



UNION OF SOUTH AFRICA  
UNIE VAN SUID-AFRIKA

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## GOVERNMENT NOTICE.

### DEPARTMENT OF PRISONS.

No. 551.]

[11 April 1960.

#### RULES MADE IN TERMS OF THE EMERGENCY REGULATIONS.

By virtue of the powers vested in me by sub-regulation (5) of regulation 4 of the Emergency Regulations set out in Annexure B of Proclamation No. 91 of the 30th March, 1960, and published by *Government Gazette Extraordinary* No. 6403 of the 30th March, 1960, I, FRANCOIS CHRISTIAAN ERASMUS, Minister of Justice for the Union of South Africa, hereby make the rules for the administration and good government of and the maintenance of order at any place where persons are being detained pursuant to the Public Safety Act, 1953 (Act No. 3 of 1953), or the above-mentioned Emergency Regulations as set out in the Schedule hereto.

F. C. ERASMUS,  
Minister of Justice.

#### SCHEDULE.

#### RULES FOR THE ADMINISTRATION AND GOOD GOVERNMENT OF AND THE MAINTENANCE OF ORDER AT ANY PLACE WHERE PERSONS ARE BEING DETAINED PURSUANT TO THE PUBLIC SAFETY ACT, 1953 (ACT NO. 3 OF 1953), OR THE EMERGENCY REGULATIONS.

##### RULE 1.—APPLICABILITY OF RULES.

The provisions of the Prisons Act, 1959 (Act No. 8 of 1959), the Prisons Regulations, the Prison Service Orders and official instructions of the Commissioner of Prisons, shall apply to all detainees unless such provisions or instructions are inconsistent with any of the following rules.

##### RULE 2.—INTERPRETATION OF TERMS.

In these rules, unless inconsistent with the context—

- (a) "detainee" means a person detained in terms of the provisions of the Public Safety Act, 1953 (Act No. 3 of 1953), or the Emergency Regulations;
- (b) "place of detention" also means a prison.

##### RULE 3.—VISITS.

No person detained in terms of the Public Safety Act, 1953, or the Emergency Regulations shall, during his detention, receive a visit from any person, including a legal adviser, except with the permission of the officer in command of the place of detention in consultation with the local Police authorities.

## GOEWERMENSKENNISGEWING.

### DEPARTEMENT VAN GEVANGENISSE.

No. 551.]

[11 April 1960.

#### REÛLS UITGEVAARDIG KRAGTENS DIE NOODTOESTAND-REGULASIES.

Kragtens die bevoegdheid my verleen by subregulasie (5) van regulasie 4 van die Noodtoestand-regulasies uiteengesit in Bylae B van Proklamasie No. 91 van 30 Maart 1960 en bekendgemaak in *Buitengewone Staatskoerant* No. 6403 van 30 Maart 1960, vaardig ek FRANCOIS CHRISTIAAN ERASMUS, Minister van Justisie vir die Unie van Suid-Afrika, hierby die reëls in die Bylae vervat uit vir die beheer en behoorlike bestuur van en die handhawing van orde in enige plek waar persone kragtens die bepalinge van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), of bovermelde Noodtoestand-regulasies, aangehou word.

F. C. ERASMUS,  
Minister van Justisie.

#### BYLAE.

#### REÛLS VIR DIE BEHEER EN BEHOORLIKE BESTUUR VAN EN DIE HANDAWING VAN ORDE IN ENIGE PLEK WAAR PERSONE KRAGTENS DIE BEPALINGS VAN DIE WET OP OPENBARE VEILIGHEID, 1953 (WET NO. 3 VAN 1953), OF DIE NOODTOESTAND-REGULASIES AANGEHOU WORD.

##### REÛL 1.—TOEPASLIKHEID VAN REÛLS.

Die bepalinge van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), die Gevangenisregulasies, die Gevangenisdiensordere en amptelike opdragte van die Kommissaris van Gevangenis is op alle aangehoidenes van toepassing tensy sodanige bepalinge of opdragte teenstrydig is met enige van die reëls wat hierna volg.

