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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 887.

26th May, 1971.

No. 887.

26 Mei 1971.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 41 of 1971: Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971.

No. 41 van 1971: Wet op die Misbruik van Afhankheidsvormende Stowwe en Rehabilitasiesentrums, 1971.

Act No. 41, 1971

ABUSE OF DEPENDENCE-PRODUCING SUBSTANCES AND
REHABILITATION CENTRES ACT, 1971.

ACT

To provide for the prohibition of the dealing in, and the use or possession of dependence-producing drugs; the imposition of a duty on certain persons to report to the police certain information in relation to certain acts in connection with such drugs; the forfeiture of certain property of certain persons; the cancellation of certain licences of certain persons; the creation of certain presumptions; the removal from the Republic of certain persons; the detention and interrogation of certain persons; the establishment of rehabilitation centres and hostels; the registration of institutions as rehabilitation centres and hostels; the committal of certain persons to and their detention, treatment and training in such rehabilitation centres or registered rehabilitation centres; the appointment of a Director of Rehabilitation Services to exercise control over rehabilitation centres and hostels and registered rehabilitation centres, and the reception and discharge of inmates of rehabilitation centres and registered rehabilitation centres; the amendment of the Medical, Dental and Pharmacy Act, 1928, and the Criminal Procedure Act, 1955; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 17th May, 1971.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "Board" means the National Advisory Board on Rehabilitation Matters appointed under section 16; (xxi)
- (ii) "children's home" means a children's home as defined in section 1 of the Children's Act, 1960 (Act No. 33 of 1960); (xiv)
- (iii) "dangerous dependence-producing drug" means any substance referred to in Part II of the Schedule to this Act; (x)
- (iv) "deal in", in relation to dependence-producing drugs or any plant from which such drugs can be manufactured, includes performing any act in connection with the collection, importation, supply, transshipment, administration, exportation, cultivation, sale, manufacture, transmission or prescription thereof; (xi)
- (v) "dentist" means any person registered as a dentist under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (xxvii)
- (vi) "dependence-producing drug" means any substance referred to in the Schedule to this Act; (i)
- (vii) "dependence-producing substances" means dependence-producing drugs and includes alcoholic liquor; (ii)
- (viii) "Director" means the Director of Rehabilitation Services appointed under section 26; (v)

WET OP DIE MISBRUIK VAN AFHANKLIKHEIDSVORMENDE
STOWWE EN REHABILITASIESENTRUMS, 1971.

Wet No. 41, 1971

WET

Om voorsiening te maak vir 'n verbod op die handeldryf in, en die gebruik of besit van afhanklikheidsvormende medisyne; die oplegging van 'n verpligting aan sekere persone om sekere inligting met betrekking tot sekere handelinge in verband met sodanige medisyne aan die polisie te rapporteer; die verbeurdverklaring van sekere goed van sekere persone; die intrekking van sekere lisensies van sekere persone; die skepping van sekere vermoedens; die verwydering uit die Republiek van sekere persone; die aanhouding en onder-vraging van sekere persone; die stigting van rehabilitasie-sentrums en tehuise; die registrasie van inrigtings as rehabi-litasiesentrums en tehuise; die verwysing van sekere persone na en hulle aanhouding, behandeling en opleiding in sodanige rehabilitasiesentrums of geregistreeerde rehabilitasiesentrums; die aanstelling van 'n Direkteur van Rehabilitasiedienste om beheer oor rehabilitasiesentrums en tehuise en geregistreeerde rehabilitasiesentrums en die toelating en ontslag van die inwoners van rehabilitasiesentrums en geregistreeerde reha-bilitasiesentrums uit te oefen; die wysiging van die Wet op Geneeshere, Tandartse en Aptekers, 1928, en die Straf-proseswet, 1955; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 17 Mei 1971.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, be- **Woordomskrywing.**
teken—

- (i) „afhanklikheidsvormende medisyne” 'n stof in die Bylae by hierdie Wet vermeld; (vi)
- (ii) „afhanklikheidsvormende stowwe” afhanklikheidsvor-mende medisyne en ook alkoholiese drank; (vii)
- (iii) „besit” ook hou, opberg of in bewaring of onder-beheer of toesig hê en het „besit” wanneer as selfstan-dige naamwoord gebruik, 'n ooreenstemmende be-tekenis; (xix)
- (iv) „bestuur” met betrekking tot 'n rehabilitasiesentrum, die superintendent van daardie rehabilitasiesentrum en die geneesheer en psigiater of kliniese sielkundige, as daar is, deur wie hy soos by artikel 27 bepaal by-gestaan word, en, met betrekking tot 'n tehuis, die persoon aan die hoof van daardie tehuis, en met be-trekking tot 'n geregistreeerde rehabilitasiesentrum of geregistreeerde tehuis, die persone wat met die bestuur en beheer daarvan belas is; (xii)
- (v) „Direkteur” die kragtens artikel 26 aangestelde Direk-teur van Rehabilitasiedienste; (viii)
- (vi) „gebied” die gebied Suidwes-Afrika; (xxxiv)

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- (ix) "hostel" means a hostel established under section 23 or deemed to be so established; (xxviii)
- (x) "inmate" means any person who has under this Act or any other law been committed or admitted or deemed to have been so committed or admitted to any rehabilitation centre or registered rehabilitation centre, and includes any person who has been released on licence from any rehabilitation centre or registered rehabilitation centre or who has been granted leave of absence therefrom, or who is still under the control or supervision of the management of any rehabilitation centre or registered rehabilitation centre or who is liable to be brought back thereto; (xiii)
- (xi) "magistrate" includes an additional magistrate and assistant magistrate, and in relation to any provision of this Act the administration of which has, by proclamation issued under section 53, been assigned to the Minister of Bantu Administration and Development, a Bantu Affairs Commissioner, an additional Bantu Affairs Commissioner and an assistant Bantu Affairs Commissioner; and any reference to a magistrate's court shall be construed accordingly; (xv)
- (xii) "management" in relation to any rehabilitation centre, means the superintendent of that rehabilitation centre and the medical practitioner, psychiatrist or clinical psychologist, if any, assisting him as provided in section 27, and, in relation to any hostel, means the person in charge of such hostel, and, in relation to a registered rehabilitation centre or registered hostel, means the persons who have the management and control thereof; (iv)
- (xiii) "manufacture", in relation to dependence-producing drugs, includes the preparing, extraction or producing thereof; (xxxiv)
- (xiv) "medical practitioner" means any person registered as a medical practitioner or intern under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (vii)
- (xv) "Minister", in relation to any provision of this Act, means the Minister to whom, or the Ministers to whom, acting in consultation with one another, the administration of that provision has been assigned by proclamation issued under section 53; (xvi)
- (xvi) "place of entertainment" includes any premises, building, dwelling, flat, room, office, shop, structure, vessel or vehicle or any part thereof used for or in connection with any dance, musical performance, singing performance, concert or show, including the exhibition of any cinematograph film or any part thereof or any picture intended for exhibition through the medium of a mechanical device, and to which admission is obtained by virtue of any consideration, whether directly or indirectly, or by virtue of any contribution to any fund or for any purpose, or by virtue of membership of any association of persons; (xxxiii)
- (xvii) "plant" includes any portion of a plant; (xix)
- (xviii) "police officer" means any member of a police force established under any law; (xx)
- (xix) "possess" includes keeping, storing or having in custody or under control or supervision, and "possession" has a corresponding meaning; (iii)
- (xx) "potentially dangerous dependence-producing drug" means any substance referred to in Part III of the Schedule to this Act; (xvii)
- (xxi) "prescribed" means prescribed by regulation or rule made or prescribed under this Act; (xxxvi)

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- (vii) „geneesheer” iemand wat as ’n geneesheer of intern ingevolge die Wet op Geneesheer, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), geregistreer is; (xiv)
- (viii) „geregistreerde rehabilitasiesentrum” ’n rehabilitasiesentrum wat kragtens artikel 21 geregistreer is; (xxv)
- (ix) „geregistreerde tehuis” ’n tehuis wat kragtens artikel 24 geregistreer is; (xxiv)
- (x) „gevaarlike afhanklikheidsvormende medisyne” ’n stof in Deel II van die Bylae by hierdie Wet vermeld; (iii)
- (xi) „handeldryf”, met betrekking tot afhanklikheidsvormende medisyne of ’n plant waaruit sodanige medisyne vervaardig kan word, ook ’n handeling verrig in verband met die insameling, invoer, lewering, oorlaai, toediening, uitvoer, verbouing, verkoop, vervaardiging, versending of voorskryf daarvan; (iv)
- (xii) „hierdie Wet” ook die regulasies; (xxxv)
- (xiii) „inwoner” ’n persoon wat kragtens hierdie Wet of ’n ander wetsbepaling na ’n rehabilitasiesentrum of ’n geregistreerde rehabilitasiesentrum verwys of daarin opgeneem is of geag word aldus verwys of opgeneem te gewees het en ook so ’n persoon wat met vergunning uit ’n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum vrygelaat is of aan wie verlof tot afwesigheid daaruit toegestaan is, of wat nog onder die beheer of toesig van die bestuur van ’n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum staan, of wat daarheen teruggebring kan word; (x)
- (xiv) „kinderhuis” ’n in artikel 1 van die Kinderwet, 1960 (Wet No. 33 van 1960), omskrewe kinderhuis; (ii)
- (xv) „landdros” ook ’n addisionele landdros en ’n assistent-landdros, en met betrekking tot enige bepaling van hierdie Wet waarvan die uitvoering by proklamasie uitgevaardig kragtens artikel 53 aan die Minister van Bantoe-administrasie en -ontwikkeling opgedra is, ’n Bantoesakekommissaris, ’n addisionele Bantoesakekommissaris en ’n assistent-Bantoesakekommissaris; en word enige verwysing na ’n landdroshof dienooreenkomstig uitgelê; (xi)
- (xvi) „Minister” met betrekking tot die een of ander bepaling van hierdie Wet, die Minister aan wie, of die Ministers aan wie, handelende in oorleg met mekaar, die uitvoering van daardie bepaling by ’n kragtens artikel 53 uitgevaardigde proklamasie opgedra is; (xv)
- (xvii) „moontlik gevaarlike afhanklikheidsvormende medisyne” ’n stof in Deel III van die Bylae by hierdie Wet vermeld; (xx)
- (xviii) „nywerheidskool” ’n in artikel 1 van die Kinderwet, 1960, omskrewe nywerheidskool; (xxix)
- (xix) „plant” ook ’n gedeelte van ’n plant; (xvii)
- (xx) „polisiebeampte” ’n lid van ’n by wet ingestelde polisie-mag; (xviii)
- (xxi) „raad” die kragtens artikel 16 ingestelde Nasionale Adviserende Raad oor Rehabilitasie-aangeleenthede; (i)
- (xxii) „reël” ’n reël deur ’n bestuur kragtens ’n by regulasie aan hom verleende bevoegdheid voorgeskryf; (xxviii)
- (xxiii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgereik en van krag is; (xxvi)
- (xxiv) „Republiek” ook die gebied; (xxvii)
- (xxv) „Sekretaris” of „ander senior beampte” met betrekking tot ’n bepaling van hierdie Wet, die hoof of ’n ander senior beampte van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling by ’n kragtens artikel 53 uitgevaardigde proklamasie opgedra is; (xxx)
- (xxvi) „superintendent” die persoon wat aan die hoof van ’n rehabilitasiesentrum staan; (xxxiii)

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- (xxii) "prohibited dependence-producing drug" means any drug referred to in Part I of the Schedule to this Act; (xxx)
- (xxiii) "reform school" means a reform school as defined by section 1 of the Children's Act, 1960; (xxx)
- (xxiv) "registered hostel" means a hostel registered under section 24; (ix)
- (xxv) "registered rehabilitation centre" means a rehabilitation centre registered under section 21; (viii)
- (xxvi) "regulation" means any regulation made and in force under this Act; (xxiii)
- (xxvii) "Republic" includes the territory; (xxiv)
- (xxviii) "rule" means a rule prescribed by a management under any power conferred upon it by regulation; (xxii)
- (xxix) "school of industries" means a school as defined in section 1 of the Children's Act, 1960; (xviii)
- (xxx) "Secretary" or "other senior officer", in relation to any provision of this Act, means the head or any other senior officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section 53; (xxv)
- (xxxi) "sell", in relation to dependence-producing drugs or any plant from which such drugs can be manufactured, includes offering, advertising, possessing or exposing for sale, disposing, whether for consideration or otherwise, and exchange, and "sale" has a corresponding meaning; (xxxii)
- (xxxii) "social welfare officer" means an officer who is employed in the professional division in accordance with any law governing the public service and who, in the performance of his duties, is mainly concerned with welfare work; (xxxv)
- (xxxiii) "superintendent" means the head of a rehabilitation centre; (xxvi)
- (xxxiv) "territory" means the territory of South-West Africa; (vi)
- (xxxv) "this Act" includes the regulations; (xii)
- (xxxvi) "veterinarian" means any person registered as a veterinarian under the Veterinary Act, 1933 (Act No. 16 of 1933). (xxix)

CHAPTER I.

DEPENDENCE-PRODUCING DRUGS.

Dealing in, use or possession of prohibited or dangerous dependence-producing drugs prohibited.

2. Notwithstanding anything to the contrary in any law contained, any person—

- (a) who deals in any prohibited dependence-producing drug or any plant from which such dependence-producing drug can be manufactured; or
- (b) who has in his possession or uses any such dependence-producing drug or plant; or
- (c) who deals in any dangerous dependence-producing drug or any plant from which such drug can be manufactured; or
- (d) who has in his possession or uses any dependence-producing drug or plant referred to in paragraph (c), shall be guilty of an offence and liable on conviction—
 - (i) in the case of a first conviction for a contravention of any provision of paragraph (a) or (c), to imprisonment for a period of not less than five years, but not exceeding fifteen years;
 - (ii) in the case of a second or subsequent conviction for a contravention of an offence referred to in paragraph (i), to imprisonment for a period of not less than ten years, but not exceeding twenty-five years;

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- (xxvii) „tandarts” iemand wat as ’n tandarts ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), geregistreer is; (v)
- (xxviii) „tehuis” ’n tehuis wat kragtens artikel 23 gestig is of geag word aldus gestig te gewees het; (ix)
- (xxix) „veearts” iemand wat as ’n veearts ingevolge die Veeartswet, 1933 (Wet No. 16 van 1933), geregistreer is; (xxxvi)
- (xxx) „verbeteringskool” ’n in artikel 1 van die Kinderwet, 1960, omskrewe verbeteringskool; (xxiii)
- (xxxi) „verbode afhanklikheidsvormende medisyne” stof in Deel I van die Bylae vermeld; (xxii)
- (xxxii) „verkoop”, met betrekking tot afhanklikheidsvormende medisyne of ’n plant waaruit sodanige medisyne vervaardig kan word, ook vir verkoop aanbied, adverteer, besit, of uitstal, van die hand sit, hetsy teen ’n teenprestasie of andersins, of verruil, en het „verkoop” as selfstandige naamwoord ’n ooreenstemmende betekenis; (xxx)
- (xxxiii) „vermaaklikheidsplek” ook ’n perseel, gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig of voertuig of ’n deel daarvan wat gebruik word vir of in verband met enige dans, musiekuitvoering, sanguitvoering, konsert of vertoning, met inbegrip van die vertoning van enige rolprent of gedeelte daarvan of van ’n prent wat bestem is om deur middel van ’n meganiese toestel vertoon te word, en waartoe toegang verkry of verleen word teen vergoeding, hetsy regstreeks of onregstreeks, of op grond van ’n bydrae tot ’n fonds of vir die een of ander doel of op grond van lidmaatskap van ’n vereniging van persone; (xvi)
- (xxxiv) „vervaardig”, met betrekking tot afhanklikheidsvormende medisyne, ook die bereiding, ekstrahering of voortbrenging daarvan; (xiii)
- (xxxv) „volkswelsynbeampte” ’n beampte wat, ooreenkomstig die wetsbepalings op die Staatsdiens, in die vak-kundige afdeling werksaam is en wat by die uitvoering van sy pligte hoofsaaklik met welsynswerk te doen het; (xxxii)
- (xxxvi) „voorgeskryf” of „voorgeskrewe” voorgeskryf by regulasie of reël kragtens hierdie Wet uitgevaardig of voorgeskryf. (xxi)

HOOFSTUK I

AFHANKLIKHEIDSVORMENDE MEDISYNE

2. Ondanks andersluidende wetsbepalings, is enigiemand—

- (a) wat in verbode afhanklikheidsvormende medisyne of in ’n plant waaruit sodanige afhanklikheidsvormende medisyne vervaardig kan word, handel dryf; of
- (b) wat sodanige afhanklikheidsvormende medisyne of sodanige plant in sy besit het of gebruik; of
- (c) wat in gevaarlike afhanklikheidsvormende medisyne of in ’n plant waaruit sodanige medisyne vervaardig kan word, handel dryf; of
- (d) wat enige in paragraaf (c) bedoelde afhanklikheidsvormende medisyne of plant in sy besit het of gebruik, aan ’n misdryf skuldig en by skuldigbevinding strafbaar—
 - (i) in die geval van ’n eerste skuldigbevinding aan ’n oortreding van ’n bepaling van paragraaf (a) of (c), met gevangenisstraf vir ’n tydperk van minstens vyf jaar, maar hoogstens vyftien jaar;
 - (ii) in die geval van ’n tweede of latere skuldigbevinding aan ’n oortreding van ’n in paragraaf (i) bedoelde bepaling, met gevangenisstraf vir ’n tydperk van minstens tien jaar, maar hoogstens vyf-en-twintig jaar;

Verbod op handel dryf in, gebruik of besit van verbode of gevaarlike afhanklikheidsvormende medisyne.

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(iii) in the case of a first conviction for a contravention of any provision referred to in paragraph (b) or (d), to imprisonment for a period of not less than two years, but not exceeding ten years;

(iv) in the case of a second or subsequent conviction for an offence referred to in paragraph (iii), to imprisonment for a period of not less than five years, but not exceeding fifteen years.

Dealing in, use or possession of potentially dangerous dependence-producing drugs prohibited.

3. Notwithstanding anything to the contrary in any law contained, any person—

(a) who deals in any potentially dangerous dependence-producing drug; or

(b) who uses or has in his possession any drug referred to in paragraph (a),

shall be guilty of an offence and liable on conviction—

(i) in the case of a conviction for a contravention of any provision of paragraph (a), to imprisonment for a period not exceeding ten years;

(ii) in the case of a conviction for a contravention of any provision of paragraph (b), to imprisonment for a period not exceeding five years.

Saving.

4. The provisions of this Act relating to dangerous dependence-producing drugs or potentially dangerous dependence-producing drugs, shall not affect the provisions of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or any other Act, in relation to any substances regarded for the purposes of the Medical, Dental and Pharmacy Act, 1928, or any other Act, as habit-forming drugs or potentially harmful drugs and which are regarded for the purposes of this Act as dangerous dependence-producing drugs or potentially dangerous dependence-producing drugs.

Certain persons entitled to possess, administer or use certain dependence-producing drugs.

5. Any person to whom or on whose behalf any dangerous dependence-producing drug or potentially dangerous dependence-producing drug has been sold or supplied in terms of a written prescription of a medical practitioner, dentist or veterinarian, may possess such drug and administer such drug to any person referred to in the said prescription or to any animal in respect of which the prescription has been issued or, if the prescription has been issued in respect of himself, use such drug.

Duty of certain persons to report to police certain information.

6. (1) If the owner, occupier or manager of any place of entertainment, or any person in control of or who has the supervision of any place of entertainment, has reason to believe that any person in or on such place of entertainment has in his possession, uses or deals in any dependence-producing drug or any plant from which such drug can be manufactured in contravention of the provisions of this Act, such owner, occupier or manager or person in control of or who has the supervision of such place of entertainment, shall forthwith report his suspicion to any police officer on duty at the nearest police station and shall, at the request of such police officer, furnish such police officer with such details at his disposal regarding the person in respect of whom the suspicion exists.

(2) Any person who fails to comply with the provisions of subsection (1), shall be guilty of an offence and liable on conviction—

(a) in the case of a first conviction, to imprisonment for a period of not less than five years, but not exceeding fifteen years;

(b) in the case of a second or subsequent conviction, to imprisonment for a period of not less than ten years, but not exceeding twenty-five years.

(3) No prosecution shall be instituted in respect of an offence referred to in this section except upon the written authority of the Attorney-General concerned.

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- (iii) in die geval van 'n eerste skuldigbevinding aan 'n oortreding van 'n bepaling in paragraaf (b) of (d) bedoel, met gevangenisstraf vir 'n tydperk van minstens twee jaar, maar hoogstens tien jaar;
- (iv) in die geval van 'n tweede of latere skuldigbevinding aan 'n oortreding in paragraaf (iii) bedoel, met gevangenisstraf vir 'n tydperk van minstens vyf jaar, maar hoogstens vyftien jaar.

3. Ondanks andersluidende wetsbepalings, is enigiemand—

- (a) wat in 'n moontlik gevaarlike afhanklikheidsvormende medisyne handel dryf; of
- (b) wat enige in paragraaf (a) bedoelde medisyne gebruik of in sy besit het,

Verbod op handeldryf in, gebruik of besit van moontlik gevaarlike afhanklikheidsvormende medisyne.

aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in die geval van 'n skuldigbevinding aan 'n oortreding van 'n bepaling van paragraaf (a), met gevangenisstraf vir 'n tydperk van hoogstens tien jaar;
- (ii) in die geval van 'n skuldigbevinding aan 'n oortreding van 'n bepaling van paragraaf (b), met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

4. Die bepaling van hierdie Wet met betrekking tot gevaarlike afhanklikheidsvormende medisyne of moontlik gevaarlike afhanklikheidsvormende medisyne, raak nie die bepaling van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), of enige ander Wet, met betrekking tot enige stowwe wat by die toepassing van die Wet op Geneeshere, Tandartse en Aptekers, 1928, of enige ander Wet, as gewoontevormende medisyne of moontlik nadelige medisyne beskou word en wat by die toepassing van hierdie Wet as gevaarlike afhanklikheidsvormende medisyne of moontlik gevaarlike afhanklikheidsvormende medisyne, beskou word nie.

Voorbehoud.

5. 'n Persoon aan of ten behoeve van wie 'n gevaarlike afhanklikheidsvormende medisyne of moontlik gevaarlike afhanklikheidsvormende medisyne ingevolge 'n skriftelike voorskrif van 'n geneesheer, tandarts, of veearts verkoop of gelewer is, mag bedoelde medisyne besit en aan die in die voorskrif vermelde persoon of 'n dier ten opsigte waarvan die voorskrif uitgereik is, toedien of, indien die voorskrif ten behoeve van homself uitgereik is, bedoelde medisyne gebruik.

Sekere persone mag sekere afhanklikheidsvormende medisyne besit, toedien of gebruik.

