative to visit or interview a prisoner under paragraph (b), such prisoner shall be entitled to request that some other legal representative visit him.

**Weiering van verdere besoeke**

(3) (a) Indien 'n regsverteenvoordiger op enige wyse misbruik maak van die vergunning om 'n besoek te bring aan of onderhoud te voer met 'n gevangene, of 'n voorwaarde bedoel in subregulasie (2) oortree, of versuim om daaraan te voldoen, of skuldig bevind word aan enige misdryf kragtens die Wet, kan verdere besoeke aan enige gevangenis of gevangene hom ontsê word vir die tydperk wat die Kommissaris bepaal;

(b) indien die Kommissaris op goeie gronde van oordeel is dat 'n besoek deur 'n bepaalde regsverteenvoordiger aan 'n gevangene of gevangenis nie in belang van die veiligheid van die Staat of die goeie orde en administrasie van 'n gevangenis is nie, kan die Kommissaris weier om aan sodanige regsverteenvoordiger toestemming te verleen om sodanige gevangene of gevangenis te besoek: Met dien verstande dat daar by die Minister appell aangeteken kan word teen so 'n beslissing van die Kommissaris; en

(c) dit staan 'n gevangene vry om, indien die Kommissaris toestemming vir 'n besoek deur 'n regsverteenvoordiger ingevolge paragraaf (b) weier, te versoek dat 'n ander regsverteenvoordiger hom besoek.

GOEWERMENSKENNIGGEWING

DEPARTMENT VAN GEVANGENISSE

WYSIGING VAN DIE GEVANGENISREGULASIES

The Department of Prisons has issued the following regulations under the Prisons Act, 1959 (Act No. 95 of 1959), and hereby invites attention to the fact that the regulations are available for inspection at the Department of Prisons, 100, Pretoria, from 10 o'clock on 23 June 1977.

Reëlulasie 1199 word soos volg gewysig:

Verwag Gevangenisregulasie 1199, soos gewysig deur die Departement van Gevangenisregering.

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DEPARTMENT OF PRISONS

AMENDMENT OF THE PRISON REGULATIONS

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