##### REÛL 2.—WOORDOMSKRYWING.

In hierdie reëls tensy uit die samehang anders blyk beteken—

- (a) „aangehoudene”, ’n persoon wat kragtens die bepalinge van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), of die Noodtoestand-regulasies aangehou word;
- (b) „plek van aanhouding”, ook ’n gevangenis.

##### REÛL 3.—BESOEKE.

Niemand wat kragtens die Wet op Openbare Veiligheid, 1953, of die Noodtoestand-regulasies aangehou word mag gedurende sy aanhouding deur enigiemand insluitende ’n regsvertegenwoordiger, besoek word nie behalwe met die toestemming van die beampde in bevel van die plek van aanhouding in oorlegpleging met die plaaslike Polisieowerheid.

**RULE 4.—LETTERS AND OTHER MEANS OF COMMUNICATION.**

No person detained in terms of the Public Safety Act, 1953, or the Emergency Regulations shall, during his detention, communicate with any person outside the place of his detention except with the permission of the officer in command of the place of detention in consultation with the local Police authorities.

**RULE 5.—READING MATTER.**

(1) No detainee shall receive daily papers (newspapers), Sunday newspapers or any other literature containing general news and no magazine, book or other literature, except Bibles, sent to or delivered at the place of detention by friends, relatives, other persons, bodies, or organizations, shall be received by the officer in command of the place of detention on behalf of any detainee.

(2) A detainee may purchase out of his private money, by the agency of the officer in command of the place of detention, approved magazines and reading books and if a library is available at the place of detention, books available there may be placed at the disposal of a detainee.

**RULE 6.—TOILET REQUISITES.**

(1) The officer in command of the place of detention shall not receive on behalf of a detainee any toilet requisites sent to or delivered at the place of detention by relatives or friends of a detainee or by another person, body or organization.

(2) A detainee may purchase from private funds to his credit at the place of detention, by the agency of the officer in command of the place of detention, toilet requisites within reasonable limits.

**RULE 7.—SMOKING REQUISITES.**

(1) The officer in command of the place of detention shall not receive on behalf of any detainee any smoking requisites from friends or relatives of a detainee or from any other person, body or organization.

(2) A detainee may purchase from private funds to his credit at the place of detention, by the agency of the officer in command of the place of detention, a reasonable quantity of cigarettes and/or tobacco and matches.

**RULE 8.—FOOD.**

(1) The officer in command of the place of detention shall not receive any food, fruit, sweets, cake or any other edibles or any drink sent to or delivered at the place of detention by relatives, friends, any other person, body or organization on behalf of any detainee.

(2) A detainee may purchase from private funds to his credit at the place of detention, by the agency of the officer in command of the place of detention, food, including cake, sweets, fruit, tinned food and unfermented drink. The officer in command of the place of detention shall, in his discretion, determine the quantity and variety.

**RULE 9.—MONEY.**

The officer in command of the place of detention shall receive and bring into account a reasonable amount of money, paid in on behalf of a detainee.

**RULE 10.—PRIVATE CLOTHING.**

(1) A reasonable supply of private clothing may be received at the place of detention on behalf of a detainee.

(2) Private clothing shall be washed at the place of detention.

**RULE 11.—RELIGION.**

Ministers of Religion or religious workers appointed or to be appointed in terms of the provisions of section seven of the Prisons Act, 1959 (Act No. 8 of 1959), shall perform the necessary religious duties in respect of detainees

**REËL 4.—BRIEWE EN ANDER WYSE VAN KOMMUNIKASIE.**

Niemand wat kragtens die Wet op Openbare Veiligheid, 1953, of die Noodtoestand-regulasies aangehou word mag gedurende sy aanhouding met enigiemand buite die plek waar hy aangehou word in verbinding tree nie behalwe met die toestemming van die beamppte in bevel van daardie plek in oorlegpleging met die plaaslike Polisie-owerheid.