6. (1) Indien die eienaar, okkupeerder of bestuurder van 'n vermaaklikheidsplek, of iemand in beheer van 'n vermaaklikheidsplek of wat toesig daaroor hou, rede het om te vermoed dat iemand in of op bedoelde vermaaklikheidsplek 'n afhanklikheidsvormende medisyne of 'n plant waaruit so 'n medisyne vervaardig kan word, in stryd met die bepaling van hierdie Wet gebruik of in sy besit het of daarin handel dryf, moet bedoelde eienaar, okkupeerder, bestuurder of persoon in beheer van, of wat toesig hou oor, sodanige vermaaklikheidsplek, sy vermoede onverwyld aan 'n polisiebeampte aan diens by die naaste polisiekantoor rapporteer en, op versoek van sodanige polisiebeampte, die besonderhede waaroor hy beskik aangaande die persoon ten opsigte van wie die vermoede bestaan, aan bedoelde polisiebeampte verstrek.

Verpligting van sekere persone om sekere inligting aan polisie te rapporteer.

(2) Iemand wat versuim om aan die bepaling van subartikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (a) in die geval van 'n eerste skuldigbevinding, met gevangenisstraf vir 'n tydperk van minstens vyf jaar, maar hoogstens vyftien jaar;
- (b) in die geval van 'n tweede of latere skuldigbevinding, met gevangenisstraf vir 'n tydperk van minstens tien jaar, maar hoogstens vyf-en-twintig jaar.

(3) Geen vervolging word ten opsigte van 'n misdryf in hierdie artikel bedoel, ingestel nie behalwe op skriftelike magtiging deur die betrokke Prokureur-generaal.

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In case of mitigating circumstances another sentence may be imposed in lieu of certain prescribed compulsory sentences.

7. Whenever a court is bound to impose upon a person convicted by it of an offence, a punishment prescribed by section 2 (iii) or (iv) and is satisfied that there are circumstances which justify the imposition of a lighter sentence than such prescribed punishment, it shall enter those circumstances on the record of the proceedings and shall—

- (a) if it is bound to sentence such person to the punishment prescribed by section 2 (iii), impose upon him, in lieu thereof, a sentence of imprisonment for a period not exceeding two years; or
- (b) if it is bound to sentence such person to the punishment prescribed by section 2 (iv), impose upon him, in lieu thereof, a sentence of imprisonment for a period not exceeding five years.

Forfeiture.

8. (1) Notwithstanding anything to the contrary in any law contained, the court convicting any person of an offence under this Act shall declare—

- (a) any dependence-producing drug or any plant from which such drug can be manufactured, which was used for the purpose of or in connection with the commission of the offence or which was found in the possession of the convicted person;
- (b) any vehicle, vessel, aircraft or receptacle or other thing which was used for the purpose of or in connection with the commission of the offence or for the purpose of conveying or removing any dependence-producing drug or any plant referred to in paragraph (a) which was used for the purpose of or in connection with the commission of the offence, or the rights of the convicted person to such vehicle, vessel, aircraft, receptacle or thing;
- (c) in the case contemplated in section 2 (a) or (c), 3 (a) or 6, any immovable property which was used for the purpose of or in connection with the commission of the offence, or the rights of the convicted person thereto;
- (d) if it is a second or subsequent conviction for any offence under section 2 (a) or (c), any money found in the possession of the convicted person or which the court is satisfied is standing to his credit in any banking institution, building society or financial institution as defined, respectively, in the Banks Act, 1965 (Act No. 23 of 1965), the Building Societies Act, 1965 (Act No. 24 of 1965), or the Financial Institutions (Investment of Funds) Act, 1964 (Act No. 56 of 1964), or which is standing to his credit in any other savings account established by law,

to be forfeited to the State.

(2) A declaration of forfeiture under subsection (1) (b) or (c) shall not affect the rights which any person other than the convicted person may have to the vehicle, vessel, aircraft, receptacle, thing or immovable property concerned, if it is proved that he did not know that the vehicle, vessel, aircraft, receptacle, thing or immovable property was used or would be used for the purpose of or in connection with the commission of the offence concerned or that he could not prevent such use.

(3) The provisions of section 360 (4) and (5) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply to any declaration of forfeiture under this section.

(4) If any immovable property is declared to be forfeited under subsection (1) (c), the registrar or clerk of the court making the declaration shall transmit the title deeds of such property to the registrar of deeds concerned who shall endorse a note on the title deeds of such property to the effect that the said property has so been declared forfeited.

(5) Any person who has the possession or custody of any title deed or bond required by a registrar or clerk of the court for the purposes of any endorsement in terms of subsection (4), shall

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7. Wanneer 'n hof verplig is om 'n persoon wat hy aan 'n misdryf skuldig bevind het, die by artikel 2 (iii) of (iv) voorgeskrewe straf op te lê en oortuig is dat daar omstandighede is wat die oplegging van 'n ligter straf as bedoelde voorgeskrewe straf regverdig, teken hy daardie omstandighede in die notule van die verrigtinge aan en—

In geval van strafversagende omstandighede kan 'n ander straf in die plek van sekere voorgeskrewe verpligte strawwe opgelê word.

(a) indien hy verplig is om daardie persoon die by artikel 2 (iii) voorgeskrewe straf op te lê, lê hy hom in die plek daarvan gevangenisstraf vir 'n tydperk van hoogstens twee jaar op; of

(b) indien hy verplig is om daardie persoon die by artikel 2 (iv) voorgeskrewe straf op te lê, lê hy hom in die plek daarvan gevangenisstraf vir 'n tydperk van hoogstens vyf jaar op.

8. (1) Ondanks andersluidende wetsbepalings, moet die hof wat iemand weens 'n misdryf ingevolge hierdie Wet skuldig bevind—

Verbeurdverklaring.

(a) enige afhanklikheidsvormende medisyne of 'n plant waaruit enige afhanklikheidsvormende medisyne vervaardig kan word wat vir die doel van of in verband met die pleeg van die misdryf gebruik was of in die veroordeelde persoon se besit gevind is;

(b) enige voertuig, vaartuig, vliegtuig of houer of ander voorwerp wat vir die doel van of in verband met die pleeg van die misdryf of vir die vervoer of verwydering van enige afhanklikheidsvormende medisyne, of 'n in paragraaf (a) bedoelde plant wat vir die doel van of in verband met die pleeg van die misdryf gebruik was of die regte van die veroordeelde persoon op sodanige voertuig, vaartuig, vliegtuig, houer of voorwerp;

(c) in die geval beoog in artikel 2 (a) of (c), 3 (a) of 6, enige onroerende goed wat vir die doeleindes van of in verband met die pleeg van die misdryf gebruik was of die regte van die veroordeelde persoon daarop;

(d) indien dit 'n tweede of latere skuldigbevinding ingevolge artikel 2 (a) of (c) is, enige geld wat in die besit van die veroordeelde gevind word of enige bedrag geld wat die hof oortuig is tot sy kredit staan in 'n rekening by 'n bankinstelling, bouvereniging of finansiële instelling soos onderskeidelik in die Bankwet, 1965 (Wet No. 23 van 1965), die Bouverenigingswet, 1965 (Wet No. 24 van 1965), of die Wet op Finansiële Instellings (Belegging van Fondse), 1964 (Wet No. 56 van 1964), omskryf of wat tot sy kredit in 'n ander by wet ingestelde spaarrekening staan, ten gunste van die Staat verbeurd verklaar.

(2) 'n Verbeurdverklaring ingevolge subartikel (1) (b) of (c) raak geen regte wat iemand anders as die veroordeelde persoon op die betrokke voertuig, vaartuig, vliegtuig, houer, voorwerp of onroerende goed het nie, indien dit bewys word dat hy nie geweet het dat die voertuig, vaartuig, vliegtuig, houer, voorwerp of onroerende goed vir die doel van of in verband met die pleeg van die betrokke misdryf gebruik was of sou word nie of dat hy sodanige gebruik nie kon verhoed nie.

(3) Die bepalinge van artikel 360 (4) en (5) van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing op 'n verbeurdverklaring ingevolge hierdie artikel.

(4) Indien enige onroerende goed ingevolge subartikel (1) (c) verbeurd verklaar word, moet die griffier of die klerk van die hof wat die verbeurdverklaring gedoen het die titelbewyse van die onroerende goed aan die betrokke registrateur van aktes voorlê wat 'n aantekening ten effekte dat bedoelde onroerende goed aldus verbeurd verklaar is teen die titelbewyse van dié eiendom moet aanbring.

(5) Iemand wat 'n titelbewys of verbandakte wat 'n griffier of klerk van die hof vir die doeleindes van 'n aantekening ooreenkomstig subartikel (4) nodig het, in sy besit of bewaring het,

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deliver such deed or bond to the registrar or clerk of the court within a period of fourteen days after the registrar or clerk of the court has demanded it in writing.

(6) If any such person notifies the registrar or the clerk of the court in writing at the time of the delivery of such title deed or bond that he has a right of retention in respect thereof, the registrar or clerk of the court, as the case may be, shall return such title deed or bond to such person as soon as it is no longer required by him for the purposes of subsection (4).

(7) Any person who fails to comply with the provisions of subsection (5), shall be liable for the costs which the registrar or the clerk of the court concerned may incur in obtaining an order of the court for the production of such deed or bond.

**Power of court to
cancel certain
licences.**

9. When any person is convicted of a contravention of section 6, the court convicting such person may cancel any licence, issued in terms of any law, which relates to the place of entertainment concerned and of which such person was the holder at the time when such contravention occurred.

Presumptions.

10. (1) (a) If in any prosecution for an offence under section 2 it is proved that the accused was found in possession of—

(i) dagga exceeding 115 grams in mass;

(ii) any prohibited dependence-producing drugs,

it shall be presumed that the accused dealt in such dagga or drugs, unless the contrary is proved.

(b) If in any prosecution for an offence under section 2 (a) it is proved that the accused was the owner, occupier, manager or person in charge of cultivated land on a date on which dagga plants were found on such land, of the existence of which plants the accused was aware or could reasonably be expected to have been aware, it shall be presumed that the accused dealt in such dagga plants, unless the contrary is proved.

(c) If in any prosecution for an offence under section 2 (c) it is proved that the accused was found in possession of a quantity of dangerous dependence-producing drugs which exceeds the quantity of such dependence-producing drugs prescribed in writing by a medical practitioner, dentist or veterinarian during a period of thirty days immediately preceding the date on which such dangerous dependence-producing drugs were found in his possession, for use by the accused or his spouse or child under the age of eighteen years or by any animal of which he or his spouse or such child is or was the owner or which is or was in the care of the accused, it shall be presumed that the accused dealt in such drugs, unless the contrary is proved.

(d) If in any prosecution for an offence under section 2 (a) or (c) or section 3 (a) it is proved that the accused conveyed any dependence-producing drug or any plant from which such drug could be manufactured, it shall be presumed that the accused dealt in such drug, unless the contrary is proved.

(e) If in any prosecution for an offence under section 2 (a) or (c) or section 3 (a), it is proved that the accused was upon or in charge of or that he accompanied any vehicle, vessel or animal on or in which any dependence-producing drug, or any plant from which such drug

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moet dié titelbewys of verbandakte binne 'n tydperk van veertien dae nadat die griffier of klerk van die hof dit skriftelik geëis het, aan die griffier of klerk van die hof aflewer.

(6) Indien so iemand die griffier of klerk van die hof ten tyde van die aflewering van bedoelde titelbewys of verbandakte skriftelik in kennis stel dat hy ten opsigte daarvan 'n retensiereg besit, moet die griffier of klerk van die hof, na gelang van die geval, die titelbewys of verbandakte aan daardie persoon terugbesorg sodra hy dit nie langer vir die doeleindes van subartikel (4) nodig het nie.

(7) Iemand wat versuim om aan die bepalinge van subartikel (5) te voldoen, is aanspreeklik vir al die koste wat die betrokke griffier of klerk van die hof oploop by die verkryging van 'n bevel van die hof vir die voorlegging van bedoelde titelbewys of verbandakte.

9. Wanneer iemand skuldig bevind word aan 'n oortreding van artikel 6, kan die hof wat daardie persoon skuldig bevind, 'n ingevolge wet uitgereikte lisensie wat op die betrokke vermaaklikheidsplek betrekking het en waarvan sodanige persoon die houder ten tyde van die plaasvind van sodanige oortreding is, intrek. Bevoegdheid van hof om sekere lisensies in te trek.

10. (1) (a) Indien dit by 'n vervolging weens 'n misdryf ingevolge artikel 2 bewys word dat die beskuldigde in besit gevind is van— Vermoedens.

(i) meer as 115 gram dagga volgens massa;
(ii) enige verbode afhanklikheidsvormende medisyne, word dit geag dat die beskuldigde in sodanige dagga of medisyne handel gedryf het, tensy die teendeel bewys word.

(b) Indien dit by 'n vervolging weens 'n misdryf ingevolge artikel 2 (a) bewys word dat die beskuldigde die eienaar, okkupeerder, bestuurder of persoon in beheer van bewerkte grond was op 'n datum waarop daggaplante op bedoelde grond gevind is, van die bestaan waarvan die beskuldigde bewus was of redelikerwys verwag kon word om bewus te gewees het, word dit geag dat die beskuldigde in daardie daggaplante handel gedryf het, tensy die teendeel bewys word.

(c) Indien dit by 'n vervolging weens 'n misdryf ingevolge artikel 2 (c) bewys word dat die beskuldigde in besit gevind is van 'n hoeveelheid gevaarlike afhanklikheidsvormende medisyne wat meer is as die hoeveelheid sodanige afhanklikheidsvormende medisyne wat 'n geneesheer, tandarts of veearts gedurende die tydperk van dertig dae wat die datum waarop daardie gevaarlike afhanklikheidsvormende medisyne in sy besit gevind is onmiddellik voorafgegaan het, skriftelik voorgeskryf het vir gebruik deur die beskuldigde of sy eggenoot of kind onder die ouderdom van agtien jaar of deur 'n dier waarvan die beskuldigde of sy eggenoot of sodanige kind die eienaar is of was of wat in die beskuldigde se sorg is of was, word dit geag dat die beskuldigde in sodanige medisyne handel gedryf het, tensy die teendeel bewys word.

(d) Indien dit by 'n vervolging ingevolge artikel 2 (a) of (c) of artikel 3 (a) bewys word dat die beskuldigde 'n afhanklikheidsvormende medisyne of 'n plant waaruit sodanige medisyne vervaardig kan word, vervoer het, word dit geag dat die beskuldigde in sodanige medisyne handel gedryf het, tensy die teendeel bewys word.

(e) Indien dit by 'n vervolging weens 'n oortreding ingevolge artikel 2 (a) of (c) of artikel 3 (a) bewys word dat die beskuldigde op of in beheer van 'n voertuig, vaartuig of dier was waarin of waarop afhanklikheidsvormende medisyne, of 'n plant waaruit sodanige medisyne ver-

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could be manufactured, was found, it shall be presumed that the accused dealt in such drug or plant, unless the contrary is proved.

(2) If in any prosecution for an offence under this Act it is proved that a sample which was taken of anything to which such offence refers, was or contained any dependence-producing drug or that such drug could be manufactured therefrom, such thing shall be deemed to possess the same properties as such sample, unless the contrary is proved.

(3) If in any prosecution for an offence under this Act it is proved that any dependence-producing drug or plant from which such drug could be manufactured was found in the immediate vicinity of the accused, the accused shall be deemed to have been found in possession of such drug or plant, unless the contrary is proved.

(4) If in any prosecution for an offence under this Act the question arises whether any dangerous dependence-producing drug or potentially dangerous dependence-producing drug to which such offence relates was prescribed by a medical practitioner, dentist or veterinarian, such dangerous dependence-producing drug or potentially dangerous dependence-producing drug shall be deemed not to have been so prescribed, unless the contrary is proved.

(5) If in any prosecution for an offence under this Act the question arises whether any particular person is or was a medical practitioner, dentist or veterinarian, such person shall be deemed not to be or to have been a medical practitioner, dentist or veterinarian, as the case may be, unless the contrary is proved.

(6) If in a prosecution for failure to comply with the provisions of subsection (1) of section 6 it is proved that the accused was at or during the time alleged in the charge the owner, occupier or manager of a place of entertainment or that any place of entertainment was at that time under the control or supervision of the accused and that at or during that time any other person, while in or upon the place of entertainment in question, and in contravention of the provisions of this Act, used or was in possession of, or dealt in, a dependence-producing drug or plant referred to in that subsection, it shall for the purposes of such prosecution be presumed that, at or during that time, the accused had reason for the suspicion contemplated in that subsection, unless he proves that he was not then aware that any person in or upon that place of entertainment was using or had in his possession or was dealing in such a drug or plant, and that the circumstances under which the proven use or possession of, or dealing in, such a drug or plant occurred were not of such a nature that he could reasonably have been expected to have been aware of it or to have suspected that a person in or upon that place of entertainment was using or had in his possession or was dealing in such a drug or plant and, if those circumstances were of such a nature that it could reasonably be expected of him to have taken precautions against the use, possession of or dealing in such a drug or plant in or upon that place of entertainment by any person, that such precautions had been taken.

Powers of police.

11. (1) If any police officer suspects upon reasonable grounds any dependence-producing drug or plant from which such drug may be manufactured, to be on or in a place, vessel, vehicle or aircraft, and that a contravention of this Act is being or has been committed by means or in respect of such drug or plant, such police officer may at any time without a warrant enter and search such place, vessel, vehicle or aircraft and seize such drug or plant, or may search and interrogate any person whom he may find on or in such place, vessel, vehicle or aircraft with a view to obtaining from such person information concerning the

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vaardig kan word, gevind is, of sodanige voertuig, vaartuig of dier vergesel het, word dit geag dat die beskuldigde in sodanige medisyne of plant handel gedryf het, tensy die teendeel bewys word.

(2) Indien dit by 'n vervolging weens 'n misdryf ingevolge hierdie Wet bewys word dat 'n monster wat geneem is van iets waarop bedoelde misdryf betrekking het, enige afhanklikheidsvormende medisyne is of bevat, of sodanige medisyne daaruit vervaardig kan word, word so iets geag dieselfde eienskappe as daardie monster te besit, tensy die teendeel bewys word.

(3) Indien dit by 'n vervolging weens 'n misdryf ingevolge hierdie Wet bewys word dat enige afhanklikheidsvormende medisyne of 'n plant waaruit sodanige medisyne vervaardig kan word, in die onmiddellike nabyheid van die beskuldigde gevind is, word die beskuldigde geag in besit gevind te gewees het van bedoelde medisyne of plant, tensy die teendeel bewys word.

(4) Indien die vraag by 'n vervolging weens 'n misdryf ingevolge hierdie Wet ontstaan of enige gevaarlike afhanklikheidsvormende medisyne of moontlik gevaarlike afhanklikheidsvormende medisyne waarop die misdryf betrekking het deur 'n geneesheer, tandarts of veearts voorgeskryf is, word bedoelde gevaarlike afhanklikheidsvormende medisyne of moontlik gevaarlike afhanklikheidsvormende medisyne geag nie aldus voorgeskryf te gewees het nie, tensy die teendeel bewys word.

(5) Indien die vraag by 'n vervolging weens 'n misdryf ingevolge hierdie Wet ontstaan of 'n bepaalde persoon 'n geneesheer, tandarts of veearts is of was, word bedoelde persoon geag nie 'n geneesheer, tandarts of veearts, na gelang van die geval, te wees of te gewees het nie, tensy die teendeel bewys word.

(6) Indien dit by 'n vervolging weens versuim om aan die bepalinge van subartikel (1) van artikel 6 te voldoen, bewys word dat die beskuldigde op of gedurende die in die klagstaat beweerde tyd die eienaar, okkupeerder of bestuurder van 'n vermaaklikheidsplek was of dat op of gedurende daardie tyd 'n vermaaklikheidsplek onder beheer of toesig van die beskuldigde was, en dat op of gedurende daardie tyd iemand anders, terwyl hy in of op die betrokke vermaaklikheidsplek was, en in stryd met die bepalinge van hierdie Wet, 'n afhanklikheidsvormende medisyne of plant in daardie subartikel bedoel gebruik het of in sy besit gehad het of daarin handel gedryf het, word dit vir die doeleindes van bedoelde vervolging beskou dat die beskuldigde op of gedurende daardie tyd rede gehad het tot 'n vermoede soos in daardie subartikel beoog, tensy hy bewys dat hy nie toe daarvan bewus was dat iemand in of op daardie vermaaklikheidsplek so 'n medisyne of plant gebruik of in sy besit het of daarin handel dryf nie, en dat die omstandighede waaronder die bewese gebruik of besit van, of handel dryf in, so 'n medisyne of plant plaasgevind het, nie van so 'n aard was dat dit redelikerwys van hom verwag kon word om daarvan bewus te gewees het of om te vermoed het dat iemand in of op daardie vermaaklikheidsplek so 'n medisyne of plant gebruik of in sy besit het of daarin handel dryf nie en, indien daardie omstandighede van so 'n aard was dat dit redelikerwys van hom verwag kon word om voorsorg te getref het teen die gebruik of besit van, of handel dryf in, so 'n medisyne of plant deur enigiemand in of op daardie vermaaklikheidsplek, dat hy sodanige voorsorg getref het.

11. (1) Indien 'n polisiebeampte op redelike gronde vermoed dat 'n afhanklikheidsvormende medisyne, of 'n plant waaruit sodanige medisyne vervaardig kan word, op of in 'n plek, vaartuig, voertuig of vliegtuig is, en dat 'n oortreding van hierdie Wet deur middel of ten opsigte van sodanige medisyne of plant gepleeg is of word, kan bedoelde polisiebeampte sodanige plek, vaartuig, voertuig of vliegtuig te eniger tyd sonder lasbrief betree en deursoek en op sodanige medisyne of plant beslag lê, of enigiemand wat hy op of in bedoelde plek, vaartuig, voertuig of vliegtuig vind, deursoek of ondervra met die doel om van so iemand inligting aangaande die aanwesigheid van 'n afhanklik-

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presence of any dependence-producing drug or such plant or the cultivation of such plant on or in that place or elsewhere.

(2) In searching a woman the provisions of section 36 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply.

(3) Any article, substance or plant so seized shall be dealt with as if it had been seized under the provisions of the said Criminal Procedure Act or, if seized in the territory, as if it had been seized under the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory.

(4) Any person who obstructs or interferes with any police officer in the exercise of any powers or the performance of any duty under this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Removal of convicted persons from the Republic.

12. If any person who is not a South African citizen by birth or descent is convicted of an offence under section 2 (a) or (c) or section 6 and is deemed by the Minister to be an undesirable inhabitant of the Republic, such person shall for the purposes of the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913), be deemed in terms of section 22 of the said Act to be an undesirable inhabitant of the Republic, and section 6 (2) and (3) of the said Act shall also apply *mutatis mutandis* in respect of his removal from the Republic.