**REËL 5.—LEESSTOF.**

(1) Geen aangehoudene mag dagblaaie (koerante), Sondagkoerante of enige ander literatuur wat algemene nuus bevat, ontvang nie en geen tydskrif, boek of ander leesstof, behalwe Bybels, wat deur vriende, familie, ander persone, liggame of organisasies na die plek van aanhouding gestuur of daar afgelewer word, mag deur die beamppte in bevel van die plek van aanhouding ten behoeve van enige aangehoudene ontvang word nie.

(2) 'n Aangehoudene mag uit sy privaatgeld, deur bemiddeling van die beamppte in bevel van die plek van aanhouding, goedgekeurde tydskrifte en leesboeke aankoop en indien daar by die plek van aanhouding 'n biblioteek is kan van daardie boeke tot die beskikking van 'n aangehoudene gestel word.

**REËL 6.—TOILETBENODIGDHEDE.**

(1) Die beamppte in bevel van die plek van aanhouding mag geen toiletbenodigdhede wat deur familie of vriende van 'n aangehoudene of deur 'n ander persoon, liggaam of organisasie vir 'n aangehoudene na die plek van aanhouding gestuur of daar afgelewer word, ten behoeve van enige aangehoudenes ontvang nie.

(2) 'n Aangehoudene mag uit privaatgeld tot sy krediet in die plek van aanhouding, deur bemiddeling van die beamppte in bevel van die plek van aanhouding toiletbenodigdhede binne redelike perke aankoop.

**REËL 7.—ROOKGOED.**

(1) Die beamppte in bevel van 'n plek van aanhouding mag geen rookgoed van vriende of familie van 'n aangehoudene of van 'n ander persoon, liggaam of organisasie ten behoeve van enige aangehoudene ontvang nie.

(2) 'n Aangehoudene mag uit privaatgeld tot sy krediet in die plek van aanhouding, deur bemiddeling van die beamppte in bevel van die plek van aanhouding, 'n redelike hoeveelheid sigarette en/of tabak en vuurhoutjies aankoop.

**REËL 8.—VOEDSEL.**

(1) Die beamppte in bevel van 'n plek van aanhouding mag geen voedsel, vrugte, lekkers, koek, of enige ander eetware of enige drank wat deur familie, vriende, enige ander persoon, liggaam of organisasie ten behoeve van enige aangehoudene na die plek van aanhouding gestuur of daar afgelewer word, ontvang nie.

(2) 'n Aangehoudene mag uit privaatgeld tot sy krediet in die plek van aanhouding, deur bemiddeling van die beamppte in bevel van die plek van aanhouding, voedsel, insluitende koek, lekkers, vrugte, blikkies kos en ongegiste drank aankoop. Die beamppte in bevel van die plek van aanhouding sal na goeddunke die hoeveelheid en verskeidenheid, bepaal.

**REËL 9.—GELD.**

Die beamppte in bevel van die plek van aanhouding moet geld tot 'n redelike bedrag wat vir 'n aangehoudene inbetaal word ontvang en in rekening bring.

**REËL 10.—PRIVAATKLERE.**

(1) 'n Redelike hoeveelheid privaatklere kan by die plek van aanhouding ten behoeve van 'n aangehoudene ontvang word.

(2) Privaatklere moet in die plek van aanhouding gewas word.

**REËL 11.—GODSDIENS.**

Predikante of godsdienstige werkers wat kragtens die bepalings van artikel sewe van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), aangestel is of aangestel word, sal die nodige godsdienstige pligte ten opsigte van

belonging to the different religions, denominations or sects, but the local Police authorities shall indicate which of these Ministers of Religion or religious workers, if any, may not have access to the detainees. If there are any detainees belonging to a religion, denomination or sect for which no Minister or religious worker has been appointed, a Minister or religious worker may be appointed subject to the approval of the local Police authorities.

**RULE 12.—MEDICAL TREATMENT.**

(1) All detainees shall, upon admission, be examined by the Medical Officer appointed in terms of section six of the Prisons Act, 1959 (Act No. 8 of 1959), and thereafter he shall visit them regularly.