Detention of persons for interrogation under warrant issued by a magistrate.

13. (1) Whenever it appears to a magistrate on the ground of information submitted to him upon oath by the public prosecutor that there is reason to believe that any person is withholding any information relating to an offence under paragraph (a) or (c) of section 2 or section 3 (a) or 6 from the public prosecutor or a policeman, he may, at the request of the public prosecutor, issue a warrant for the arrest and detention of such person.

(2) Notwithstanding anything to the contrary in any law contained, any person arrested by virtue of a warrant under subsection (1), shall as soon as possible be taken to the place mentioned in the warrant and detained there, or at any other place and subject to such conditions as the magistrate may from time to time determine, in custody for interrogation until the magistrate orders his release when satisfied that the detainee has satisfactorily replied to all questions at the said interrogation or that no useful purpose will be served by his further detention.

(3) (a) Any person arrested in terms of a warrant issued under subsection (1), shall be brought before a magistrate within sixty hours of such arrest and thereafter not less than once every fortnight.

(b) The magistrate shall at every such appearance of such person before him enquire whether such person has satisfactorily replied to all questions at his interrogation and whether it will serve any useful purpose to detain him further.

(c) Any person detained under subsection (1) may at any time make representations in writing to the magistrate relating to his detention or release.

(d) The attorney-general in whose area of jurisdiction any person is being detained under subsection (1) may at any time stop the interrogation of such person and thereupon such person shall be released from custody immediately.

(4) No court of law shall pronounce upon the validity of any action taken under this section, or order the release of any person detained under subsection (1).

(5) No person, other than an officer in the service of the State acting in the performance of his official duties, shall have access to a person detained under subsection (1), or shall be entitled to any official information relating to or obtained from such detainee.

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heidsvormende medisyne of sodanige plant of die verbouing van sodanige plant op of in daardie plek of elders, te verkry.

(2) By die deursoeking van 'n vrou is die bepalings van artikel 36 (3) van die Strafproseswet, 1955 (Wet No. 56 van 1955), *mutatis mutandis* van toepassing.

(3) 'n Artikel, stof of plant waarop aldus beslag gelê is, word mee gehandel asof daarop beslag gelê is kragtens die bepalings van bedoelde Strafproseswet of, indien daarop in die gebied beslag gelê is, asof daarop beslag gelê is kragtens die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van die gebied.

(4) Iemand wat 'n polisiebeampte by die uitoefening van 'n bevoegdheid of die nakoming van 'n plig ingevolge hierdie Wet, dwarsboom of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

12. Indien iemand wat nie 'n Suid-Afrikaanse burger deur geboorte of afkoms is nie, weens 'n misdryf ingevolge artikel 2 (a) of (c) of artikel 6 skuldig bevind is en deur die Minister as 'n ongewenste inwoner van die Republiek geag word, word dit by die toepassing van die Wet tot Regeling van die Toelating van Personen tot de Unie, 1913 (Wet No. 22 van 1913), beskou dat so iemand ingevolge artikel 22 van genoemde Wet as 'n ongewenste ingesetene van die Republiek geag word, en is ook artikel 6 (2) en (3) van genoemde Wet *mutatis mutandis* ten opsigte van sy verwydering uit die Republiek van toepassing.

13. (1) Wanneer dit aan 'n landdros blyk op grond van inligting deur die staatsaanklaer aan hom onder eed voorgelê, dat daar rede is om te vermoed dat enige persoon inligting met betrekking tot 'n misdryf ingevolge paragraaf (a) of (c) van artikel 2 of artikel 3 (a) of 6 van die staatsaanklaer of 'n polisiebeampte weerhou, kan hy op versoek van die staatsaanklaer 'n lasbrief vir die inhegtenisneming en aanhouding van bedoelde persoon uitreik.

(2) Ondanks andersluidende wetsbepalings, word 'n persoon wat uit hoofde van 'n lasbrief ingevolge subartikel (1) in hegtenis geneem word so spoedig moontlik na die in die lasbrief vermelde plek geneem en aldaar of op enige ander plek en op die voorwaardes wat die landdros van tyd tot tyd bepaal, in hegtenis vir ondervraging aangehou totdat die landdros sy vrylating beveel wanneer hy oortuig is dat die aangehoudene alle vrae by dié ondervraging bevredigend beantwoord het of dat dit nutteloos sal wees om hom langer aan te hou.

(3) (a) 'n Persoon wat ingevolge 'n subartikel (1) uitgereikte lasbrief in hegtenis geneem is, word binne sestig uur na sodanige inhegtenisneming en daarna minstens eenkeer iedere veertien dae voor die landdros gebring.

(b) Die landdros moet by iedere sodanige verskyning van bedoelde persoon voor hom ondersoek instel of bedoelde persoon alle vrae by sy ondervraging bevredigend beantwoord het en of dit enige nut sal dien om hom langer aan te hou.

(c) 'n Ingevolge subartikel (1) aangehoudene kan te eniger tyd aan die landdros skriftelike verhoër met betrekking tot sy aanhouding of vrylating rig.

(d) Die prokureur-generaal binne wie se regsgebied iemand ingevolge subartikel (1) aangehou word, kan te eniger tyd die ondervraging van so iemand stopsit en daarop word bedoelde persoon onmiddellik uit hegtenis vrygelaat.

(4) Geen geregshof is bevoeg om uitspraak te doen oor die geldigheid van enige optrede ingevolge hierdie artikel, of om die vrylating van 'n ingevolge subartikel (1) aangehoudene te beveel nie.

(5) Geen persoon, behalwe 'n beampte in diens van die Staat wat by die verrigting van sy ampspligte optree, het toegang tot 'n ingevolge subartikel (1) aangehoudene, of is op enige amptelike inligting met betrekking tot of verkry van so 'n aangehoudene geregtig nie.

Verwydering van veroordeelde persone uit die Republiek.

Aanhouding van persone vir ondervraging kragtens 'n lasbrief deur 'n landdros uitgereik.

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(6) For the purposes of this section "magistrate" includes an additional magistrate.

Jurisdiction.

14. Notwithstanding anything to the contrary in any law contained, a magistrate's court shall have jurisdiction to impose any sentence prescribed by section 2, 3 or 6.

State President
may add to or
amend Schedule.

15. The State President may from time to time, after the Minister of Health has consulted with the Drugs Control Council established by section 2 of the Drugs Control Act, 1965 (Act No. 101 of 1965), declare by proclamation in the *Gazette* any substance to be a dependence-producing drug, and by such proclamation may add that dependence-producing drug to the Schedule to this Act or delete any dependence-producing drug referred to in that Schedule or otherwise amend the said Schedule.

CHAPTER II.

NATIONAL ADVISORY BOARD ON REHABILITATION MATTERS.

Establishment and
functions of
National Advisory
Board on Rehabili-
tation Matters.

16. (1) As soon as may be after the commencement of this Act, the Minister shall establish a board to be known as the National Advisory Board on Rehabilitation Matters which shall exercise the powers and perform the functions conferred on or assigned to it by this Act.

(2) (a) The Board shall consist of so many members, but not more than nine, as the Minister may from time to time determine, and such members shall be appointed by the Minister.

(b) One of the members of the Board shall be an officer of the Department of Social Welfare and Pensions; one of the members shall be the Director; and the other members of the Board shall be persons who in the opinion of the Minister have expert or special knowledge of the problem relating to the abuse of dependence-producing substances or who are able to make a substantial contribution to the combating of such problem.

(3) (a) A member of the Board shall be appointed for such period not exceeding five years, and upon such conditions, as the Minister may determine at the time of making the appointment: Provided that the period of office of a member may be terminated at any time if in the opinion of the Minister there are good reasons for doing so.

(b) A member of the Board may on the expiration of any period for which he was appointed, be reappointed.

(4) If the office of any member of the Board becomes vacant before the expiration of the period for which he was appointed, the Minister shall, subject to the applicable provisions of subsection (2) (b), appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.

(5) Any member of the Board who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance, while he is engaged upon the business of the Board, as the Minister may, in consultation with the Minister of Finance, determine.

(6) (a) The Minister shall designate the officer of the Department of Social Welfare and Pensions appointed as member of the Board, as the chairman thereof and the Director as the vice-chairman thereof.

(b) The vice-chairman shall, when acting in the place of the chairman, in all respects have all the powers and perform all the duties of the chairman.

(7) In the event of the absence of both the chairman and the vice-chairman from any meeting of the Board, the members present at the meeting shall elect one of their number to preside at such meeting.

(8) The first meeting of the Board shall be held at a time and place to be determined by the Minister, and subsequent meetings shall be held at least twice every year and at such times and places as the chairman may determine.

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(6) By die toepassing van hierdie artikel, beteken „landdros” ook ’n addisionele landdros.

14. Ondanks andersluidende wetsbepalings, is ’n landdroshof bevoeg om enige by artikel 2, 3 of 6 voorgeskrewe straf op te lê. **Regsbevoegdheid.**

15. Die Staatspresident kan van tyd tot tyd, nadat die Minister van Gesondheid met die by artikel 2 van die Wet op die Beheer van Medisyne, 1965 (Wet No. 101 van 1965), ingestelde Medisyne-beheerraad beraadslaag het, by proklamasie in die *Staatskoerant* enige stof tot afhanklikheidsvormende medisyne verklaar en by sodanige proklamasie daardie afhanklikheidsvormende medisyne aan die Bylae by hierdie Wet toevoeg of enige afhanklikheidsvormende medisyne in bedoelde Bylae vermeld, skrap of bedoelde Bylae andersins wysig. **Staatspresident kan Bylae aanvul of wysig.**

HOOFTUK II.

NASIONALE ADVISERENDE RAAD OOR REHABILITASIE-AANGELEENTHEDE.

16. (1) So spoedig moontlik na die inwerkingtreding van hierdie Wet, stel die Minister ’n raad in wat die Nasionale Adviserende Raad oor Rehabilitasie-aangeleentheid heet en die bevoegdheid kan uitoefen en die werksaamhede moet verrig wat by hierdie Wet aan daardie Raad verleen of toegewys word. **Instelling en funksies van Nasionale Adviserende Raad oor Rehabilitasie-aangeleentheid.**

(2) (a) Die Raad bestaan uit soveel lede, maar hoogstens nege, as wat die Minister van tyd tot tyd bepaal, en die lede word deur die Minister aangestel.

(b) Een van die lede van die Raad moet ’n beampte van die Departement van Volkswelsyn en Pensioene wees; een van die lede moet die Direkteur wees; en die ander lede van die Raad moet persone wees wat na die oordeel van die Minister oor deskundige of besondere kennis van die vraagstuk met betrekking tot die misbruik van afhanklikheidsvormende stowwe beskik of in staat is om ’n wesenlike bydrae tot die bestryding van dié vraagstuk te lewer.

(3) (a) ’n Lid van die Raad word aangestel vir ’n tydperk van hoogstens vyf jaar en op die voorwaardes wat die Minister ten tyde van die aanstelling bepaal: Met dien verstande dat die ampstermyn van ’n lid te eniger tyd beëindig kan word indien na die oordeel van die Minister goeie redes daarvoor bestaan.

(b) ’n Lid van die Raad kan by verstryking van ’n tydperk waarvoor hy aangestel is, weer aangestel word.

(4) Indien die setel van ’n lid van die Raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, moet die Minister, met inagneming van die toepaslike bepalinge van subartikel (2) (b), ’n ander persoon aanstel, wat sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.

(5) Daar kan aan ’n lid van die Raad wat nie ’n beampte in die Staatsdiens is nie, terwyl hy sake van die raad verrig, die gelde of reis- en onderhoudstoelae betaal word wat die Minister, in oorleg met die Minister van Finansies, bepaal.

(6) (a) Die Minister moet die beampte van die Departement van Volkswelsyn en Pensioene wat as lid van die Raad aangestel is, as die voorsitter daarvan, en die Direkteur as die ondervoorsitter daarvan, aanwys.

(b) Terwyl die ondervoorsitter in die plek van die voorsitter optree, het hy in alle opsigte al die bevoegdhede en vervul hy al die pligte van die voorsitter.

(7) Ingeval sowel die voorsitter as die ondervoorsitter van ’n vergadering van die Raad afwesig is, kies die lede wat by die vergadering aanwesig is een uit hul midde om by die vergadering voor te sit.

(8) Die eerste vergadering van die Raad word gehou op ’n tyd en plek wat die Minister bepaal, en daaropvolgende vergaderings word, minstens twee keer elke jaar, gehou op die tye en plekke wat die voorsitter bepaal.

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- (9) (a) The Board shall, as soon as may be practicable after it has been established, frame rules governing its quorum, the procedure at meetings and, generally, the conduct of its business, and may from time to time alter or revoke any such rules.
- (b) Such rules shall have no force and effect unless they have been approved by the Minister and published by notice in the *Gazette*.
- (10) The Secretary may designate any officer of the Department of Social Welfare and Pensions to act as secretary of the Board.
- (11) (a) The Board shall at least twice during its term of office and whenever requested by the Minister to do so, prepare and submit to the Minister a report on its activities.
- (b) Any such report shall be laid upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof by the Minister if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.
- (12) The National Alcoholism Advisory Board appointed in terms of section 6 of the Retreats and Rehabilitation Centres Act 1963 (Act No. 86 of 1963), is hereby abolished.

Powers and functions of the National Advisory Board on Rehabilitation Matters.

17. The Board—

- (a) shall advise the Minister in regard to any matter affecting the abuse of dependence-producing drugs which the Minister may refer to it for its advice and may advise the Minister in regard to any matter upon which the Board considers it necessary to advise the Minister;
- (b) may plan and co-ordinate measures in connection with the combating of the abuse of dependence-producing substances and the treatment of persons dependent on such substances;
- (c) may plan and recommend to the Minister research in the field of the abuse of dependence-producing drugs and may give guidance to other bodies conducting such research;
- (d) may visit and inspect any rehabilitation centre or registered rehabilitation centre, hostel or registered hostel from time to time and may interrogate any person accommodated therein and demand and inspect any book or document relating to such person;
- (e) may report to the Minister its findings in connection with an inspection referred to in paragraph (d), and may recommend to the Minister the discharge of any inmate from a rehabilitation centre or registered rehabilitation centre;
- (f) may exercise such powers and shall perform such functions as may be determined by the Minister from time to time.

CHAPTER III.

REHABILITATION.

Establishment of rehabilitation centres.

18. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, establish, maintain and conduct rehabilitation centres for the reception and treatment, including any training, of such persons as are referred to in section 29 (1) and of any persons who are transferred or admitted thereto under any provision of this Act.

(2) Every retreat or rehabilitation centre established or deemed to have been established under the Retreats and Rehabilitation Centres Act, 1963 (Act No. 86 of 1963), and which is in existence at the commencement of this Act, shall, as

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- (9) (a) Die Raad moet, so spoedig doenlik na sy instelling, reëls opstel ter reëling van sy kworum, die prosedure op vergaderings en, oor die algemeen, die verrigting van sy werksaamhede, en kan van tyd tot tyd sodanige reëls wysig of intrek.
- (b) Sodanige reëls het geen regskrag tensy dit deur die Minister goedgekeur en by kennisgewing in die *Staatkoerant* afgekondig is nie.
- (10) Die Sekretaris kan 'n beamppte van die Departement van Volkswelsyn en Pensioene aanwys om as Sekretaris van die Raad op te tree.
- (11) (a) Die Raad moet, minstens twee keer gedurende sy ampstermyn en wanneer hy deur die Minister versoek word om dit te doen, 'n verslag oor sy werksaamhede opstel en aan die Minister voorlê.
- (b) Enige sodanige verslag moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na ontvangs daarvan deur die Minister as die Parlement dan in sessie is, of, as die Parlement nie dan in sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.
- (12) Die Nasionale Adviserende Raad oor Alkoholisme ingestel ingevolge artikel 6 van die Wet op Toevlugte en Rehabilitasiesentrums, 1963 (Wet No. 86 van 1963), word hierby afgeskaf.
17. Die Raad—
- (a) moet die Minister van advies dien met betrekking tot enige aangeleentheid rakende die misbruik van afhanklikheidsvormende stowwe wat die Minister na die Raad vir sy advies verwys en kan die Minister van advies dien met betrekking tot enige aangeleentheid waaroor die Raad dit nodig ag om die Minister te adviseer; Bevoegdheid en werksaamhede van Nasionale Adviserende Raad oor Rehabilitasie-aangeleenthede.
- (b) kan maatreëls met betrekking tot die bestryding van die misbruik van afhanklikheidsvormende stowwe en die behandeling van persone wat van sodanige stowwe afhanklik is, beplan en koördineer;
- (c) kan navorsing op die gebied van die misbruik van afhanklikheidsvormende stowwe beplan en by die Minister aanbeveel en aan ander liggame wat sodanige navorsing doen, leiding gee;
- (d) kan enige rehabilitasiesentrum of geregistreerde rehabilitasiesentrum, tehuis of geregistreerde tehuis van tyd tot tyd besoek en inspekteer en enige persoon wat daarin gehuisves word, ondervra en enige boek of dokument wat op so 'n persoon betrekking het, opeis en ondersoek;
- (e) kan aan die Minister verslag doen oor sy bevindings na aanleiding van 'n in paragraaf (d) bedoelde inspeksie en by die Minister die ontslag van enige inwoner uit 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum aanbeveel;
- (f) kan die bevoegdheid uitoefen en moet die werksaamhede verrig wat die Minister van tyd tot tyd bepaal.

HOOFSTUK III.

REHABILITASIE.

18. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is rehabilitasiesentrums stig, in stand hou en bestuur vir die opname en behandeling, met inbegrip van enige opleiding, van sodanige persone as wat in artikel 29 (1) bedoel word en van enige persone wat kragtens enige bepaling van hierdie Wet daarheen oorgeplaas of daarin opgeneem word. Stigting van rehabilitasiesentrums.
- (2) Iedere toevlug en rehabilitasiesentrum wat kragtens die Wet op Toevlugte en Rehabilitasiesentrums, 1963 (Wet No. 86 van 1963), gestig is of geag word daarkragtens gestig te gewees het en wat by die inwerkingtreding van hierdie Wet bestaan,

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from such commencement, be deemed to be a rehabilitation centre established under subsection (1), and any reference in any law or document to a retreat shall be construed as a reference to a rehabilitation centre established under this section.

Purposes for which persons are detained in rehabilitation centres.

19. The inmates of a rehabilitation centre shall be detained therein for the purpose of receiving or undergoing such treatment, including any training, and to perform such work as the Director may in consultation with the management and with approval of the Secretary from time to time determine, either generally or in a particular case.

Abolition of rehabilitation centre.

20. The Minister may at any time abolish a rehabilitation centre.

Registration of certain institutions.

21. (1) No person shall manage any institution or other place of residence maintained mainly for the accommodation and physical care of persons who are dependent on dependence-producing substances or in which such persons receive mainly physical or mental treatment, except a rehabilitation centre maintained by the State, including any provincial administration, or the Administration of the territory, unless such institution or place is registered under this section.

(2) Any person who desires to manage an institution or place referred to in subsection (1), shall apply in the prescribed manner to the Director for the registration thereof.

(3) The Director may, after consideration of such application and such other information as he may obtain, and if he is satisfied that such institution or place is so managed and conducted or will probably be so managed and conducted that it is or will be suitable for the reception, maintenance, treatment and training of persons referred to in section 29 (1) and that the powers conferred by or in terms of this Act upon the management of a registered rehabilitation centre, may properly be entrusted to the management of that institution or place and that the institution or place complies with the prescribed requirements, in his discretion, grant the application on such conditions as he may deem fit and issue a registration certificate specifying those conditions to the applicant in the prescribed form.

(4) If the Director is after consideration of such application not so satisfied, he shall refuse the application or, if he is satisfied that such institution or place is managed or conducted or will probably be managed or conducted as contemplated in subsection (3), and that the powers referred to in that subsection may properly be entrusted to the management of such institution or place, but that such institution or place does not comply with the prescribed requirements, the Director may on such conditions as he may deem fit, authorize the applicant to manage such institution or place for such period, but not exceeding eighteen months, as the Director may determine and may issue to the applicant a temporary registration certificate, specifying those conditions, in the prescribed form for the period so determined and may after expiration of the said period, or after notice by the applicant in the prescribed manner that the conditions so specified have been complied with, whichever may occur earlier, reconsider the application.

(5) The Director may at any time after having given one month's written notice of his intention to do so, and after consideration of written representations (if any) received by him during such month, amend or cancel a registration certificate or temporary registration certificate issued under subsection (3) or (4).

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word, vanaf sodanige inwerkingtreding, geag 'n rehabilitasiesentrum te wees wat kragtens subartikel (1) gestig is, en 'n verwysing in enige wet of dokument na 'n toevlug word uitgelê as 'n verwysing na 'n rehabilitasiesentrum kragtens hierdie artikel gestig.

19. Die inwoners van 'n rehabilitasiesentrum word daarin aangehou met die doel om die behandeling, met inbegrip van enige opleiding, te ontvang of ondergaan en die werk te verrig wat die Direkteur in oorleg met die bestuur en met goedkeuring van die Sekretaris van tyd tot tyd of in die algemeen of in 'n besondere geval bepaal.

Doeleindes
waarvoor persone
in rehabilitasie-
sentrum
aangehou word.

20. Die Minister kan te eniger tyd 'n rehabilitasiesentrum afskak.

Afskaffing van
rehabilitasie-
sentrum.

21. (1) Niemand mag 'n inrigting of ander woonplek wat in stand gehou word hoofsaaklik vir die huisvesting en liggaamlike versorging van persone wat van afhanklikheidsvormende stowwe afhanklik is of waarin sodanige persone hoofsaaklik liggaamlike of geestelike behandeling ontvang, behalwe 'n rehabilitasiesentrum in stand gehou deur die Staat, met inbegrip van 'n provinsiale administrasie of die administrasie van die gebied, bestuur nie, tensy sodanige inrigting of woonplek kragtens hierdie artikel geregistreer is nie.

Registrasie van
sekere inrigtings.

(2) Indien iemand 'n inrigting of woonplek in subartikel (1) bedoel, wil bestuur, kan hy op die voorgeskrewe wyse by die Direkteur aansoek om die registrasie daarvan doen.

(3) Die Direkteur kan na oorweging van so 'n aansoek en die ander inligting wat hy mag inwin en indien hy oortuig is dat dié inrigting of woonplek so bestuur en gedryf word of waarskynlik so bestuur en gedryf sal word dat dit geskik is of sal wees vir die opname, onderhoud, behandeling en opleiding van persone in artikel 29 (1) bedoel en dat die bevoegdhede wat by of ingevolge hierdie Wet aan die bestuur van 'n geregistreerde rehabilitasiesentrum verleen word, gevoeglik aan die bestuur van dié inrigting of woonplek verleen kan word en dat die inrigting of woonplek aan die voorgeskrewe vereistes voldoen, na goeddunke, die aansoek toestaan op die voorwaardes wat hy goedvind en 'n registrasiesertifikaat waarin daardie voorwaardes vermeld word aan die aansoeker in die voorgeskrewe vorm uitreik.

(4) Indien die Direkteur na oorweging van sodanige aansoek nie aldus oortuig is nie, wys hy die aansoek van die hand of, indien hy oortuig is dat die inrigting of woonplek bestuur of gedryf word of waarskynlik bestuur of gedryf sal word soos in subartikel (3) beoog en dat die in daardie subartikel bedoelde bevoegdhede gevoeglik aan die bestuur van dié inrigting of woonplek verleen kan word, maar dat die inrigting of woonplek nie aan die voorgeskrewe vereistes voldoen nie, kan die Direkteur op die voorwaardes wat hy goedvind, aan die aansoeker magtiging verleen om die inrigting of woonplek te bestuur vir die tydperk, maar hoogstens agtien maande, wat die Direkteur bepaal en 'n tydelike registrasiesertifikaat waarin daardie voorwaardes vermeld word aan die aansoeker in die voorgeskrewe vorm vir die aldus bepaalde tydperk uitreik en kan na verloop van dié tydperk, of na kennisgewing deur die aansoeker op die voorgeskrewe wyse dat aan die aldus vermelde voorwaardes voldoen is, watter ook al die eerste geskied, die aansoek heroorweeg.

(5) Die Direkteur kan te eniger tyd, nadat hy een maand kennis van sy voorneme om dit te doen gegee het, en na oorweging van skriftelike vertoë (indien daar is) wat gedurende sodanige maand deur hom ontvang is, 'n kragtens subartikel (3) of (4) uitgereikte registrasiesertifikaat of tydelike registrasiesertifikaat wysig of intrek.

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(6) The amendment or cancellation of such registration certificate or temporary registration certificate shall be effected by notice in writing to the holder thereof, and shall take effect on a date specified in the notice, not being earlier than three months after the date of the notice, unless the Director and the holder of the registration certificate or temporary registration certificate have otherwise agreed.

(7) A registration certificate or temporary registration certificate issued under subsection (3) or (4) shall not be transferable.

(8) (a) The holder of a registration certificate or temporary registration certificate issued under subsection (3) or (4) may, after three months' written notice, surrender such registration certificate or temporary registration certificate to the Director.

(b) Whenever a registration certificate or temporary registration certificate is cancelled under subsection (6), or surrendered under paragraph (a), the powers and duties conferred or imposed under this Act on the holder thereof in respect of any inmate thereof shall devolve upon the Director.

(9) Any institution declared a certified retreat under any Act repealed by section 63, or deemed to be so declared, which is in existence at the commencement of this Act, and any other institution or place referred to in subsection (1) which was in existence at such commencement, shall for a period of eighteen months from the date of such commencement be deemed to be registered under subsection (3).

(10) Any person who contravenes or fails to comply with any provision of this section, or any condition imposed thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Classification of
rehabilitation
centres and classi-
fication and separa-
tion of inmates.

22. In order to provide treatment and training suitable to the needs and requirements of particular groups of inmates, the Director may, in consultation with the Secretary, classify rehabilitation centres under different categories or divisions, and shall provide for the classification and separation of different groups of inmates within a particular rehabilitation centre.

Establishment of
hostels.

23. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, establish, maintain and conduct hostels for the purpose of providing homes for inmates who have, under the provisions of this Act, been released on licence from a rehabilitation centre or registered rehabilitation centre or have been granted leave of absence therefrom or who have been discharged from the provisions of this Act, or for persons referred to in section 31 or for persons who are receiving or undergoing or have received or undergone treatment for dependency on dependence-producing substances or in an institution of a province or the territory who have received or undergone such treatment in any institution approved by the Director.

(2) Every hostel established or deemed to have been established under a law repealed by this Act, and which is in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a hostel established under this section.

Registration of
hostels.

24. (1) No person shall manage any institution or other place of residence maintained mainly for the accommodation of persons referred to in section 23 (1), except a hostel maintained by the State, including a provincial administration or the administration of the territory, for any purpose referred to in section 23, unless such institution or place is registered under this section.

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(6) Die wysiging of intrekking van sodanige registrasiesertifikaat of tydelike registrasiesertifikaat geskied deur middel van 'n skriftelike kennisgewing aan die houer daarvan, en tree in werking op 'n datum wat in die kennisgewing bepaal word, wat nie vroeër as drie maande na die datum van die kennisgewing mag wees nie, tensy die Direkteur en die houer van die registrasiesertifikaat of tydelike registrasiesertifikaat anders ooreengekom het.

(7) 'n Kragtens subartikel (3) of (4) uitgereikte registrasiesertifikaat of tydelike registrasiesertifikaat is nie oordraagbaar nie.

(8) (a) Die houer van 'n kragtens subartikel (3) of (4) uitgereikte registrasiesertifikaat of tydelike registrasiesertifikaat kan bedoelde registrasiesertifikaat of tydelike registrasiesertifikaat na skriftelike kennisgewing van drie maande aan die Direkteur teruggee.

(b) Wanneer 'n registrasiesertifikaat of tydelike registrasiesertifikaat kragtens subartikel (6) ingetrek of kragtens paragraaf (a) teruggegee word, gaan die bevoegdhede en pligte wat deur of kragtens hierdie Wet aan die houer daarvan ten aansien van 'n inwoner daarvan verleen of opgelê word, op die Direkteur oor.

(9) 'n Inrigting wat ingevolge 'n kragtens artikel 63 herroepe Wet tot 'n gesertifiseerde toevlug verklaar is, of geag word aldus verklaar te wees, wat by die inwerkingtreding van hierdie Wet bestaan en enige ander inrigting of woonplek in subartikel (1) bedoel wat by bedoelde inwerkingtreding bestaan, word vir 'n tydperk van agtien maande vanaf die datum van sodanige inwerkingtreding geag kragtens subartikel (3) geregistreer te wees.

(10) Iemand wat 'n bepaling van hierdie artikel, of 'n voorwaarde daarkragtens opgelê, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as met daardie gevangenisstraf.

22. Ten einde behandeling en opleiding te voorsien wat aan die behoeftes en vereistes van bepaalde groepe inwoners voldoen, kan die Direkteur in oorleg met die Sekretaris rehabilitasiesentrums onder verskillende kategorieë of afdelings indeel, en moet hy vir die klassifisering en skeiding van verskillende groepe inwoners binne 'n bepaalde rehabilitasiesentrum voorsiening maak.

Klassifisering van rehabilitasiesentrums en klassifisering en skeiding van inwoners.

23. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is, tehuise stig, in stand hou en bestuur met die doel om aan inwoners wat ingevolge die bepalings van hierdie Wet met vergunning of verlof van afwesigheid uit 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum vrygelaat is of wat van die bepalings van hierdie Wet onthef is of aan persone in artikel 31 bedoel of aan persone wat in 'n inrigting van 'n provinsie of van die gebied behandeling vir afhanklikheid van afhanklikheidsvormende stowwe ontvang of ondergaan of ontvang of ondergaan het of wat sodanige behandeling in 'n deur die Direkteur goedgekeurde inrigting ontvang of ondergaan of ontvang of ondergaan het, tuis te verskaf.

Stigting van tehuise.

(2) Iedere tehuis wat kragtens 'n deur hierdie Wet herroepe wet gestig is of geag was daarkragtens gestig te gewees het en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag 'n tehuis te wees wat kragtens hierdie artikel gestig is.

24. (1) Niemand mag 'n inrigting of ander woonplek wat hoofsaaklik vir die huisvesting van die in artikel 23 (1) bedoelde persone in stand gehou word, behalwe 'n tehuis wat deur die Staat, met inbegrip van 'n provinsiale administrasie of die administrasie van die gebied, in stand gehou word, vir 'n in artikel 23 vermelde doel bestuur nie, tensy sodanige inrigting of woonplek kragtens hierdie artikel geregistreer is.

Geregistreerde tehuise.

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(2) The Director may on application in the prescribed manner by any person desiring to manage such institution or place, in his discretion register the institution or place concerned on such conditions as may be mentioned in the registration certificate which shall be issued in the prescribed form, or he may refuse the application.

(3) The Director may after one month's notice of his intention to do so and after consideration of written representations received by him during such month, amend or cancel a registration certificate issued under subsection (2).

(4) The amendment or cancellation of such registration certificate shall be effected by notice in writing to the holder thereof and shall come into operation on the date specified in the notice, not being earlier than three months after the date of such notice, unless the Director and the holder of the registration certificate have agreed otherwise.

(5) (a) A registration certificate issued under subsection (2) shall not be transferable.

(b) The holder of such registration certificate may after three months' written notice surrender such registration certificate to the Director.

(6) Any institution or place referred to in subsection (1) which was under any law repealed by section 63 declared to be an approved hostel or was under such law deemed to be an approved hostel and which is in existence at the commencement of this section, or any institution or place referred to in that subsection which is in existence at such commencement, shall for a period of eighteen months from the date of such commencement or for such longer period as the Director may approve, be deemed to be registered under subsection (2).

(7) Any person who contravenes any provision of this section or any condition imposed thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Inspection of
rehabilitation
centres, registered
rehabilitation
centres, hostels,
registered hostels
etc.

25. (1) The Director may at any time inspect or cause to be inspected by any officer in the service of the State designated by him any rehabilitation centre, registered rehabilitation centre, hostel, registered hostel, institution or place referred to in section 21 (1) or 24 (1) and he or such officer may to that end interrogate or cause to be interrogated any inmate or person accommodated therein or may cause such inmate or person to be examined by a medical practitioner, psychiatrist or clinical psychologist and the Director or officer conducting the inspection may demand any book or document which is kept in respect of or in connection with the rehabilitation centre, registered rehabilitation centre, hostel, registered hostel, institution or place or any inmate thereof or any person accommodated or detained or to be detained therein and may make a copy of any entry therein.

(2) The Director or officer so designated who exercises any power conferred upon him by subsection (1), shall at the request of the superintendent or head of the hostel concerned or of any member of the management of the registered rehabilitation centre, registered hostel, institution or place concerned, produce a certificate declaring that the powers referred to in subsection (1) have been conferred upon him which shall, in the case of the Director, be signed by the Secretary, and, in the case of an officer designated by the Director, be signed by the Director.

(3) Any person who obstructs or hinders the Director or a designated officer referred to in subsection (1) in the exercise of any power conferred under that subsection, or who refuses to give the Director or such officer at his request access to any inmate or person detained or accommodated in any rehabilitation centre, registered rehabilitation centre, hostel, registered hostel, or any institution or place referred to in section 21 (1) or

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(2) Die Direkteur kan op aansoek op die voorgeskrewe wyse deur 'n persoon wat so 'n inrigting of woonplek wil bestuur, na goeddunke, die betrokke inrigting of woonplek registreer op die voorwaardes wat in die registrasiesertifikaat wat in die voorgeskrewe vorm uitgereik word, vermeld word of hy kan die aansoek van die hand wys.

(3) Die Direkteur kan 'n kragtens subartikel (2) uitgereikte registrasiesertifikaat na een maand kennisgewing van sy voorneme om dit te doen en na oorweging van enige skriftelike versoë deur hom gedurende bedoelde maand ontvang, wysig of intrek.

(4) Die wysiging of intrekking van so 'n registrasiesertifikaat geskied deur middel van 'n skriftelike kennisgewing aan die houer daarvan en tree in werking op 'n datum wat in die kennisgewing bepaal word en wat nie vroeër as drie maande na die datum van die kennisgewing mag wees nie, tensy die Direkteur en die houer van die registrasiesertifikaat anders ooreengekom het.

(5) (a) 'n Kragtens subartikel (2) uitgereikte registrasiesertifikaat is nie oordraagbaar nie.

(b) Die houer van so 'n registrasiesertifikaat kan bedoelde registrasiesertifikaat na skriftelike kennisgewing van drie maande aan die Direkteur teruggee.

(6) 'n In subartikel (1) bedoelde inrigting of woonplek wat ingevolge 'n kragtens artikel 63 herroepe wet tot 'n goedgekeurde tehuis verklaar is, of kragtens sodanige Wet geag was 'n goedgekeurde tehuis te wees en by die inwerkingtreding van hierdie artikel bestaan, of 'n inrigting of woonplek in daardie subartikel bedoel wat by bedoelde inwerkingtreding bestaan, word vir 'n tydperk van agtien maande vanaf die datum van sodanige inwerkingtreding of vir die langer tydperk wat die Direkteur goedkeur, geag kragtens subartikel (2) geregistreer te wees.

(7) Iemand wat 'n bepaling van hierdie artikel of 'n voorwaarde daarkragtens opgelê, oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf.

25. (1) Die Direkteur kan te eniger tyd 'n rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, tehuis of geregistreerde tehuis of 'n inrigting of woonplek in artikel 21 (1) of 24 (1) bedoel, inspekteer of deur 'n deur hom daartoe aangewese beampte in die diens van die Staat laat inspekteer en hy of sodanige beampte kan vir dié doel enige inwoner of persoon wat daarin gehuisves word, ondervra of laat ondervra of deur 'n geneesheer, psigiater of kliniese sielkundige laat ondersoek en die Direkteur of beampte wat die inspeksie doen, kan enige boek of dokument wat ten opsigte van of in verband met die betrokke rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, tehuis of geregistreerde tehuis, of sodanige inrigting of woonplek of 'n inwoner daarvan of 'n persoon wat daarin gehuisves word of gehou of gehou moet word, opeis en 'n afskrif van enige inskrywing daarin maak.

Inspeksie van rehabilitasiesentrums, geregistreerde rehabilitasiesentrums, tehuise, geregistreerde tehuise, ens.

(2) Die Direkteur of aldus aangewese beampte wat 'n bevoegdheid uitoefen, kragtens subartikel (1) aan hom verleen, moet op versoek van die superintendent of hoof van die betrokke tehuis of 'n lid van die bestuur van die betrokke geregistreerde rehabilitasiesentrum, geregistreerde tehuis, inrigting of woonplek, 'n sertifikaat toon waarin verklaar word dat die bevoegdhede by bedoelde subartikel (1) aan hom verleen is en wat, in die geval van die Direkteur, deur die Sekretaris en in die geval van 'n deur die Direkteur aangewese beampte, deur die Direkteur onderteken is.

(3) Iemand wat die Direkteur of 'n in subartikel (1) bedoelde aangewese beampte by die uitoefening van enige bevoegdheid kragtens bedoelde subartikel verleen, belemmer of hinder of wat weier om die Direkteur of bedoelde beampte op sy versoek toegang te verleen tot 'n inwoner of persoon wat in 'n rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, tehuis, geregistreerde tehuis, of 'n inrigting of woonplek in subartikel 21 (1)

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24 (1) or who refuses or fails to produce to the Director or such officer at his request any book or document in his custody or under his control and which relates to the rehabilitation centre, registered rehabilitation centre, hostel or registered hostel or such institution or place or to any inmate or person detained or accommodated in a rehabilitation centre, registered rehabilitation centre, hostel, registered hostel or any such institution or place, shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Director of Rehabilitation Services.

26. (1) Subject to the laws governing the public service, the Minister shall appoint a Director of Rehabilitation Services who shall exercise the powers and perform the duties which are conferred or imposed upon him by this Act.

(2) The Director shall be subject to the administrative control of the Secretary.

Staff of rehabilitation centres and hostels.

27. (1) (a) The Secretary may, subject to the laws governing the public service, appoint the staff necessary for the proper conduct and control of rehabilitation centres and hostels and shall appoint for every rehabilitation centre a social welfare officer as superintendent.

(b) The functions, powers and duties of persons so appointed shall be as prescribed.

(2) The superintendent of every rehabilitation centre shall be assisted in the treatment and training and in the determination of the treatment and training which inmates or a particular inmate of the rehabilitation centre shall receive or undergo or the work to be performed by such inmates or inmate, by the medical practitioner, psychiatrist or clinical psychologist which may be attached to or designated to the rehabilitation centre.

Financial aid for certain institutions and associations of persons.

28. (1) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, make grants—

(a) in respect of the establishment, extension, reconstruction, maintenance, conduct and control of any registered rehabilitation centre or registered hostel; and

(b) to any association of persons approved by the Minister which has as its object the prevention or combating of dependency on dependence-producing substances or the treatment of persons referred to in section 29 (1) or the co-ordination of the activities of different associations of persons in that field.

(2) A grant made under subsection (1) shall be subject to the prescribed conditions and to the condition that the books, accounts and records of the registered rehabilitation centre, registered hostel, or association of persons concerned, shall at all times be available for inspection and auditing by any officer in the public service and that a report on the activities of the registered rehabilitation centre, registered hostel or association of persons concerned shall once in every calendar year be submitted to the Director.

Procedure for bringing persons eligible for admission to a rehabilitation centre etc., before a magistrate.

29. (1) Whenever there is lodged with or made before a public prosecutor a sworn declaration in writing by any person, including any social welfare officer, alleging that any other person who is within the area of jurisdiction of the magistrate's court to which such prosecutor is attached, is a person who—

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of 24 (1) bedoel, aangehou of gehuisves word, of weier of versuim om aan die Direkteur of bedoelde beampte op sy versoek 'n boek of dokument wat in sy bewaring of onder sy beheer is en wat op die rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, tehuis, geregistreerde tehuis, of sodanige inrigting of woonplek of op 'n inwoner van of persoon wat in 'n rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, tehuis, geregistreerde tehuis, of sodanige inrigting of woonplek gehuisves word, betrekking het, voor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

26. (1) Behoudens die wetsbepalings op die Staatsdiens, stel die Minister 'n Direkteur van Rehabilitasiedienste aan wat die bevoegdhede en werksaamhede wat by hierdie Wet aan hom verleen of toegewys word, uitoefen of verrig.

Direkteur van Rehabilitasiedienste.

(2) Die Direkteur is onderworpe aan die administratiewe beheer van die Sekretaris.

27. (1) (a) Die Sekretaris kan, met inagneming van die wetsbepalings op die Staatsdiens, die personeel wat vir die behoorlike bestuur en beheer van rehabilitasiesentrums en tehuise nodig is, aanstel en moet vir iedere rehabilitasiesentrum 'n volkswelsynbeampte as superintendent aanstel.

Personeel van rehabilitasiesentrums en tehuise.

(b) Die werksaamhede, bevoegdhede en pligte van aldus aangestelde persone word voorgeskryf.

(2) Die superintendent van iedere rehabilitasiesentrum word by die behandeling en opleiding van inwoners en by die bepaling van die behandeling en opleiding wat die inwoners of 'n bepaalde inwoner van die rehabilitasiesentrum moet ondergaan of die werksaamhede wat bedoelde inwoners of inwoner moet verrig deur die geneesheer en psigiater of kliniese sielkundige wat aan die rehabilitasiesentrum verbonde of daaraan toegewys mag wees, bygestaan.

28. (1) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde wat deur die Parlement vir die doel bewillig is, toekennings doen—

Geldelike hulp aan sekere inrigtings en verenigings van persone.

(a) ten opsigte van die oprigting, uitbreiding, herbouing, instandhouding, bestuur en beheer van enige geregistreerde rehabilitasiesentrum of geregistreerde tehuis; en

(b) aan enige vereniging van persone deur die Minister goedgekeur wat hom ten doel stel die voorkoming of bestryding van afhanklikheid van afhanklikheidsvormende stowwe of die behandeling van die in artikel 29 (1) bedoelde persone of die koördinering van die werksaamhede van verskillende verenigings van persone op daardie gebied.

(2) 'n Toekenning kragtens subartikel (1) gedoen, is onderworpe aan die voorgeskrewe voorwaardes en aan die voorwaarde dat die boeke, rekenings en registers van die betrokke geregistreerde rehabilitasiesentrum, geregistreerde tehuis of vereniging van persone te alle tye vir insae en ouditering deur 'n beampte in die Staatsdiens beskikbaar moet wees en dat 'n verslag oor die werksaamhede van die betrokke geregistreerde rehabilitasiesentrum, geregistreerde tehuis of vereniging van persone een maal elke kalenderjaar aan die Direkteur voorgele moet word.

29. (1) Wanneer iemand, met inbegrip van 'n volkswelsynbeampte, 'n skriftelike beëdigde verklaring by 'n staatsaanklaer indien of voor hom aflê, en daar in daardie verklaring beweer word dat 'n ander persoon wat hom binne die regsgebied bevind van die landdroshof waaraan daardie aanklaer verbonde is, iemand is wat—

Prosedure waarvolgens persone wat in 'n rehabilitasiesentrum ens. opgeneem kan word, voor 'n landdros gebring kan word.

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(a) is dependent on alcoholic liquor or dependence-producing drugs and in consequence thereof squanders his means or injures his health or endangers the peace or in any other manner does harm to his own welfare or the welfare of his family; or

(b) because of his own misconduct or default (which shall be taken to include the squandering of his means by betting, gambling or otherwise) habitually fails to provide for his own support or for that of any dependant whom he is legally liable to maintain; or

(c) habitually begs for money or goods or induces others to beg for money or goods on his behalf; or

(d) has no sufficient honest means of livelihood; or

(e) leads an idle, dissolute or disorderly life,

the clerk of the court shall, at the request of the public prosecutor, issue and deliver to a police officer a summons to be served on such person calling on him to appear before a magistrate within such area at a time and place stated therein, or if the public prosecutor does not request the issue of such a summons, a magistrate of the court in question may, on the application of the public prosecutor, issue a warrant directing that such person be arrested and as soon thereafter as practicable be brought before a magistrate within such area.

(2) (a) A public prosecutor shall not, in terms of subsection (1), request a clerk of the court to issue a summons in respect of any person unless he has obtained from a social welfare officer a report as to the social circumstances of the person concerned and any other relevant matter affecting him.

(b) A public prosecutor shall not, except in such cases as in his opinion are very urgent, in terms of subsection (1) apply to a magistrate for the issue of a warrant for the arrest of any person unless he has obtained in respect of such person such a report as is referred to in paragraph (a).

(c) Where such a report was not obtained before the issue of a warrant, the public prosecutor shall obtain it as soon as possible after the issue of the warrant.

(3) All the provisions of the Criminal Procedure Act, 1955, (Act No. 56 of 1955), relating to the form and manner of execution of warrants of arrest, the service of summonses in criminal cases in inferior courts, the arrest, detention, searching and other treatment necessary for the control of persons named in warrants of arrest, the time to be allowed for appearance in the case of any person summoned and the manner in which persons summoned to appear may be dealt with on failure to appear or to remain in attendance as required, shall *mutatis mutandis* apply in respect of warrants of arrest and summonses issued under this section.

(4) For the purposes of paragraph (e) of subsection (1), a person who does not possess sufficient means to provide for his own needs, or for those of any dependant whom he is legally liable to maintain, shall be deemed to be idle if he is not regularly engaged in remunerated work unless he is prevented from working by illness or mental disorder or by any other circumstance beyond his control.