(2) Any medical or dental treatment prescribed by the Medical Officer shall be carried out promptly.

(3) Medical or dental treatment by a doctor who is not the Medical Officer or by a specialist, or hospital treatment outside the place of detention may be permitted on the recommendation of the Medical Officer in consultation with the local Police authorities.

**RULE 13.—DISCIPLINARY CONTRAVENTIONS.**

(1) A detainee who contravenes the provisions of any of these rules or who fails to comply therewith or who—

(a) wilfully furnishes false replies to questions put to him by a person employed at the place of detention;

(b) disobeys a lawful command or order by a person employed at the place of detention or ignores any rule or order;

(c) is disrespectful towards a person employed at a place of detention or towards a member of the South African Police Force during the execution of his duties;

(d) uses blasphemous, insolent, threatening, or any other improper language;

(e) is indecent in language, acts or gestures;

(f) commits any minor assault;

(g) without the necessary permission converses with another detainee or other person or in any other way holds intercourse with him;

(h) sings, whistles or makes unnecessary noise or causes unnecessary trouble or is a nuisance;

(i) leaves his appointed place of sleeping, eating or recreation without permission;

(j) in any way disfigures or damages any part of the place of detention or any article therein or any other State property;

(k) has in his sleeping quarters or possession an unauthorised article or attempts to obtain such an article or commits a petty theft;

(l) without permission receives from or gives to any person any article, or obtains it without permission in any other way;

(m) causes discontent, excitement or insubordination among his fellow detainees or participates in an unauthorised conspiracy;

(n) lodges, false, frivolous or malicious complaints;

(o) lodges false and malicious accusations against a person employed at the place of detention, a fellow detainee or other person;

(p) wilfully loses, destroys, alters, defaces or damages an identification card, document or any other article issued to him;

(q) commits an act with the intention of endangering his life, injuring his health or otherwise conducts himself to the prejudice of good order and discipline;

aangehoudenenes wat aan die verskillende godsdienste, denominasies of sektes behoort, nakom, maar die plaaslike Polisie-owerheid sal aandui welke van hierdie predikante of godsdienstige werkers, as daar is, nie toegang tot aangehoudenenes mag kry nie. As daar aangehoudenenes is wat aan 'n godsdienst, denominasie of sekte behoort waarvoor nog geen predikant of godsdienstige werker aangestel is nie, kan 'n predikant of godsdienstige werker, onderworpe aan die goedkeuring van die plaaslike Polisie-owerheid, aangestel word.

**REËL 12.—MEDIËSE BEHANDELING.**

(1) Alle aangehoudenenes moet by opneming deur die geneeskundige beampte, aangestel kragtens artikel ses van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), ondersoek word en daarna moet hy hulle gereeld besoek.

(2) Enige geneeskundige of tandheelkundige behandeling voorgeskryf deur die geneeskundige beampte moet stiptelik nagekom word.

(3) Geneeskundige of tandheelkundige behandeling deur 'n geneesheer wat nie die geneeskundige beampte is nie of 'n spesialis, of hospitaal verpleging buite 'n plek van aanhouding kan op aanbeveling van die geneeskundige beampte in oorlegpleging met die plaaslike Polisie-owerheid toegestaan word.

**REËL 13.—TUGOORTREDINGS.**

(1) 'n Aangehoudene wat die een of ander bepaling van hierdie reëls oortree of versuim om daaraan te voldoen of wat—

(a) moedswillig onware antwoorde gee op vrae gestel deur 'n persoon werksaam by 'n plek van aanhouding;

(b) 'n wettige bevel of voorskrif van 'n persoon werksaam by 'n plek van aanhouding nie gehoorsaam nie of enige reël of order verontagsaam;

(c) oneerbiedig is teenoor 'n persoon werksaam in 'n plek van aanhouding of teenoor 'n lid van die S.A. Polisiemag tydens die uitvoering van sy pligte;

(d) lasterlike, beledigende, dreigende of enige, ander onwettige taal gebruik;

(e) onbetaamlik is in woorde, dade of gebare;