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- (a) van alkoholiese drank of enige afhanklikheidsvormende medisyne afhanklik is en as gevolg daarvan sy vermoë verkwis of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander manier sy eie welsyn of die welsyn van sy gesin benadeel; of
 - (b) weens sy eie wangedrag of versuim (waaronder ook verstaan word die verkwinging van sy vermoë deur weddenskappe, dobbelary of andersins), 'n gewoonte daarvan maak om in gebreke te bly om vir sy eie onderhoud of vir dié van 'n afhanklike vir wie se onderhoud hy regtens verantwoordelik is, te sorg; of
 - (c) 'n gewoonte daarvan maak om geld of goedere te bedel of andere beweeg om namens hom geld of goedere te bedel; of
 - (d) geen voldoende middele het om 'n eerlike bestaan te voer nie; of
 - (e) 'n ledige, losbandige of wanordelike bestaan voer, moet die klerk van die hof, op versoek van die staatsaanklaer, 'n dagvaarding wat op so iemand gedien moet word en waarby hy aangesê word om op 'n daarin bepaalde tyd en plek voor 'n landdros binne sodanige gebied te verskyn, uitreik en aan 'n polisiebeampte afgee, of as die staatsaanklaer nie die uitreiking van so 'n dagvaarding aanvra nie, kan 'n landdros van die betrokke hof, op aansoek van die staatsaanklaer, 'n lasbrief uitreik waarin bevel word dat so iemand in hegtenis geneem en so spoedig doenlik daarna voor 'n landdros binne sodanige gebied gebring word.
- (2) (a) 'n Staatsaanklaer mag nie, ingevolge subartikel (1), 'n klerk van die hof versoek om 'n dagvaarding ten opsigte van enigiemand uit te reik nie tensy hy van 'n volkswelsynbeampte 'n verslag oor die maatskaplike omstandighede van die betrokke persoon en enige ander tersaaklike aangeleentheid met betrekking tot hom, verkry het.
- (b) 'n Staatsaanklaer mag nie, behalwe in gevalle wat na sy mening baie dringend is, ingevolge subartikel (1) aansoek doen by 'n landdros om die uitreiking van 'n lasbrief vir die inhegtenisneming van enigiemand nie tensy hy ten opsigte van so iemand 'n verslag soos dié in paragraaf (a) bedoel, verkry het.
- (c) Waar so 'n verslag nie voor die uitreiking van 'n lasbrief verkry is nie, moet die staatsaanklaer dit so spoedig moontlik na die uitreiking van die lasbrief verkry.

(3) Al die bepalings van die Strafproseswet, 1955 (Wet No. 56 van 1955), met betrekking tot die vorm en manier van uitvoering van lasbriewe vir inhegtenisneming, die betekening van dagvaardings in strafsake in laer howe, die inhegtenisneming, aanhouding, deursoeking en ander behandeling wat nodig is om persone genoem in lasbriewe vir inhegtenisneming in bedwang te hou, die tydperk wat aan 'n gedagvaarde persoon toegestaan moet word om te verskyn en die manier waarop met persone wat gedagvaar is om te verskyn, gehandel kan word as hulle versuim om te verskyn of om teenwoordig te bly soos vereis, is *mutatis mutandis* van toepassing ten opsigte van lasbriewe vir inhegtenisneming en dagvaardings kragtens hierdie artikel uitgereik.

(4) By die toepassing van paragraaf (e) van subartikel (1) word 'n persoon wat nie voldoende middele besit om in sy eie behoeftes of in dié van 'n afhanklike vir wie se onderhoud hy regtens verantwoordelik is, te voorsien nie, geag ledig te wees as hy nie gereeld betaalde werk verrig nie, tensy hy deur siekte of geestesongesteldheid of deur enige ander omstandigheid buite sy beheer verhinder word om te werk.

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Committal of
persons to
rehabilitation
centre or regis-
tered rehabilitation
centre after
enquiry.

30. (1) (a) Subject to the provisions of this section, a magistrate before whom any person is brought in terms of section 29 (1) shall, in the presence of that person, enquire whether he is such a person as is described in that section.

(b) The magistrate presiding at the enquiry, may summon to his assistance a social welfare officer or a social welfare officer and a medical practitioner or psychiatrist or clinical psychologist to sit with him as assessor or assessors at the enquiry.

(c) The provisions of section 93^{ter} of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall *mutatis mutandis* apply in respect of an enquiry under this section where the magistrate has summoned an assessor or assessors under paragraph (b).

(d) A public prosecutor, or some other fit and proper person designated by the magistrate concerned, shall appear at the enquiry and such prosecutor or other person may call witnesses and cross-examine witnesses who give evidence at the enquiry.

(e) The person in respect of whom the enquiry is held shall be entitled to be represented by an advocate or attorney and he or his legal representative shall be entitled to cross-examine any witness and to call his own witnesses and he may give evidence himself and he or his legal representative may show cause why an order should not be made under subsection (6) in respect of him.

(2) Save as is otherwise provided in this Act, the laws governing criminal trials in magistrates' courts shall *mutatis mutandis* apply in respect of securing the attendance of witnesses at such enquiry, the examination of witnesses, the recording of evidence, the payment of allowances to witnesses and the production of books, documents and things.

(3) (a) No person whose presence is not necessary, shall be present at the enquiry, except with the consent of the magistrate.

(b) The provisions of section 156 (1) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), in so far as they relate to the holding of a criminal trial in the absence of an accused person, shall *mutatis mutandis* apply in respect of an enquiry held in terms of this section.

(c) The provisions of section 108 of the Magistrates' Courts Act, 1944, shall *mutatis mutandis* apply in respect of proceedings in connection with an enquiry held in terms of this section as if those proceedings were proceedings in a court contemplated in the said section 108.

(d) Any person who at such an enquiry gives false evidence knowing it to be false, or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(4) The magistrate holding the enquiry—

(a) shall, before he makes any order under subsection (6), direct the public prosecutor or other person appearing at the enquiry in terms of subsection (1) (d), to submit to him the report obtained from a social welfare officer in terms of section 29 (2); and

(b) may direct that the person in respect of whom the enquiry is being held be examined by a district surgeon or by a psychiatrist or clinical psychologist designated by the magistrate and cause all steps (including the use of force) which may be necessary for the carrying out of such examination to be taken and may call

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30. (1) (a) Behoudens die bepalings van hierdie artikel, moet 'n landdros voor wie iemand ingevolge artikel 29 (1) gebring word, in die aanwesigheid van daardie persoon, ondersoek instel na die vraag of hy so iemand is as wat in daardie artikel bedoel word. Verwysing van persone na rehabilitasiesentrum of geregistreerde rehabilitasiesentrum na ondersoek.
- (b) Die landdros wat by die ondersoek voorsit, kan 'n volkswelsynbeampte of 'n volkswelsynbeampte en 'n geneesheer of psigiater of kliniese sielkundige, oproep om as assessor of assessors saam met hom by die ondersoek sitting te neem.
- (c) Die bepalings van artikel 93ter van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek ingevolge hierdie artikel in die geval waar die landdros 'n assessor of assessors ingevolge paragraaf (b) opgeroep het.
- (d) 'n Staatsaanklaer, of 'n ander geskikte en bevoegde persoon deur die betrokke landdros aangewys, verskyn by die ondersoek en sodanige aanklaer of ander persoon kan getuies oproep en getuies wat by die ondersoek getuienis aflê, onder kruisverhoor neem.
- (e) Die persoon ten opsigte van wie die ondersoek gehou word, is geregtig om deur 'n advokaat of prokureur verteenwoordig te word en hy of sy regsverteenvoerder is geregtig om enige getuie onder kruisverhoor te neem en getuies op te roep en hy kan self getuienis aflê en hy of sy regsverteenvoerder kan redes aanvoer waarom 'n bevel nie kragtens subartikel (6) ten opsigte van hom uitgereik moet word nie.
- (2) Behoudens andersluidende bepalings van hierdie Wet, is die wetsbepalings aangaande strafverhoor in landdroshowe *mutatis mutandis* van toepassing ten opsigte van die oproeping van getuies by bedoelde ondersoek, die ondervraging van getuies, die afneem van getuienis, die betaling van toelaes aan getuies en die oorlegging van boeke, dokumente en sake.
- (3) (a) Geen persoon wie se aanwesigheid nie nodig is, is by bedoelde ondersoek aanwesig nie, behalwe met die toestemming van die landdros.
- (b) Die bepalings van artikel 156 (1) van die Strafproseswet, 1955 (Wet No. 56 van 1955), vir sover hulle betrekking het op die hou van 'n strafverhoor in die afwesigheid van 'n beskuldigde persoon, is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek wat ingevolge hierdie artikel gehou word.
- (c) Die bepalings van artikel 108 van die Wet op Landdroshowe, 1944, is *mutatis mutandis* van toepassing ten opsigte van verrigtings in verband met 'n ondersoek wat ingevolge hierdie artikel gehou word asof daardie verrigtings die verrigtings was van 'n hof in bedoelde artikel 108 beoog.
- (d) Iemand wat by so 'n ondersoek vals getuienis aflê, met die wete dat dit vals is of terwyl hy nie weet of glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meened voorgeskryf is.
- (4) Die landdros wat die ondersoek hou—
- (a) moet, voordat hy 'n bevel kragtens subartikel (6) uitreik, die staatsaanklaer of ander persoon wat ingevolge subartikel (1) (d) by die ondersoek verskyn, gelas om aan hom die verslag, wat van 'n volkswelsynbeampte ingevolge artikel 29 (2) verkry is, voor te lê; en
- (b) kan gelas dat die persoon ten opsigte van wie die ondersoek gehou word deur 'n distriksgeneesheer of deur 'n deur die landdros aangewese psigiater of kliniese sielkundige ondersoek word en alle stappe laat doen (met inbegrip van die gebruik van dwang) wat nodig is om sodanige ondersoek uit te voer en

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upon the district surgeon or the psychiatrist or clinical psychologist to furnish him with a report showing the results of the examination.

(5) The contents of any report submitted or furnished in terms of subsection (4) shall be disclosed to the person concerned and he or his legal representative shall be given an opportunity, if he so desires, of cross-examining the person by whom it was made in relation to any matter arising out of the report and of refuting any allegation contained therein.

(6) If it appears to the magistrate, on consideration of the evidence and of any report submitted or furnished to him in terms of subsection (4)—

(a) that the person concerned is such a person as is described in section 29 (1); and

(b) that he is a type of person who requires and would probably benefit by the treatment and training provided in a rehabilitation centre or registered rehabilitation centre; or

(c) that it would be in his own interest or in the interest of his dependants, if any, or in the interest of the community, that he be detained in a rehabilitation centre or registered rehabilitation centre,

he may, subject to the provisions of section 31, order that the person concerned be detained in a rehabilitation centre or registered rehabilitation centre designated by the Director.

(7) The magistrate may, pending the removal of such person to a rehabilitation centre or registered rehabilitation centre, as the case may be, order that such person be detained in custody or released on bail as provided in section 32 (1).

Postponement of
order.

31. (1) If it appears to a magistrate at an enquiry under section 30 that the person in respect of whom the enquiry is being held is such a person as is referred to in subsection (6) of that section, the magistrate may in his discretion, make an order postponing for a period not exceeding three years, the making of an order in terms of that subsection and release the person concerned on condition—

(a) that he shall submit himself to supervision by a social welfare officer;

(b) that he shall undergo any prescribed treatment; and

(c) that he shall comply with such prescribed requirements as the magistrate may determine.

(2) Any magistrate may, after consideration of a report by a social welfare officer, at any time unconditionally discharge any person in respect of whom the making of an order has been postponed in terms of this section.

(3) Where the making of an order has been postponed for a period of less than three years, any magistrate may, after consideration of a report by a social welfare officer, at any time before the expiration of such period make an order extending the period of postponement for such further period, not exceeding the difference between three years and the period for which the making of the order has been postponed, as he may deem fit.

(4) If at the end of the period for which the making of an order has been postponed in terms of this section a magistrate is satisfied that the person concerned has observed all the conditions subject to which he was released, that magistrate shall unconditionally discharge him.

(5) (a) If a person in respect of whom the making of an order has been postponed in terms of this section fails to comply with any of the conditions subject to which he was released, he may, upon the order of any magistrate, be arrested without warrant by any police

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kan die distriksgeneesheer of die psigiater of kliniese sielkundige aansê om aan hom 'n verslag te verstrek aangaande die uitslag van die ondersoek.

(5) Die inhoud van 'n verslag ingevolge subartikel (4) voorgelê of verstrek, moet aan die betrokke persoon meegedeel word en, as hy dit verlang, moet hy of sy regsverteenvoerder in die geleentheid gestel word om die persoon wat verslag gedoen het onder kruisverhoor te neem met betrekking tot enige aangeleentheid wat uit die verslag voortspruit, en om enige verklaring wat daarin voorkom, te weerlê.

(6) As dit, na oorweging van die getuienis en van enige verslag wat ingevolge subartikel (4) aan hom voorgelê of verstrek is, aan die landdros blyk—

(a) dat die betrokke persoon so iemand is as wat in artikel 29 (1) bedoel word; en

(b) dat hy 'n soort persoon is wat die behandeling en opleiding wat in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum voorsien word, nodig het en waarskynlik daarby sal baat; of

(c) dat dit in sy eie belang of in belang van sy afhanklikes (as daar is) of in belang van die gemeenskap sou wees om hom in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum aan te hou,

kan hy, behoudens die bepalinge van artikel 31 beveel dat die betrokke persoon in 'n deur die Direkteur aangewese rehabilitasiesentrum of geregistreerde rehabilitasiesentrum aangehou word.

(7) Die landdros kan, in afwagting van die verwydering van so iemand na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum, na gelang van die geval, beveel dat bedoelde persoon in bewaring aangehou of op borgtog vrygelaat word soos in artikel 32 (1) bepaal word.

31. (1) As dit by 'n ondersoek kragtens artikel 30 aan 'n landdros blyk dat die persoon ten opsigte van wie die ondersoek gehou word so 'n persoon is soos in subartikel (6) van daardie artikel bedoel word, kan die landdros, na goeddunke, 'n bevel uitreik waarby hy die uitreiking van 'n bevel ingevolge daardie subartikel vir 'n tydperk van hoogstens drie jaar uitstel, en die betrokke persoon vrystel op voorwaarde—

(a) dat hy homself aan toesig deur 'n volkswelsynbeampte onderwerp;

(b) dat hy enige voorgeskrewe behandeling moet ondergaan; en

(c) dat hy aan die voorgeskrewe vereistes wat die landdros bepaal, moet voldoen.

(2) Enige landdros kan, na oorweging van 'n verslag van 'n volkswelsynbeampte, te eniger tyd enige persoon ten opsigte van wie die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, onvoorwaardelik ontslaan.

(3) Waar die uitreiking van 'n bevel vir 'n tydperk van minder as drie jaar uitgestel is, kan enige landdros, na oorweging van 'n verslag deur 'n volkswelsynbeampte, te eniger tyd voor die verstryking van bedoelde tydperk 'n bevel uitreik waarby die tydperk van uitstel verleng word vir so 'n verdere tydperk, wat nie die verskil tussen drie jaar en die tydperk waarvoor die uitreiking van die bevel uitgestel is, te bowe gaan nie, as wat hy goedvind.

(4) Indien 'n landdros, na afloop van die tydperk waarvoor die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, oortuig is dat die betrokke persoon al die voorwaardes onderworpe waaraan hy vrygestel is, nagekom het, moet die landdros hom onvoorwaardelik ontslaan.

(5) (a) Indien 'n persoon ten opsigte van wie die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, versuim om te voldoen aan enige van die voorwaardes onderworpe waaraan hy vrygestel is, kan hy, op bevel van 'n landdros, sonder lasbrief in hegtenis geneem

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officer or social welfare officer, and any magistrate may then make an order in terms of section 30 (6) as if the making of such an order had never been postponed.

(b) Any person arrested in terms of paragraph (a) may be detained in custody in any place referred to in paragraph (a) of section 32 (1) until he can be brought before a magistrate.

(c) The provisions of section 32 (2) shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said section in terms of paragraph (b).

(d) A copy of any order made under section 31 (1) purporting to be certified by the clerk of the court or any other officer having the custody of the records of the magistrate's court to which the magistrate who made the order is or was attached shall, if the name of the person mentioned therein against whom such order was made, substantially corresponds with that of the person who is to be dealt with in accordance with the provisions of subsection (2), (3), (4) or (5) of this section, on the mere production thereof be *prima facie* proof of the fact that such order was so made against such person.

Temporary custody of persons pending enquiry or removal to rehabilitation centre or registered rehabilitation centre.

32. (1) (a) A magistrate holding an enquiry under section 30 may, if he deems it necessary or expedient, postpone or adjourn the enquiry from time to time for periods not exceeding fourteen days at any one time and may, in his discretion, order that, during the postponement or adjournment, the person concerned be detained in custody in a rehabilitation centre, registered rehabilitation centre, hostel, registered hostel, prison, police cell or lock-up or other place regarded by the magistrate as suitable, or, if the person concerned is under the age of eighteen years, in a place of safety as defined in section 1 of the Children's Act, 1960 (Act No. 33 of 1960), or be released on bail *mutatis mutandis* as if he were a person whose trial on a criminal charge in a magistrate's court had been postponed or adjourned.

(b) Pending the removal to a rehabilitation centre or registered rehabilitation centre of any person against whom an order has been made under section 30 (6), he may be detained in custody or released on bail as provided in paragraph (a) as if he were such a person as is referred to therein.

(c) No person shall in terms of this subsection be detained in custody in a police cell or lock-up for a continuous period of longer than twenty-eight days.

(2) The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, contribute towards the maintenance of any person who is, in terms of subsection (1), detained in a rehabilitation centre, registered rehabilitation centre, registered hostel, children's home or any other place which is not maintained by the State.

Appeals against and review of certain orders.

33. The law relating to appeals and any form of review in criminal cases shall *mutatis mutandis* apply in respect of any order made under section 30, 31 or 32 as if such order were a sentence passed by a magistrate's court in a criminal case.

Detention in rehabilitation centre or registered rehabilitation centre.

34. (1) Any person who has been ordered to be detained in a rehabilitation centre or registered rehabilitation centre under section 30 or who has been transferred to a rehabilitation centre or registered rehabilitation centre in terms of the provisions of this Act, shall be detained in the rehabilitation centre

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word deur enige polisiebeampte of volkswelsynbeampte, en enige landdroos kan dan 'n bevel ingevolge artikel 30 (6) uitreik asof die uitreiking van so 'n bevel nooit uitgestel was nie.

(b) Enige persoon wat ingevolge paragraaf (a) in hegtenis geneem is, kan in bewaring aangehou word in enige in paragraaf (a) van artikel 32 (1) bedoelde plek totdat hy voor 'n landdroos gebring kan word.

(c) Die bepaling van artikel 32 (2) is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge paragraaf (b) in 'n in genoemde artikel bedoelde plek in bewaring aangehou word.

(d) 'n Afskrif van 'n kragtens artikel 31 (1) uitgevaardigde bevel wat heet gesertifiseer te wees deur die klerk van die hof of 'n ander beampte belas met die bewaring van die stukke van die landdroshof waaraan die landdroos wat die bevel uitgevaardig het, verbonde is of was, is, indien die daarin vermelde naam van die persoon teen wie die bevel uitgevaardig is, in hoofsaak ooreenstem met dié van die persoon met wie daar ooreenkomstig die bepaling van subartikel (2), (3), (4) of (5) van hierdie artikel gehandel moet word, by blote voorlegging daarvan *prima facie*-bewys van die feit dat die bevel teen die aldus bedoelde persoon uitgevaardig is.

32. (1) (a) 'n Landdroos wat 'n ondersoek kragtens artikel 30 hou, kan, indien hy dit nodig of dienstig ag, die ondersoek van tyd tot tyd uitstel of verdaag vir tydperke van hoogstens veertien dae op enige een keer, en kan, na goeë dunks, beveel dat die betrokke persoon, gedurende die uitstel of verdaging, in bewaring aangehou word in 'n rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, tehuis, geregistreerde tehuis, gevangenis, polisie- of -opsluitplek of 'n ander plek wat die landdroos geskik ag, of, indien die betrokke persoon onder die ouderdom van agtien jaar is, in 'n in artikel 1 van die Kinderwet, 1960 (Wet No. 33 van 1960), omskrewe veiligheidsplek of dat hy op borgtog vrygelaat word *mutatis mutandis* asof hy iemand was wie se verhoor op 'n strafregtelike aanklag in 'n landdroshof uitgestel of verdaag is.

Tydlike bewaring van persone hangende ondersoek of verwydering na rehabilitasiesentrum of geregistreerde rehabilitasiesentrum.

(b) In afwagting van die verwydering na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum van enige persoon teen wie 'n bevel kragtens artikel 30 (6) uitgereik is, kan hy in bewaring aangehou word of op borgtog vrygelaat word soos in paragraaf (a) bepaal asof hy so 'n persoon is soos daarin bedoel word.

(c) Niemand mag kragtens hierdie subartikel vir 'n ononderbroke tydperk van langer as agt-en-twintig dae in 'n polisie- of -opsluitplek in bewaring aangehou word nie.

(2) Die Minister kan, in oorleg met die Minister van Finansies, uitgelde wat deur die Parlement vir die doel bewillig is, bydra tot die onderhoud van enigiemand wat ingevolge subartikel (1) in 'n rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, geregistreerde tehuis, kindershuis of enige ander plek wat nie deur die Staat in stand gehou word nie, aangehou word.

33. Die wetsbepalinge met betrekking tot appèlle en enige vorm van hersiening in strafsake is *mutatis mutandis* van toepassing ten opsigte van enige kragtens artikel 30, 31 of 32 uitge-reikte bevel, asof so 'n bevel 'n vonnis is deur 'n landdroshof in 'n strafsake gevel.

Appèlle teen en hersiening van sekere bevels.

34. (1) Iemand wie se aanhouding in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kragtens artikel 30 beveel is of wat ingevolge die bepalinge van hierdie Wet na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum oorgeplaas is, word in die betrokke rehabilitasiesentrum of geregistreerde

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or registered rehabilitation centre concerned until he is released on licence or discharged or transferred or returned to any other institution in terms of any provision of this Act.

(2) The superintendent of a rehabilitation centre or the management of a registered rehabilitation centre shall—

- (a) notify the Director when an inmate is released on licence under the provisions of this Act and of the particulars of such release;
- (b) if an inmate has, after the expiration of a period of twelve months after the making of an order under section 30 (6), not yet been discharged from the rehabilitation centre or registered rehabilitation centre concerned, fully report to the Director and advance reasons why such inmate shall not be so discharged and shall, every six months thereafter, if such inmate has not been so discharged, advance further reasons why he should not be discharged.

(3) The Director may at any time and shall, if the Minister so directs, discharge an inmate from the provisions of this Act.

(4) The discharge of an inmate from the provisions of this Act shall not preclude the subsequent committal or transfer of the person concerned to a rehabilitation centre or registered rehabilitation centre.

(5) If any person under the age of eighteen years is, under the provisions of this Act, to be detained in a rehabilitation centre or registered rehabilitation centre, he may be detained in a place of safety established under section 38 (1) of the Children's Act, 1960 (Act No. 33 of 1960), and, if he is so detained, such place of safety shall in relation to such person be deemed to be a rehabilitation centre for the purposes of this Act.

Transfer of inmates from and to rehabilitation centres and registered rehabilitation centres.

35. (1) Subject to the provisions of subsection (2), the Director may at any time after consultation with the management concerned—

- (a) transfer an inmate, other than a voluntary inmate, from one rehabilitation centre to another rehabilitation centre; or
- (b) transfer an inmate, other than a voluntary inmate, from a rehabilitation centre to a registered rehabilitation centre and *vice versa*; or
- (c) transfer an inmate, other than a voluntary inmate, from one registered rehabilitation centre to another registered rehabilitation centre,

if the inmate concerned will in his opinion benefit or probably benefit by the treatment or training provided at the rehabilitation centre or registered rehabilitation centre to which he is so transferred.

(2) No person transferred to a rehabilitation centre under section 36 shall be transferred under this section to a registered rehabilitation centre.

Transfer of persons from prison to rehabilitation centre.

36. (1) Notwithstanding anything to the contrary contained in the Prisons Act, 1959 (Act No. 8 of 1959), or in any other law, the Minister of Prisons may, in consultation with the Minister, by order in writing transfer to a rehabilitation centre designated by the Minister any person who is undergoing a term of imprisonment in any prison which is subject to the provisions of that Act, if, in his opinion—

- (a) it is desirable that such person should, before he is returned to the community, receive treatment or training in a rehabilitation centre; and
- (b) such person is a type of person who will or will probably benefit by the particular kind of treatment and training provided in a rehabilitation centre.

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rehabilitasiesentrum aangehou totdat hy ingevolge die een of ander bepaling van hierdie Wet daaruit met vergunning vrygelaat of ontslaan is of na 'n ander inrigting oorgeplaas of teruggeplaas is.

(2) Die superintendent van 'n rehabilitasiesentrum of die bestuur van 'n geregistreerde rehabilitasiesentrum moet—

(a) die Direkteur in kennis stel wanneer 'n inwoner ingevolge die bepalings van hierdie Wet met vergunning vrygelaat word en van die besonderhede van sodanige vrylating;

(b) indien 'n inwoner na die verstryking van 'n tydperk van twaalf maande na die uitvaardiging van 'n in artikel 30 (6) bedoelde bevel, nog nie uit die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum ontslaan is nie, volledig verslag aan die Direkteur doen en redes aanvoer waarom sodanige inwoner nie aldus ontslaan behoort te word nie en moet iedere ses maande daarna, indien sodanige inwoner nog nie aldus ontslaan is nie, verdere redes aanvoer waarom hy nie aldus ontslaan behoort te word nie.

(3) Die Direkteur kan te eniger tyd, en moet, indien die Minister aldus gelas, 'n inwoner van die bepalings van hierdie Wet onthef.

(4) Die ontheffing van 'n inwoner ingevolge die bepalings van hierdie Wet verhinder nie die latere verwysing of oorplasing van die betrokke persoon na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum nie.

(5) Indien 'n persoon onder die ouderdom van agtien jaar ingevolge die bepalings van hierdie Wet in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum aangehou moet word, kan hy in 'n kragtens artikel 38 (1) van die Kinderwet, 1960 (Wet No. 33 van 1960), opgerigte veiligheidsplek aangehou word, en, indien hy aldus aangehou word, word bedoelde veiligheidsplek met betrekking tot bedoelde persoon geag 'n rehabilitasiesentrum vir die doeleindes van hierdie Wet te wees.

35. (1) Behoudens die bepalings van subartikel (2), kan die Direkteur te eniger tyd, na oorlegpleging met die betrokke bestuure—

(a) 'n ander inwoner as 'n vrywillige inwoner van een rehabilitasiesentrum na 'n ander rehabilitasiesentrum oorplaas; of

(b) 'n ander inwoner as 'n vrywillige inwoner van 'n rehabilitasiesentrum na 'n geregistreerde rehabilitasiesentrum, en andersom, oorplaas; of

(c) 'n ander inwoner as 'n vrywillige inwoner van een geregistreerde rehabilitasiesentrum na 'n ander geregistreerde rehabilitasiesentrum oorplaas,

indien die betrokke inwoner na sy oordeel, by die behandeling of opleiding wat by die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum waarheen hy aldus oorgeplaas word, sal baat of waarskynlik sal baat.

(2) Niemand wat ingevolge artikel 36 na 'n rehabilitasiesentrum oorgeplaas is, word ingevolge hierdie artikel na 'n geregistreerde rehabilitasiesentrum oorgeplaas nie.

36. (1) Ondanks andersluidende bepalings van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), of van enige ander wet, kan die Minister van Gevangenis, in oorleg met die Minister, by skriftelike bevel iemand wat 'n tydperk van gevangenisstraf in 'n gevangenis waarop laasgenoemde wet betrekking het, uitdien, na 'n deur die Minister aangewese rehabilitasiesentrum oorplaas indien, na sy oordeel—

(a) dit wenslik is dat so iemand behandeling of opleiding in 'n rehabilitasiesentrum moet ontvang of ondergaan voordat hy weer op vrye voet gestel word; en

(b) so iemand 'n persoon is wat by die besondere soort behandeling en opleiding wat in 'n rehabilitasiesentrum voorsien word, baat sal vind of waarskynlik sal vind.

Oorplasing van inwoners van en na rehabilitasiesentrums en geregistreerde rehabilitasiesentrums.

Oorplasing van persone van gevangenis na rehabilitasiesentrum.

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(2) No person shall be transferred to a rehabilitation centre in terms of subsection (1) if the period between the date contemplated for his transfer and the latest date until which he could, but for the transfer, have been detained in prison is less than six months and if he has at the time of such transfer served more than six months of the sentence which he is then serving.

(3) A person transferred to a rehabilitation centre in terms of subsection (1) shall be deemed to be discharged from the provisions of the Prisons Act, 1959, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to a rehabilitation centre under this Act.

Retransfer from
rehabilitation
centre to prison.

37. (1) The Minister may, in consultation with the Minister of Prisons, retransfer to the prison from which he was originally transferred, or to any other prison designated by the Commissioner of Prisons, any person transferred to a rehabilitation centre under section 36 if in the opinion of the Minister, on representations made to him by the Director, that person has proved to be unsuited to or is not likely to benefit by the kind of treatment and training provided in a rehabilitation centre.

(2) Any inmate retransferred to a prison in terms of subsection (1) shall be deemed to be discharged from the provisions of this Act, and shall thereafter again become subject to the provisions of the Prisons Act, 1959 (Act No. 8 of 1959), and the regulations made thereunder.

(3) For the purpose of calculating the period for which a person retransferred to a prison in terms of subsection (1) shall be detained therein under the sentence passed upon him, the period between the date of his transfer to a rehabilitation centre and the date of his retransfer to that prison shall count as part of his sentence.

Transfer of persons
from children's
home, school of
industries or
reform school to
rehabilitation
centre or
registered
rehabilitation
centre.

38. (1) Notwithstanding anything to the contrary contained in the Children's Act, 1960 (Act No. 33 of 1960), or in any other law, a Minister, other than the Minister entrusted with the administration or registration of a children's home, school of industries or reform school, may, in consultation with the Minister, and the Minister may, if he is entrusted with the administration or registration of a children's home, school of industries or reform school, by order in writing transfer to a rehabilitation centre or registered rehabilitation centre designated by the Minister, any person who is undergoing a period of detention in that children's home, school of industries or reform school, if, in his opinion—

(a) it is desirable that such person should, before he is returned to the community, receive treatment or training in a rehabilitation centre or registered rehabilitation centre; and

(b) such person is a type of person who will or will probably benefit by the particular kind of treatment and training provided in the rehabilitation centre or registered rehabilitation centre in question.

(2) No person shall be transferred to a rehabilitation centre or registered rehabilitation centre in terms of subsection (1) if the period between the date contemplated for his transfer and the date of expiration of the period for which he is liable to be detained in the children's home, school of industries or reform school, is less than six months.

(3) A person transferred to a rehabilitation centre or registered rehabilitation centre in terms of subsection (1), shall be deemed to be discharged from the provisions of the Children's Act, 1960, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to such rehabilitation centre or registered rehabilitation centre, as the case may be, under this Act.

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STOWWE EN REHABILITASIESENTRUMS, 1971.

(2) Niemand word ingevolge subartikel (1) na 'n rehabilitasiesentrum oorgeplaas nie as die tydperk tussen die datum wat vir sy oorplasing beoog word, en die laatste datum tot wanneer hy in die gevangenis aangehou sou kon gewees het, as die oorplasing nie plaasgevind het nie, minder as ses maande is en as hy ten tyde van sodanige oorplasing meer as ses maande van die vonnis wat hy dan uitdien, uitgedien het.

(3) Iemand wat ingevolge subartikel (1) na 'n rehabilitasiesentrum oorgeplaas is, word geag van die bepalings van die Wet op Gevangenis, 1959, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na 'n rehabilitasiesentrum verwys was.

37. (1) Die Minister kan, in oorleg met die Minister van Gevangenis, iemand wat kragtens artikel 36 na 'n rehabilitasiesentrum oorgeplaas is, heroerplaas na die gevangenis vanwaar hy oorspronklik oorgeplaas was, of na enige ander deur die Kommissaris van Gevangenis aangewese gevangenis, indien die Minister van mening is, op grond van vertoë deur die Direkteur tot hom gerig, dat so iemand geblyk het ongeskik te wees vir die soort opleiding en behandeling wat in 'n rehabilitasiesentrum voorsien word of dat hy waarskynlik nie daarby sal baat nie.

Heroerplasing van
rehabilitasie-
sentrum na
gevangenis.

(2) 'n Inwoner wat ingevolge subartikel (1) na 'n gevangenis heroerplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die bepalings van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), en die daarkragtens uitgevaardigde regulasies.

(3) By die berekening van die tydperk waarvoor iemand wat ingevolge subartikel (1) na 'n gevangenis heroerplaas is, kragtens die oor hom gevelde vonnis daarin aangehou moet word, word die tydperk tussen die datum van sy oorplasing na 'n rehabilitasiesentrum en die datum van sy heroerplasing na daardie gevangenis geag deel van sy vonnis uit te maak.

38. (1) Ondanks andersluidende bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), of van enige ander wet, kan 'n ander Minister as die Minister, wat belas is met die administrasie of registrasie van 'n kinderskool, nywerheidskool of verbeteringskool, in oorleg met die Minister, en kan die Minister, indien hy belas is met die administrasie of registrasie van 'n kinderskool, nywerheidskool of verbeteringskool, iemand wat 'n tydperk van aanhouding in bedoelde kinderskool, nywerheidskool of verbeteringskool uitdien, by skriftelike bevel na 'n deur die Minister aangewese rehabilitasiesentrum of geregistreerde rehabilitasiesentrum oorplaas, indien na sy oordeel—

Oorplasing van
persone van
kinderskool,
nywerheidskool
of verbeterings-
skool na
rehabilitasie-
sentrum of
geregistreerde
rehabilitasie-
sentrum.

(a) dit wenslik is dat so iemand behandeling of opleiding in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum moet ontvang voordat hy weer op vrye voet gestel word; en

(b) so iemand 'n soort persoon is wat by die besondere soort behandeling en opleiding wat in die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum voorsien word, baat sal vind of waarskynlik sal vind.

(2) Niemand mag ingevolge subartikel (1) na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum oorgeplaas word nie as die tydperk tussen die datum wat vir sy oorplasing beoog word, en die verstrykingsdatum van die tydperk waarvoor hy in die kinderskool, nywerheidskool of verbeteringskool aangehou kan word, minder as ses maande is.

(3) Iemand wat ingevolge subartikel (1) na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum oorgeplaas is, word geag van die bepalings van die Kinderwet, 1960, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum, na gelang van die geval, verwys was.

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REHABILITATION CENTRES ACT, 1971.**

Retransfer from
rehabilitation
centre or registered
rehabilitation
centre to children's
home, school of
industries or
reform school.

39. (1) The Minister may, in consultation with the other Minister concerned, retransfer to the children's home, school of industries or reform school from which any person was originally transferred, or to any other children's home, school of industries or reform school designated by the Secretary of the department of State in question, any person transferred to a rehabilitation centre or registered rehabilitation centre under section 38 if in the opinion of the Minister, on representations made to him by the Director, that person has proved to be unsuited to or is not likely to benefit by the kind of treatment and training provided in the rehabilitation centre or registered rehabilitation centre, as the case may be.

(2) An inmate retransferred to a children's home, school of industries or reform school in terms of subsection (1), shall be deemed to be discharged from the provisions of this Act, and shall thereafter again become subject to the law governing the children's home, school of industries or reform school to which he has been retransferred.

(3) Any person retransferred to a children's home, school of industries or reform school in terms of subsection (1), shall not be detained in a children's home, school of industries or reform school beyond the expiration of the period for which he could, under the order of the court which authorized his detention, have been detained in a children's home, school of industries or reform school had he not been transferred.

Leave of absence
from rehabilitation
centre or registered
rehabilitation
centre.

40. The management of a rehabilitation centre or registered rehabilitation centre may grant to any inmate leave of absence therefrom for such periods and on such conditions as may be prescribed, and may at any time revoke such leave and direct the inmate to return to the rehabilitation centre or registered rehabilitation centre, as the case may be.

Inmate of
rehabilitation
centre or registered
rehabilitation
centre may be
released on licence.

41. (1) The management of a rehabilitation centre or registered rehabilitation centre may with the approval of the Director and shall, if the Director so directs, release an inmate on licence therefrom, subject to the provisions of subsection (2) and to any conditions which it may stipulate, and may at any time vary the conditions of such licence.

(2) An inmate who has been released on licence shall, in accordance with the regulations, remain under the supervision of a social welfare officer or of a society or person approved by the Director, until such licence expires or is cancelled under this Act or he is discharged under a provision of this Act: Provided that the Director may discharge an inmate from the provisions of this Act at any time prior to the expiration of the period for which he was released on licence.

Revocation of
licence.

42. (1) (a) If an inmate who has been released on licence fails to comply with any condition of his release on licence, or if, in the opinion of the management of the rehabilitation centre or registered rehabilitation centre concerned, he has not proved capable of adjusting himself properly to the normal life of the community, the inmate's licence may be revoked by such management and he may be recalled to the rehabilitation centre or registered rehabilitation centre in question: Provided that where the need for recalling an inmate is so urgent that it ought not to be deferred until the management has dealt with the matter, the superintendent or chairman of the management of the rehabilitation centre or registered rehabilitation centre in question, may exercise all the powers of the management under this subsection.

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39. (1) Die Minister kan, in oorleg met die ander betrokke Minister, iemand wat kragtens artikel 38 na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum oorgeplaas is, heroorgeplaas na die kinderskool, nywerheidskool of verbeteringskool vanwaar hy oorspronklik oorgeplaas is, of na enige ander deur die Sekretaris van die betrokke Staatsdepartement aangewese kinderskool, nywerheidskool of verbeteringskool, indien die Minister van mening is, op grond van verhoë deur die Direkteur tot hom gerig, dat so iemand geblyk het ongeskik te wees vir die soort behandeling en opleiding wat in die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum, na gelang van die geval, voorsien word of dat hy waarskynlik nie daarby sal baat nie.

Heroorplasing van rehabilitasiesentrum of geregistreerde rehabilitasiesentrum na kinderskool, nywerheidskool of verbeteringskool.

(2) 'n Inwoner wat ingevolge subartikel (1) na 'n kinderskool, nywerheidskool of verbeteringskool heroorgeplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die wetsbepalings wat op die kinderskool, nywerheidskool of verbeteringskool waarna hy heroorgeplaas is, van toepassing is.

(3) Iemand wat ingevolge subartikel (1) na 'n kinderskool, nywerheidskool of verbeteringskool heroorgeplaas is, mag nie in 'n kinderskool, nywerheidskool of verbeteringskool aangehou word nie na die verstryking van die tydperk waarvoor hy, ingevolge die bevel van die hof waardeur sy aanhouding gemagtig is, in 'n kinderskool, nywerheidskool of verbeteringskool aangehou kon geword het as hy nie oorgeplaas was nie.

40. Die bestuur van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kan aan 'n inwoner afwesigheidsverlof daaruit toestaan vir die tydperke en op die voorwaardes wat voorgeskryf word, en kan sodanige verlof te eniger tyd intrek en die inwoner gelas om na die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum, na gelang van die geval, terug te keer.

Afwesigheidsverlof uit rehabilitasiesentrum of geregistreerde rehabilitasiesentrum.

41. (1) Die bestuur van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kan, met die goedkeuring van die Direkteur, en moet, indien die Direkteur dit gelas, 'n inwoner met vergunning daaruit vrylaat, onderworpe aan die bepalings van subartikel (2) en aan die voorwaardes wat bedoelde bestuur stel, en kan te eniger tyd die voorwaardes van sodanige vergunning wysig.

Inwoner van rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kan met vergunning vrygelaat word.

(2) 'n Inwoner wat met vergunning vrygelaat is, bly, ooreenkomstig die regulasies, onder toesig van 'n volkswelnsynbeampte of van 'n deur die Direkteur goedgekeurde vereniging of persoon totdat bedoelde vergunning verstryk of ingevolge hierdie Wet ingetrek word of totdat hy ingevolge die een of ander bepaling van hierdie Wet ontslaan word: Met dien verstande dat die Direkteur 'n inwoner van die bepalings van hierdie Wet kan onthef te eniger tyd voor die verstryking van die tydperk waarvoor hy met vergunning vrygelaat is.

42. (1) (a) As 'n inwoner wat met vergunning vrygelaat is, versuim om enige voorwaarde van sy vrylating met vergunning na te kom, of as hy, volgens oordeel van die bestuur van die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum, nie geblyk het in staat te wees om hom behoorlik by die normale gemeenskapslewe aan te pas nie, kan die inwoner se vergunning deur die bedoelde bestuur ingetrek word en kan hy na die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum teruggeroep word: Met dien verstande dat waar die noodsaaklikheid om 'n inwoner terug te roep so dringend is dat dit nie uitgestel behoort te word totdat die bestuur met die aangeleentheid gehandel het nie, die superintendent, of die voorsitter van die bestuur van die geregistreerde rehabilitasiesentrum, al die bevoegdhede van die bestuur kragtens hierdie subartikel kan uitoefen.

Intrekking van vergunning.

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(b) An inmate who has in terms of paragraph (a) been recalled to a rehabilitation centre or registered rehabilitation centre and who does not return thereto without delay may be arrested without warrant by any police officer, social welfare officer or member of the staff of any rehabilitation centre or registered rehabilitation centre authorized thereto by the Director and be taken back or returned to the rehabilitation centre or registered rehabilitation centre from which he was released on licence.

(c) Any person arrested in terms of paragraph (b) may be detained in custody in any place referred to in paragraph (a) of section 32 (1) until he can be taken back or returned to the rehabilitation centre or registered rehabilitation centre in question.

(d) The provisions of section 32 (2) shall *mutatis mutandis* apply in respect of any person detained in custody in terms of paragraph (c) in a place referred to in the said subsection.

(2) Any person recalled to a rehabilitation centre or registered rehabilitation centre in terms of subsection (1) who has returned thereto or has been taken back or returned thereto shall be detained therein until he is discharged or again released on licence in terms of this Act.

Method of dealing
with absconders
from rehabilitation
centre or registered
rehabilitation
centre.

43. (1) For the purposes of this section, an inmate who has been granted leave of absence from a rehabilitation centre or registered rehabilitation centre and who on the revocation or expiration of his leave of absence fails to return to the rehabilitation centre or registered rehabilitation centre from which he was granted such leave, and an inmate who without permission absents himself from any hospital to which he may have been admitted at the instance of the superintendent or management of a rehabilitation centre or registered rehabilitation centre, shall be deemed to have absconded from the rehabilitation centre or registered rehabilitation centre from which he was granted leave of absence or from which he was admitted to such hospital.

(2) (a) An inmate who has absconded from a rehabilitation centre or registered rehabilitation centre may be arrested without warrant by any police officer, social welfare officer or member of the staff of any rehabilitation centre or registered rehabilitation centre authorized thereto by the Director, and shall be brought as soon as may be before a magistrate of the district in which he was arrested.

(b) Any person arrested in terms of paragraph (a) may be detained in custody in any place referred to in paragraph (a) of section 32 (1) until he can be brought before the said magistrate.

(3) A magistrate before whom any such inmate is brought shall, after having enquired into the reasons why the inmate absconded, order that the inmate—

(a) be returned to the rehabilitation centre, registered rehabilitation centre or hospital from which he absconded; or

(b) be detained in custody, pending the decision of the Director, in any place referred to in paragraph (a) of section 32 (1) designated by the magistrate,

and shall in either case forthwith report to the Director the result of his enquiry, and any order which he made under this subsection.

(4) On consideration of the magistrate's report and after any further enquiry which he may deem necessary, the Director shall, if the magistrate has ordered that the inmate be detained in custody pending the decision of the Director—

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(b) 'n Inwoner wat ingevolge paragraaf (a) na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum teruggeroep is en wat nie onverwyld daarheen terugkeer nie, kan deur enige polisiebeampte, volkswelsynbeampte of deur die Direkteur daartoe gemagtigde lid van die personeel van enige rehabilitasiesentrum of geregistreerde rehabilitasiesentrum waaruit hy met vergunning vrygelaat is, teruggeneem of teruggestuur word.

(c) Enige persoon wat ingevolge paragraaf (b) in hegtenis geneem is, kan in bewaring aangehou word in enige in paragraaf (a) van artikel 32 (1) bedoelde plek totdat hy na die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum teruggeneem of teruggestuur kan word.

(d) Die bepaling van artikel 32 (2) is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge paragraaf (c) in 'n in genoemde subartikel bedoelde plek in bewaring aangehou word.

(2) Iemand wat ingevolge subartikel (1) na 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum teruggeroep is en daarheen teruggekeer het of daarheen teruggeneem of teruggestuur is, word daarin aangehou totdat hy ingevolge die een of ander bepaling van hierdie Wet ontslaan of weer met vergunning vrygelaat is.

43. (1) By die toepassing van hierdie artikel word 'n inwoner aan wie afwesigheidsverlof uit 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum toegestaan is en wat by die intrekking of verstryking van sy afwesigheidsverlof versuim om terug te keer na die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum waaruit sodanige verlof aan hom toegestaan is en 'n inwoner wat hom sonder verlof afwesig hou uit 'n hospitaal waarin hy deur bemiddeling van die superintendent of die bestuur van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem is, geag weg te geloop het uit die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum waaruit afwesigheidsverlof aan hom toegestaan is of waaruit hy in bedoelde hospitaal opgeneem is.