(f) enige ligte aanranding pleeg;

(g) sonder die nodige toestemming met 'n ander aangehoudene of ander persoon gesels of op enige wyse met hom gemeenskap hou;

(h) sing, fluit of onnodige geraas maak of onnodige moeite veroorsaak of 'n oorlas is;

(i) sonder toestemming sy aangewese slaap-, eet- of ontspanningsplek verlaat;

(j) op enige wyse 'n gedeelte van die plek van aanhouding of enige voorwerp daarin of enige ander Staatseigendom skend of beskuldig;

(k) 'n ongeoorloofde artikel in sy slaapplek of besit het of poog om so 'n artikel te bekom of 'n geringe diefstal pleeg;

(l) sonder toestemming enige artikel van enige persoon neem of dit aan 'n persoon gee of dit op enige wyse sonder toestemming verkry;

(m) ontevredenheid, opwinding of weerspannigheid onder sy mede-aangehoudenenes veroorsaak of aan 'n ongeoorloofde samespanning deelneem;

(n) onjuiste, ligsinnige of kwaadwillige klagtes indien;

(o) valse en kwaadwillige aantygings teen 'n persoon werksaam in die plek van aanhouding, 'n mede-aangehoudene of ander persoon indien;

(p) moedswillig 'n identiteitskaart, dokument of enige ander artikel wat aan hom gegee is verloor, vernietig, verander, skend of verniel;

(q) 'n daad begaan met die oogmerk om sy lewe in gevaar te stel, sy gesondheid te benadeel of hom anders teenstrydig met goeie orde en tug gedra;

(r) in any way acts contrary to good order and discipline;

(s) attempts to commit one of the aforementioned acts; is guilty of a contravention of these rules, and upon conviction an officer of the Prisons Service or the Magistrate of the district in which the place of detention is situated may impose any one of the following sanctions:—

- (a) The imposition of the duty to perform certain specified work in the said place of detention and in connection therewith during a specified period not exceeding fourteen days; or
- (b) a fine not exceeding ten pounds or in default of payment of such fine confinement in a specified room, building or locality for a period not exceeding ten days; or
- (c) confinement in such a room, building or locality in company with others or apart from any other person for a period not exceeding thirty days.

(2) The procedure of trial of any alleged contravention mentioned in sub-rule (1) shall be in the manner and form, as nearly as practicable, as in summary proceedings in a magistrate's court at the hearing and determination of magisterial cases: Provided that the legal representative of the accused shall only be permitted with the approval of the officer in command of the place of detention after consultation with the local Police authorities.

(r) op enige wyse teenstrydig met die goeie orde en tug handel;

(s) poog om een van die voormelde dade te pleeg;

is skuldig aan 'n oortreding van hierdie reëls en by skuldigbevinding kan 'n offisier van die Gevangenisdiens of die landdros van die distrik waarin die plek van aanhouding geleë is enigeen van die volgende sanksies opleë:—

- (a) Die oplegging van die verpligting om sekere bepaalde werk in bedoelde plek van aanhouding en in verband daarmee te verrig gedurende 'n bepaalde tydperk van hoogstens veertien dae; of
- (b) 'n boete van hoogstens tien pond of by wanbetaling van so 'n boete, opsluiting in 'n bepaalde vertrek, gebou of plek vir 'n tydperk van hoogstens tien dae; of
- (c) opsluiting in so 'n vertrek, gebou of plek in geselskap van ander of afgesonder van enige ander persoon, vir 'n tydperk van hoogstens dertig dae.

(2) Die prosedure van verhoor van enige beweerde oortreding soos in sub-reël (1) gemeld moet in wyse en vorm so na doenlik dieselfde wees as in summierre verrigtinge in 'n landdroshof by die verhoor en beslissing van landdrossake: Met dien verstande dat die regsverteenvoerder van die beskuldigde slegs met goedkeuring van die beampite in bevel van die plek van aanhouding na oorlegplegting met die plaaslike polisie-owerheid toegelaat kan word.

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