Hoe met
weglopers uit
rehabilitasie-
sentrum of
geregistreerde
rehabilitasie-
sentrum gehandel
word.

(2) (a) 'n Inwoner wat uit 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum weggeloopt het, kan deur enige polisiebeampte, volkswelsynbeampte of 'n deur die Direkteur daartoe gemagtigde lid van die personeel van enige rehabilitasiesentrum of geregistreerde rehabilitasiesentrum sonder lasbrief in hegtenis geneem word, en moet so spoedig doenlik voor 'n landdros van die distrik waarin hy in hegtenis geneem is, gebring word.

(b) Enige persoon wat ingevolge paragraaf (a) in hegtenis geneem is, kan in bewaring aangehou word in enige in paragraaf (a) van artikel 32 (1) bedoelde plek totdat hy voor bedoelde landdros gebring kan word.

(3) 'n Landdros voor wie so 'n inwoner gebring word, moet, nadat hy ondersoek ingestel het na die redes waarom die inwoner weggeloopt het, beveel dat die inwoner—

(a) teruggestuur word na die rehabilitasiesentrum, geregistreerde rehabilitasiesentrum of hospitaal waaruit hy weggeloopt het; of

(b) in bewaring aangehou word in enige in paragraaf (a) van artikel 32 (1) bedoelde plek deur die landdros aangewys, hangende die beslissing van die Direkteur, en moet in elke geval die Direkteur onverwyld in kennis stel van die uitslag van sy ondersoek, en van enige bevel wat hy kragtens hierdie subartikel uitgereik het.

(4) Na oorweging van die landdros se verslag en na enige verdere ondersoek wat hy nodig ag, moet die Direkteur, as die landdros beveel het dat die inwoner in bewaring aangehou word, hangende die Direkteur se beslissing—

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- (a) direct that the inmate be returned to the rehabilitation centre, registered rehabilitation centre or hospital from which he absconded; or
- (b) deal with him under section 35 (1); or
- (c) direct that the inmate be released on licence under section 41; or
- (d) direct that he be discharged from the provisions of this Act.

(5) The provisions of section 32 (2) shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said section in terms of subsection (2) (b) or in pursuance of an order made under subsection (3) (b).

Admission of
voluntary inmate
to rehabilitation
centre or registered
rehabilitation
centre.

44. (1) Any person may, either himself or through any other person acting on his behalf, or a parent or guardian may on behalf of a minor child of which he is the parent or guardian, apply to a social welfare officer in the prescribed manner that he or such minor child, as the case may be, be admitted to a rehabilitation centre or registered rehabilitation centre as a voluntary inmate.

(2) (a) The application shall be accompanied by a report by a medical practitioner regarding the applicant's or minor's general state of health and physical condition, including any other medical or psychiatric report which the social welfare officer may deem necessary.

(b) If in the opinion of the social welfare officer it would cause undue hardship if the applicant were to be required to pay the expenses incurred in obtaining any report referred to in paragraph (a), he may direct that such expenses be met from public funds.

(3) If the social welfare officer to whom the application is made is, after consideration of the application and the documents accompanying it, of opinion that the person or minor for whose admission to a rehabilitation centre or registered rehabilitation centre application is made (hereinafter in this section referred to as the patient) is probably such a person as is referred to in section 29 (1), he shall ascertain from the management of a rehabilitation centre or registered rehabilitation centre whether such management is prepared to admit the patient to its rehabilitation centre or registered rehabilitation centre and, if such management is so prepared, he shall notify the applicant of the willingness of the management concerned so to admit such patient and shall transmit the application and the said documents and a report as is contemplated in section 29 (2) (a) on the patient to the management concerned and shall transmit copies thereof to the Director.

(4) If the Director is, at any time after the patient has been so admitted to a rehabilitation centre or registered rehabilitation centre and after such enquiry as he may deem fit, satisfied that the patient is not such a person as is contemplated in section 29 (1) or that he will probably not benefit by the treatment and training provided in a rehabilitation centre or registered rehabilitation centre or that his admission to a rehabilitation centre or registered rehabilitation centre has been obtained fraudulently, he may discharge the patient from the provisions of this Act and direct that he be discharged from the rehabilitation centre or registered rehabilitation centre in which he is detained.

(5) Any person admitted under subsection (3) to a rehabilitation centre or registered rehabilitation centre, shall be detained therein as an inmate for such period, not exceeding six months, as the management of the rehabilitation centre or registered rehabilitation centre may determine.

(6) Any such person shall, while he remains an inmate, be subject to all the applicable provisions of this Act.

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- (a) gelas dat die inwoner teruggestuur word na die rehabilitasiesentrum, geregistreerde rehabilitasiesentrum, of hospitaal waaruit hy weggeloop het; of
- (b) met hom handel kragtens artikel 35 (1); of
- (c) gelas dat die inwoner ingevolge artikel 41 met vergunning vrygelaat word; of
- (d) gelas dat hy van die bepalings van hierdie Wet onthef word.
- (5) Die bepalings van artikel 32 (2) is *mutatis mutandis* van toepassing ten opsigte van iemand wat in 'n in genoemde artikel bedoelde plek in bewaring aangehou word ingevolge subartikel (2) (b) of uit hoofde van 'n bevel kragtens subartikel (3) (b) uitgereik.

44. (1) Enigiemand kan of self of deur bemiddeling van iemand anders wat namens hom optree of 'n ouer of voog kan ten behoeve van 'n minderjarige waarvan hy die ouer of voog is op die voorgeskrewe wyse by 'n volkswelsynbeampte aansoek doen dat hyself of bedoelde minderjarige, na gelang van die geval, as 'n vrywillige inwoner in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem word.

(2) (a) Die aansoek moet vergesel gaan van 'n verslag deur 'n geneesheer met betrekking tot die applikant of minderjarige se algemene gesondheids- en liggaamlike toestand, en ook van enige ander geneeskundige of psigiatriese verslag wat die volkswelsynbeampte nodig ag.

(b) Indien dit volgens die oordeel van 'n volkswelsynbeampte onredelike ontbering sou veroorsaak as die applikant die koste aangegaan by die verkryging van 'n in paragraaf (a) bedoelde verslag moet betaal, kan hy gelas dat sodanige koste uit Staatsfondse betaal moet word.

(3) Indien die volkswelsynbeampte aan wie die aansoek gerig is, na oorweging van die aansoek en die stukke wat dit vergesel, van oordeel is dat die persoon of minderjarige vir wie se opneming in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum aansoek gedoen word (hieronder in hierdie artikel die pasiënt genoem) waarskynlik 'n in artikel 29 (1) bedoelde persoon is, stel hy by die bestuur van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum vas of bedoelde bestuur bereid is om die pasiënt in sy rehabilitasiesentrum of geregistreerde rehabilitasiesentrum op te neem en, indien bedoelde bestuur aldus bereid is, deel hy die applikant die betrokke bestuur se bereidwilligheid mee, en stuur hy die aansoek en bedoelde stukke en 'n in artikel 29 (2) (a) bedoelde verslag oor die pasiënt aan die betrokke bestuur en stuur hy afskrifte daarvan aan die Direkteur.

(4) Indien die Direkteur, te eniger tyd nadat die pasiënt in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum aldus opgeneem is en na sodanige ondersoek as wat hy goedvind oortuig is dat die pasiënt nie so iemand is as wat in artikel 29 (1) bedoel word nie of dat hy waarskynlik nie sal baat by die behandeling en opleiding wat in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum voorsien word nie of dat sy opneming in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum deur bedrog verkry is, kan hy die pasiënt van die bepalings van hierdie Wet onthef en gelas dat hy uit die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum waarin hy aangehou word, vrygelaat word.

(5) Iemand wat ingevolge subartikel (3) in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem is, word as 'n inwoner aangehou vir so 'n tydperk, maar hoogstens ses maande, as wat die bestuur van die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum bepaal.

(6) Terwyl so iemand 'n inwoner bly, is hy aan al die toepaslike bepalings van hierdie Wet onderworpe.

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Payment of
allowances to
inmates of
rehabilitation
centres.

45. (1) Subject to the provisions of subsection (2), allowances may be paid to inmates of rehabilitation centres in respect of any work performed by them while they are being detained therein or in respect of any period during which they are absent therefrom on leave granted under section 40.

(2) The rates of such allowances, the classes of inmates to whom the allowances are payable, and any other conditions attaching to the payment of such allowances, shall be determined by regulation.

(3) Any regulation under subsection (2) may provide for the apportionment to any inmate who has become too ill to perform any work, of part of the allowance which would but for his illness have been payable to such inmate.

Inmates to have
access to
management and
vice versa.

46. The inmates of a rehabilitation centre or registered rehabilitation centre shall, subject to the prescribed conditions, have the right of personal access to the management, and the management concerned shall likewise have a similar right of access to the inmates.

Maintenance of
discipline in
rehabilitation
centres and
registered
rehabilitation
centres.

47. (1) If an inmate of a rehabilitation centre or registered rehabilitation centre contravenes any regulation or any rule prescribed by the management of such rehabilitation centre or registered rehabilitation centre under the powers conferred upon it by regulation, the superintendent or a person designated by the management may—

(a) take disciplinary steps against that inmate in accordance with the powers conferred upon him by regulation and the procedure prescribed by regulation, and may impose upon him any punishment prescribed by the regulations for a contravention thereof or of such rules; or

(b) cause the inmate to be brought before the magistrate's court of the district in which the rehabilitation centre or registered rehabilitation centre is situated, which court shall have jurisdiction to try the inmate for the alleged offence and to sentence him, in lieu of or in addition to any penalty provided for in the regulations for the offence in question—

(i) to imprisonment for a period not exceeding six months; or

(ii) to be kept in confinement apart from the other inmates in a place set aside for the purpose at the rehabilitation centre or registered rehabilitation centre for a period not exceeding thirty days, provided the medical practitioner responsible for the medical care of the inmates concerned has certified that such punishment will in his opinion not be harmful to the health of the inmate.

(2) (a) Whenever the superintendent or the person referred to in subsection (1), has imposed upon an inmate any sentence under subsection (1) (a), the record of the trial shall forthwith be transmitted, together with such remarks as he may desire to append to the record, and with any written statements or arguments which the inmate sentenced may desire to have so appended, to the clerk of the magistrate's court of the district in which the rehabilitation centre or registered rehabilitation centre is situated.

(b) The said clerk shall forthwith submit the record, together with such remarks, statements or arguments (if any) to the magistrate of the district for his consideration.

(3) If it appears to the magistrate that the conviction and sentence are in accordance with justice, he shall endorse his

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45. (1) Behoudens die bepalinge van subartikel (2), kan toelae aan inwoners in rehabilitasiesentrums betaal word ten opsigte van werk deur hulle verrig terwyl hulle daarin aangehou word of ten opsigte van enige tydperk waarin hulle met verlof kragtens artikel 40 toegestaan, daaruit afwesig is.

Betaling van toelae aan inwoners van rehabilitasiesentrums.

(2) Die skale van sodanige toelae, die klasse inwoners aan wie die toelae betaalbaar is en enige ander voorwaardes verbonde aan die betaling van sodanige toelae, word by regulasie bepaal.

(3) 'n Regulasie ingevolge subartikel (2) kan voorsiening maak vir die toewysing aan 'n inwoner wat te siek geword het om enige werk te verrig, van 'n gedeelte van die toelae wat, as dit nie vir sy siekte was nie, aan bedoelde inwoner betaalbaar sou gewees het.

46. Onderworpe aan die voorgeskrewe voorwaardes, het die inwoners in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum die reg van persoonlike toegang tot die bestuur van daardie rehabilitasiesentrum of geregistreerde rehabilitasiesentrum en die betrokke bestuur het op sy beurt 'n dergelike reg van toegang tot die inwoners.

Inwoners moet toegang hê tot bestuur en andersom.

47. (1) As 'n inwoner in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum 'n oortreding begaan van enige regulasie of reël deur die bestuur van so 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kragtens die by regulasie aan hom verleende bevoegdhede voorgeskryf, kan die superintendent of 'n deur die bestuur aangewese persoon—

Handhawing van tug in rehabilitasiesentrums en geregistreerde rehabilitasiesentrums.

(a) dissiplinêre stappe teen daardie inwoner doen ooreenkomstig die by regulasie aan hom verleende bevoegdhede en die by regulasie voorgeskrewe prosedure, en kan hy die inwoner enige straf wat deur die regulasies vir 'n oortreding daarvan of van bedoelde reëls voorgeskryf word, opleë; of

(b) die inwoner laat bring voor die landdroshof van die distrik waarin die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum geleë is, welke hof regs mag het om die inwoner weens die beweerde misdryf te verhoor en om hom te vonnis, in plaas van of benewens enige straf wat deur die regulasies vir die betrokke misdryf bepaal word—

(i) tot gevangenisstraf vir 'n tydperk van hoogstens ses maande; of

(ii) om apart van die ander inwoners, in 'n plek vir die doel afgesonder by die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgesluit te word vir 'n tydperk van hoogstens dertig dae, mits die geneesheer wat vir die geneeskundige versorging van die betrokke inwoners verantwoordelik is, gesertifiseer het dat bedoelde straf volgens sy oordeel nie vir die gesondheid van die inwoner skadelik sal wees nie.

(2) (a) Wanneer die superintendent of die in subartikel (1) bedoelde persoon, kragtens subartikel (1) (a) 'n inwoner die een of ander straf opgelê het, moet die notule van die verhoor, tesame met sodanige opmerkings as wat hy verlang om aan die notule toe te voeg, en met die skriftelike verklarings of argumente wat die veroordeelde inwoner verlang om aldus daaraan te laat toevoeg, onverwyld deurgestuurd word aan die klerk van die landdroshof van die distrik waarin die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum geleë is.

(b) Genoemde klerk lê die notule tesame met sodanige opmerkings, verklarings of argumente (indien daar is) onverwyld aan die landdros van die distrik ter ooreweging voor.

(3) As dit vir die landdros blyk dat daar met die skuldigbevinding en vonnis behoorlik reg geskied het, teken hy sy sertifikaat.

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certificate to that effect upon the record and forthwith return the record to the superintendent or designated person concerned.

(4) If it appears to the magistrate, on consideration of the papers submitted to him, that the conviction or sentence is not in accordance with justice, he shall set aside or correct the proceedings, and may reduce or vary the sentence, and shall return the record with his instructions thereon to the superintendent or designated person concerned.

(5) If an inmate is sentenced under subsection (1) (b) to a term of imprisonment he shall, after the expiry of that term, be returned to the rehabilitation centre or registered rehabilitation centre of which he was an inmate, or to any other rehabilitation centre or registered rehabilitation centre designated by the Director.

Estimating of age
of person.

48. (1) (a) Whenever in connection with any proceedings in terms of this Act the age of any person is a relevant fact of which no or insufficient evidence is available, the officer presiding at those proceedings may estimate the age of that person by his appearance or from any information which is available, and the age so estimated shall, for the purposes of this Act, be deemed to be the true age of that person.

(b) If it is proved after the conclusion of those proceedings that the age so estimated is not the true age of that person, the error shall not, if it was made in good faith, affect any decision given or order made in the course of those proceedings.

(2) The age of a person estimated as provided in subsection (1) shall be deemed to have been attained on the day when the estimate is made.

CHAPTER IV.

GENERAL.

Witnesses from
rehabilitation
centre or registered
rehabilitation
centre.

49. The provisions of section 216 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), relating to prisoners shall *mutatis mutandis* apply with reference to an inmate of any rehabilitation centre or registered rehabilitation centre.

Admission to
rehabilitation
centre or registered
rehabilitation
centre of persons
from territories
outside the
Republic.

50. (1) (a) The Government of the Republic, represented by the Minister, may enter into an agreement with the Government of any territory in Africa for the admission to and the detention in any rehabilitation centre or registered rehabilitation centre in the Republic, of any person whose detention in any institution for the treatment of persons dependent upon dependence-producing substances for a period of not less than one year has been ordered by a competent court or officer of the said territory according to the law in force therein.

(b) Whenever such an agreement has been entered into, the Minister shall cause to be published in the *Gazette* a notice of that fact and a summary of the terms of the agreement.

(2) The Minister may, with due regard to the provisions of section 30 (6), order the admission to and detention in a rehabilitation centre or registered rehabilitation centre of any person whose detention in an institution for the treatment of persons dependent upon dependence-producing substances for a period of not less than one year has been ordered by a competent court or officer of a territory with the Government of which the Government of the Republic has entered into an agreement mentioned in subsection (1).

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kaat te dien effekte op die notule aan, en stuur hy die notule onverwyld aan die betrokke superintendent of aangewese persoon terug.

(4) Indien dit, by oorweging van die aan hom voorgelegde stukke, vir die landdros blyk dat daar nie met die skuldigbevinding of vonnis reg geskied het nie, moet hy die verrigtings te niet doen of verbeter, en kan hy die vonnis versag of wysig, en stuur hy die notule met sy opdragte in verband daarmee aan die betrokke superintendent of aangewese persoon terug.

(5) As 'n inwoner kragtens subartikel (1) (b) tot 'n tydperk van gevangenisstraf veroordeel word, word hy na die verstryking van daardie tydperk teruggestuur na die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum waarin hy 'n inwoner was of na enige ander deur die Direkteur aangewese rehabilitasiesentrum of geregistreerde rehabilitasiesentrum.

48. (1) (a) Wanneer die ouderdom van die een of ander persoon in verband met enige verrigtings ingevolge hierdie Wet 'n tersaaklike feit is waaromtrent geen of onvoldoende bewys beskikbaar is, kan die beampte wat by daardie verrigtings voorsit, die ouderdom van daardie persoon volgens sy voorkoms of op grond van enige beskikbare gegewens skat, en die aldus geskatte ouderdom word, by die toepassing van hierdie Wet, geag daardie persoon se ware ouderdom te wees.

Skatting van ouderdom van persoon.

(b) Indien daar na afloop van daardie verrigtings bewys word dat die aldus geskatte ouderdom nie daardie persoon se ware ouderdom is nie, beïnvloed die dwaling, mits dit te goeder trou begaan is, geen beslissing of bevel wat in die loop van daardie verrigtings gegee of verleen is nie.

(2) 'n Persoon wie se ouderdom volgens voorskrif van subartikel (1) geskat is, word geag daardie ouderdom te bereik het op die dag waarop die skatting plaasvind.

HOOFSTUK IV.

ALGEMEEN.

49. Die bepalinge van artikel 216 van die Strafproseswet, 1955 (Wet No. 56 van 1955), betreffende gevangenes is *mutatis mutandis* van toepassing met betrekking tot 'n inwoner in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum.

Getuies uit rehabilitasiesentrum of geregistreerde rehabilitasiesentrum.

50. (1) (a) Die Regering van die Republiek, deur die Minister verteenwoordig, kan 'n ooreenkoms aangaan met die Regering van enige gebied in Afrika vir die opname en die aanhouding in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum in die Republiek, van enigiemand wie se aanhouding in 'n inrigting vir die behandeling van persone wat afhanklik is van afhanklikheidsvormende stowwe vir 'n tydperk van minstens een jaar deur 'n bevoegde hof of beampte van bedoelde gebied volgens die daarin geldende wetsbepalinge gelas is.

Opname in rehabilitasiesentrum of geregistreerde rehabilitasiesentrum van persone uit gebiede buite die Republiek.

(b) Wanneer so 'n ooreenkoms gesluit is, laat die Minister 'n kennisgewing van daardie feit en 'n opsomming van die bepalinge van die ooreenkoms in die *Staatskoerant* publiseer.

(2) Die Minister kan, met behoorlike inagneming van die bepalinge van artikel 30 (6), opdrag gee vir die opname en aanhouding in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum van iemand wie se aanhouding in 'n inrigting vir die behandeling van persone wat afhanklik is van afhanklikheidsvormende stowwe vir 'n tydperk van minstens een jaar gelas is deur 'n bevoegde hof of beampte van 'n gebied met die Regering waarvan die Regering van die Republiek 'n in subartikel (1) vermelde ooreenkoms aangegaan het.

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(3) Any person admitted to a rehabilitation centre or registered rehabilitation centre by order of the Minister under subsection (2) may be detained therein until he is discharged or released on licence under a provision of this Act, but not longer than the expiration of the period fixed by the court which or officer who ordered the said person's detention in an institution for the treatment of persons dependent upon dependence-producing substances.

(4) Subject to the provisions of subsection (3), the provisions of this Act and of any rule shall apply in respect of a person admitted to or detained in a rehabilitation centre or registered rehabilitation centre under this section as if his detention in that rehabilitation centre or registered rehabilitation centre had been ordered under any other provision of this Act: Provided that—

(a) the management concerned shall not grant to such person leave of absence under section 40;

(b) subject to the provisions of the agreement (if any) by virtue of which such person was admitted to the rehabilitation centre or registered rehabilitation centre in question, such person shall be discharged therefrom only if the Minister approves his discharge.

Delegation of
Secretary's and
Director's powers.

51. (1) The Secretary may delegate to any other senior officer any of the powers conferred upon him by this Act.

(2) The Director may delegate to any other senior officer any of the powers conferred upon him by this Act.

Regulations.

52. (1) The Minister may make regulations relating to—

(a) the form of any application, authority, notice, order, register, process or subpoena, certificate, consent or licence which may or shall be made, granted, given, kept or issued under this Act, and any other form which is required in administering the provisions of this Act;

(b) the books, accounts, registers or records to be kept by the management of a registered rehabilitation centre or registered hostel;

(c) the establishment, maintenance, management and control of rehabilitation centres and hostels, and the abolition of rehabilitation centres and hostels;

(d) the constitution, procedure, functions, powers and duties of the management of a rehabilitation centre or hostel; the appointment, resignation and discharge of members of such managements who are not officers in the public service and the payment to them of allowances and of reasonable out-of-pocket expenses;

(e) the functions, powers and duties of the members of the staff of rehabilitation centres, hostels, registered rehabilitation centres and registered hostels;

(f) the registration of the institutions or places referred to in section 21 (1) or 24 (1); the constitution, procedure, functions, powers and duties of the managements of registered rehabilitation centres and registered hostels, the returns and reports to be furnished by such managements and the withdrawal or surrender of certificates granted in respect of such registered rehabilitation centres or registered hostels;

(g) the conditions subject to which grants may be made to approved associations of persons under section 28, the books, accounts and records to be kept by such associations and the returns and reports to be rendered by them;

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(3) Iemand wat op las van die Minister kragtens subartikel (2) in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem is, kan daarin aangehou word totdat hy ingevolge die een of ander bepaling van hierdie Wet ontslaan of met vergunning vrygelaat is, maar nie langer as tot die verstryking van die tydperk wat bepaal is deur die hof waardeur of beampte deur wie so iemand se aanhouding in 'n inrigting vir die behandeling van persone wat afhanklik is van afhanklikheidsvormende stowwe gelas is nie.

(4) Behoudens die bepalings van subartikel (3), is die bepalings van hierdie Wet en van enige reël van toepassing ten opsigte van iemand wat kragtens hierdie artikel in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem is of aangehou word, asof sy aanhouding in daardie rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kragtens enige ander bepaling van hierdie Wet gelas is: Met dien verstande dat—

(a) die betrokke bestuur nie aan so iemand kragtens artikel 40 afwesigheidsverlof mag toestaan nie;

(b) onderworpe aan die bepalings van die ooreenkoms (as daar is) uit hoofde waarvan so iemand in die betrokke rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem is, so iemand daaruit ontslaan kan word slegs indien die Minister sy ontslag goedkeur.

51. (1) Die Sekretaris kan enige van die bevoegdhede wat hierdie Wet aan hom verleen aan enige ander senior beampte delegeer.

Delegering van
Sekretaris en
Direkteur se
bevoegdhede.

(2) Die Direkteur kan enige van die bevoegdhede wat hierdie Wet aan hom verleen aan enige ander senior beampte delegeer.

52. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

Regulasies.

(a) die vorm van 'n aansoek, magtiging, kennisgewing, bevel, register, prosesstuk of subpoena, sertifikaat, toestemming of vergunning wat ingevolge hierdie Wet gedoen, verleen, gegee, uitgereik, geplaas of gehou moet of kan word, en enige ander vorm wat by die uitvoering van die bepalings van hierdie Wet nodig is;

(b) die boeke, rekenings, registers of aantekeninge wat gehou moet word deur die bestuur van 'n geregistreerde rehabilitasiesentrum of geregistreerde tehuis;

(c) die stigting, instandhouding, bestuur en beheer van rehabilitasiesentrums en tehuise, en die afskaffing van rehabilitasiesentrums en tehuise;

(d) die samestelling, prosedure, werksaamhede, bevoegdhede en pligte van die bestuur van 'n rehabilitasiesentrum of tehuis, die aanstelling, bedanking en ontslag van lede van sodanige besture wat nie beamptes in die Staatsdiens is nie en die betaling aan hulle van toelaes en van redelike klein uitgawes;

(e) die werksaamhede, bevoegdhede en pligte van die lede van die personeel van rehabilitasiesentrums, tehuise, geregistreerde rehabilitasiesentrums en geregistreerde tehuise;

(f) die registrasie van die in artikel 21 (1) of 24 (1) bedoelde inrigtings of woonplekke, die samestelling, prosedure, werksaamhede, bevoegdhede en pligte van die besture van geregistreerde rehabilitasiesentrums en geregistreerde tehuise en die opgaes en verslae wat deur sodanige besture verstrek moet word, en die intrekking of teruggawe van sertifikate wat ten opsigte van sodanige geregistreerde rehabilitasiesentrums of geregistreerde tehuise verleen is;

(g) die voorwaardes waarop toekennings aan goedgekeurde verenigings van persone gemaak kan word kragtens artikel 28, die boeke, rekenings en registers wat deur sodanige verenigings gehou moet word en die opgaes en verslae wat deur hulle verstrek moet word;

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- (h) the classification of rehabilitation centres and the classification and separation of inmates within a rehabilitation centre;
- (i) the committal and admission of persons to rehabilitation centres or registered rehabilitation centres;
- (j) the conditions subject to which and the periods for which leave of absence may be granted to inmates of rehabilitation centres or registered rehabilitation centres, and the revocation of such leave of absence;
- (k) the terms and conditions subject to which inmates may be released on licence, the method of supervision of such inmates and the revocation of such licences;
- (l) the transfer and retransfer of inmates under section 35, 36, 37, 38 or 39;
- (m) the matters with regard to which the management of a rehabilitation centre, hostel, registered rehabilitation centre or registered hostel may from time to time prescribe rules for the proper domestic administration and control thereof;
- (n) the maintenance of good order and discipline in rehabilitation centres, hostels, registered rehabilitation centres and registered hostels, and the treatment, training, care and control of the inmates of rehabilitation centres, hostels, registered rehabilitation centres and registered hostels or of persons who are detained temporarily therein in terms of any provision of this Act;
- (o) enabling inmates to practise their religion and the ministers of their respective denominations to have access to them;
- (p) the conditions subject to which inmates shall have the right of access to the management, and *vice versa*;
- (q) the discharge of inmates of a rehabilitation centre or registered rehabilitation centre from the provisions of this Act;
- (r) the work to be performed by the inmates of a rehabilitation centre or registered rehabilitation centre, during their detention therein, and the hours and conditions of such work;
- (s) the conditions subject to which voluntary inmates may be admitted to any rehabilitation centre or registered rehabilitation centre, their transport thereto and their transport therefrom to their homes, the fees payable in respect of their transport, maintenance or other services rendered to them and the circumstances in which such inmates may be exempted from the obligation to pay any such fees;
- (t) the disposal by sale or otherwise of any property in the possession of the management of any rehabilitation centre or registered rehabilitation centre and belonging to any inmate who has absconded or is in terms of section 43 (1) deemed to have absconded, or has died or has failed to claim or receive such property and, where the property has been sold, the disposal of the proceeds of the sale;
- (u) the requirements referred to in paragraph (c) of section 31 (1);
- (v) any matter which, in terms of any provision of this Act, is required to be or may be prescribed by regulation;
- (w) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

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- (h) die klassifisering van rehabilitasiesentrums en die klassifisering en skeiding van inwoners binne 'n rehabilitasiesentrum;
- (i) die verwysing van persone na en hul opname in rehabilitasiesentrums of geregistreerde rehabilitasiesentrums;
- (j) die voorwaardes waarop en die tydperke waarvoor afwesigheidsverlof aan inwoners in rehabilitasiesentrums of geregistreerde rehabilitasiesentrums toegestaan kan word, en die intrekking van sodanige afwesigheidsverlof;
- (k) die voorskrifte en voorwaardes onderworpe waaraan inwoners met vergunning vrygelaat kan word, die manier waarop oor sodanige inwoners toesig gehou word, en die intrekking van sodanige vergunnings;
- (l) die oorplasing en heroorplasing van inwoners kragtens artikel 35, 36, 37, 38 of 39;
- (m) die aangeleenthede met betrekking waartoe die bestuur van 'n rehabilitasiesentrum, tehuis, geregistreerde rehabilitasiesentrum of geregistreerde tehuis van tyd tot tyd reëls kan voorskryf vir die behoorlike huishoudelike administrasie en beheer daarvan;
- (n) die handhawing van goeie orde en tug in rehabilitasiesentrums, tehuise, geregistreerde rehabilitasiesentrums en geregistreerde tehuise en die behandeling, opleiding, versorging en in bedwang hou van die inwoners van rehabilitasiesentrums, tehuise, geregistreerde rehabilitasiesentrums en geregistreerde tehuise of van persone wat tydelik ingevolge enige bepaling van hierdie Wet daarin aangehou word;
- (o) om inwoners in staat te stel om hul godsdienste te beoefen en die leraars van hul onderskeie gelowe in staat te stel om toegang tot hulle te hê;
- (p) die voorwaardes waarop inwoners die reg van toegang tot die bestuur het, en andersom;
- (q) die ontheffing van inwoners van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum van die bepalings van hierdie Wet;
- (r) die werk wat verrig moet word deur die inwoners van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum tydens hul aanhouding daarin, en die ure en voorwaardes van sodanige werk;
- (s) die voorwaardes waarop vrywillige inwoners in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum opgeneem kan word, hulle vervoer daarheen en hulle vervoer daarvandaan na hulle tuistes, die gelde wat ten opsigte van hulle vervoer, onderhoud of ander dienste aan hulle gelewer, betaalbaar is en die omstandighede waaronder sodanige inwoners van die verpligting om enige sodanige gelde te betaal, onthef kan word;
- (t) die beskikking, deur verkoping of andersins, oor enige eiendom wat in besit is van die bestuur van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum en wat behoort aan 'n inwoner wat weggeloop het of ingevolge artikel 43 (1) geag word weg te geloop het, of wat gesterf het of versuim het om sodanige eiendom op te eis of in ontvangs te neem en, in die geval van die verkoop van die eiendom, die beskikking oor die opbrengs van die verkoping;
- (u) die in paragraaf (c) van artikel 31 (1) bedoelde vereistes;
- (v) enige aangeleentheid wat ingevolge een of ander bepaling van hierdie Wet by regulasie voorgeskryf moet of kan word;
- (w) oor die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

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(2) Regulations relating to any financial matter or any matter connected therewith, shall be made in consultation with the Minister of Finance.

(3) (a) Regulations made under subsection (1) may prescribe penalties for any contravention thereof or of any rules prescribed by the management of a rehabilitation centre or registered rehabilitation centre under powers conferred upon it by regulation.

(b) Such penalties shall, in so far as they relate to persons who are not inmates, not exceed a fine of one hundred rand, and in so far as they relate to inmates, may take any one or more of the following forms—

(i) forfeiture of one or more specified privileges for a specified period;

(ii) forfeiture of allowances, wholly or in part, for a specified period;

(iii) increase of normal hours of labour by not more than three hours per day for a period not exceeding three days;

(iv) separation from the other inmates in a place set aside for the purpose at the rehabilitation centre or registered rehabilitation centre for a period not exceeding five days.

(c) If any form of punishment mentioned in subparagraph (iii) or (iv) of paragraph (b) is prescribed, the regulations shall specifically provide that no such form of punishment may be imposed unless the medical officer responsible for the medical care of the inmate concerned has certified that such punishment will, in his opinion, not be harmful to the health of that inmate.

(4) Different regulations may be made under subsection (1) in respect of persons of different classes or population groups or in respect of different rehabilitation centres, hostels, registered rehabilitation centres or registered hostels or different categories of rehabilitation centres, hostels or registered rehabilitation centres or registered hostels, and the Minister may also in such regulations differentiate in any manner he may deem fit between different groups of inmates in rehabilitation centres, hostels or registered rehabilitation centres or registered hostels generally or in any particular rehabilitation centre, hostel or registered rehabilitation centre or registered hostel.

Administration
of Act.

53. (1) The State President may by proclamation in the *Gazette* assign the administration of the provisions of this Act either generally or in respect of persons belonging to any specified class or population group defined in the proclamation, to any Minister or partly to one Minister and partly to another Minister or other Ministers, and may in such proclamation specify the powers or functions which shall be exercised or performed by the several Ministers and may further specify that any power conferred or duty imposed upon any Minister by this Act, shall be exercised or performed by one Minister acting in consultation with another Minister and may contain such adaptations of such Act as are required for the administration thereof in terms of the proclamation.

(2) The State President may from time to time by like proclamation vary or amend any such proclamation.

Amendment of
section 61 of Act
13 of 1928, as
substituted by
section 17 of Act
29 of 1954 and
amended by
section 4 of Act
11 of 1957.

54. Section 61 of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the deletion of subsections (1), (2), (2)*bis*, (2)*ter*, (2)*quat*, (2)*quin* and (3).

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(2) Regulasies wat op enige finansiële aangeleentheid of 'n aangeleentheid wat daarmee in verband staan, betrekking het, word in oorleg met die Minister van Finansies uitgevaardig.

(3) (a) Regulasies kragtens subartikel (1) uitgevaardig, kan strawwe voorskryf vir 'n oortreding daarvan of van enige reëls deur die bestuur van 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum kragtens die by regulasie aan hom verleende bevoegdhede voorgeskryf.

(b) Vir sover hulle betrekking het op persone wat nie inwoners is nie, mag sodanige strawwe 'n boete van honderd rand nie te bowe gaan nie, en vir sover hulle op inwoners betrekking het, kan hulle een of meer van die ondervermelde vorms aanneem—

(i) verbeuring van een of meer bepaalde voorregte vir 'n bepaalde tydperk;

(ii) verbeuring van toelaes, geheel of ten dele, vir 'n bepaalde tydperk;

(iii) verlenging van gewone arbeidsure met hoogstens drie uur per dag vir 'n tydperk van hoogstens drie dae;

(iv) afsondering van die ander inwoners, in 'n plek vir die doel afgesonder by die rehabilitasiesentrum of geregistreerde rehabilitasiesentrum vir 'n tydperk van hoogstens vyf dae.

(c) As 'n in subparagraaf (iii) of (iv) van paragraaf (b) vermelde vorm van straf voorgeskryf word, moet die regulasies uitdruklik bepaal dat geen sodanige vorm van straf opgelê mag word nie, tensy die geneesheer wat vir die geneeskundige versorging van die betrokke inwoner verantwoordelik is, gesertifiseer het dat bedoelde straf volgens sy mening nie vir die gesondheid van daardie inwoner skadelik sal wees nie.

(4) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van persone van verskillende klasse of bevolkingsgroepe, of ten opsigte van verskillende rehabilitasiesentrums, tehuise, geregistreerde rehabilitasiesentrums of geregistreerde tehuise of verskillende kategorieë van rehabilitasiesentrums, tehuise, geregistreerde rehabilitasiesentrums of geregistreerde tehuise en die Minister kan ook in sodanige regulasies op enige wyse wat hy goedvind, onderskei tussen verskillende groepe inwoners in rehabilitasiesentrums, tehuise, geregistreerde rehabilitasiesentrums of geregistreerde tehuise in die algemeen of in 'n bepaalde rehabilitasiesentrum, tehuis, geregistreerde rehabilitasiesentrum of geregistreerde tehuis.

53. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet, of in die algemeen of ten opsigte van persone wat behoort tot 'n bepaalde klas of bevolkingsgroep in die proklamasie omskryf, opdra aan enige Minister of ten dele aan een Minister en ten dele aan 'n ander Minister of ander Ministers, en kan in so 'n proklamasie die bevoegdhede of werksaamhede bepaal wat deur die onderskeie Ministers uitgeoefen of verrig moet word, en kan verder bepaal dat 'n bevoegdheid of plig wat by hierdie Wet aan 'n Minister verleen of opgelê word, deur een Minister handelende in oorleg met 'n ander Minister uitgeoefen of verrig moet word en kan die aanpassings van bedoelde Wet bevat wat vir die uitvoering daarvan ingevolge die proklamasie nodig is.

(2) Die Staatspresident kan so 'n proklamasie van tyd tot tyd by dergelike proklamasie verander of wysig.

54. Artikel 61 van die Wet op Geneeshere, Tandartse en Aptekers, 1928, (hieronder die Hoofwet genoem) word hierby gewysig deur subartikels (1), (2), (2) *bis*, (2) *ter*, (2) *quat*, (2) *quin* en (3) te skrap.

Uitvoering van Wet.

Wysiging van artikel 61 van Wet 13 van 1928, soos vervang deur artikel 17 van Wet 29 van 1954 en gewysig deur artikel 4 van Wet 11 van 1957.

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Repeal of section 67 of Act 13 of 1928, as substituted by section 18 of Act 44 of 1969.

Repeal of section 69 of Act 13 of 1928.

Amendment of section 70 of Act 13 of 1928, as substituted by section 19 of Act 44 of 1969.

Repeal of section 71*bis* of Act 13 of 1928, as inserted by section 24 of Act 29 of 1954.

Repeal of section 90*bis* of Act 13 of 1928, as inserted by section 31 of Act 29 of 1954.

Repeal of Fifth Schedule to Act 13 of 1928, as substituted by Proclamation 10 of 1968 and amended by Proclamation 44 of 1971.

Amendment of Sixth Schedule to Act 13 of 1928, as inserted by section 38 of Act 29 of 1954 and substituted by Proclamation 229 of 1966 and corrected by Correction Notice 1628 of 1966 and amended by Proclamation 102 of 1967 and corrected by Correction Notice 951 of 1967 and amended by Proclamation 135 of 1968, Proclamation 158 of 1969 and Proclamation 46 of 1971.

Substitution of section 341 of Act 56 of 1955, as substituted by section 42 of Act 86 of 1963.

55. Section 67 of the principal Act is hereby repealed.

56. Section 69 of the principal Act is hereby repealed.

57. Section 70 of the principal Act is hereby amended by the deletion of the expression "or 69".

58. Section 71*bis* of the principal Act is hereby repealed.

59. Section 90*bis* of the principal Act is hereby repealed.

60. The Fifth Schedule to the principal Act is hereby repealed.

61. The Sixth Schedule to the principal Act is hereby amended by the deletion therefrom of the substances referred to in Part III of the Schedule to this Act.

62. (1) The following section is hereby substituted for section 341 of the Criminal Procedure Act, 1955:

"Court may order enquiry under Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971.

341. (1) (a) If in any court during the trial of a person who is charged with an offence other than an offence in respect of which sentence of death may be passed, it appears to the judge or judicial officer presiding at that trial that the said person is probably such a person as is described in section 29 (1) of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, the said judge or judicial officer may, with the consent of the prosecutor given after consultation with a

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- 55. Artikel 67 van die Hoofwet word hierby herroep.** Herroeping van artikel 67 van Wet 13 van 1928, soos vervang deur artikel 18 van Wet 44 van 1969.
- 56. Artikel 69 van die Hoofwet word hierby herroep.** Herroeping van artikel 69 van Wet 13 van 1928.
- 57. Artikel 70 van die Hoofwet word hierby gewysig deur die uitdrukking „of 69” te skrap.** Wysiging van artikel 70 van Wet 13 van 1928, soos vervang deur artikel 19 van Wet 44 van 1969.
- 58. Artikel 71bis van die Hoofwet word hierby herroep.** Herroeping van artikel 71bis van Wet 13 van 1928, soos ingevoeg deur artikel 24 van Wet 29 van 1954.
- 59. Artikel 90bis van die Hoofwet word hierby herroep.** Herroeping van artikel 90bis van Wet 13 van 1928, soos ingevoeg by artikel 31 van Wet 29 van 1954.
- 60. Die Vyfde Bylae by die Hoofwet word hierby herroep.** Herroeping van Vyfde Bylae by Wet 13 van 1928, soos vervang deur Proklamasie 10 van 1968 en gewysig deur Proklamasie 44 van 1971.
- 61. Die Sesde Bylae by die Hoofwet word hierby gewysig deur die stowwe in Deel III van die Bylae by hierdie Wet vermeld, uit bedoelde Sesde Bylae te skrap.** Wysiging van Sesde Bylae by Wet 13 van 1928, soos ingevoeg deur artikel 38 van Wet 29 van 1954 en vervang deur Proklamasie 229 van 1966 en verbeter deur Verbeteringskennisgewing 1628 van 1966 en gewysig deur Proklamasie 102 van 1967 en verbeter deur Verbeteringskennisgewing 951 van 1967 en gewysig deur Proklamasie 135 van 1968, Proklamasie 158 van 1969 en Proklamasie 46 van 1971.
- 62. (1) Artikel 341 van die Strafproseswet, 1955, word hierby deur die volgende artikel vervang:** Vervanging van artikel 341 van Wet 56 van 1955, soos vervang deur Artikel 42 van Wet 86 van 1963.
- 341. (1) (a)** Indien dit gedurende die verhoor in enige hof, van 'n persoon wat aangekla word van enige misdryf, behalwe 'n misdryf ten opsigte waarvan die doodvonnis opgelê kan word, na die mening van die regter of regterlike amptenaar wat by daardie verhoor voorsit, blyk dat bedoelde persoon waarskynlik so 'n persoon is as wat in artikel 29 (1) van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, beskryf word, kan bedoelde regter of regterlike amptenaar, met instemming van die aanklaer na oorlegpleging met 'n volkswelsyn-

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social welfare officer, stop the trial and order that an enquiry be held in terms of section 30 of the said Act in respect of the person concerned by a magistrate, as defined in that Act, and indicated in the order.

(b) The prosecutor shall not give his consent in terms of paragraph (a) if the person concerned is a person in respect of whom the imposition of punishment of imprisonment, except the punishment referred to in paragraph (iii) or (iv) of section 2 of that Act, would be compulsory if he were convicted at such trial.

(2) (a) If the person concerned is in custody he shall for all purposes be deemed to have been arrested in terms of a warrant issued under section 29 (1) of the said Act and shall as soon as practicable be brought before the said magistrate.

(b) If the person concerned is not in custody the said judge or judicial officer shall determine the time when and the place where the person concerned shall appear before the said magistrate and he shall thereafter for all purposes be deemed to have been summoned in terms of the said subsection (1) to appear before the said magistrate at the time and place so determined.

(3) As soon as possible after an order has been made under subsection (1) of this section a prosecutor attached to the court of the said magistrate shall obtain such a report as is mentioned in section 29 (2) of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971.

(4) The provisions of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, shall *mutatis mutandis* apply in respect of a person who appears before a magistrate, as defined in that Act, in pursuance of an order made under subsection (1), as if he were a person brought before the said magistrate in terms of section 29 (1) of the said Act and as if the report obtained in terms of subsection (3) of this section were a report obtained in terms of section 29 (2) of the said Act.

(5) If an order under subsection (1) is made in the course of a trial after the return of a verdict of guilty, that verdict shall become null and void in so far as it relates to the person to whom the said order relates, and shall be deemed not to have been returned."

(2) Any person who at the commencement of this Act is, in pursuance of an order made under section 341 of the Criminal Procedure Act, 1955, an inmate of a rehabilitation centre or registered rehabilitation centre, shall be deemed to be detained therein in pursuance of an order made under section 30 of this Act.

Repeal of laws.

63. (1) Subject to the provisions of subsections (2) and (3), the Retreats and Rehabilitation Centres Act, 1963 (Act No. 86 of 1963), is, except in so far as it is necessary for the administration thereof by the Minister of Coloured Affairs in terms of Proclamation No. 57 of 1964, and the Ordinance for the Prevention and Combating of Alcoholism and Anti-social Conduct, 1965 (Ordinance No. 11 of 1965), of the territory, hereby repealed.

(2) Any person, except a Coloured as defined in Proclamation No. 57 of 1964, who at the commencement of this Act is, in pursuance of an order made under the Retreats and Rehabilita-

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beampte, die verhoor staak en gelas dat 'n ondersoek ingevolge artikel 30 van genoemde Wet ten opsigte van die betrokke persoon gehou word deur 'n landdros soos in daardie Wet omskryf en in die lasgewing aangedui.

(b) Die aanklaer verleen nie sy instemming ingevolge paragraaf (a) nie as die betrokke persoon 'n persoon is ten opsigte van wie die oplegging van gevangenisstraf, behalwe die in paragraaf (iii) of (iv) van artikel 2 van daardie Wet bedoelde gevangenisstraf, verpligtend sou wees indien hy by sodanige verhoor skuldig bevind sou word.

(2) (a) Indien die betrokke persoon in hegtenis is, word hy vir alle doeleindes geag in hegtenis geneem te gewees het ingevolge 'n lasbrief kragtens artikel 29 (1) van genoemde Wet uitgereik en word hy so spoedig doenlik voor bedoelde landdros gebring.

(b) Indien die betrokke persoon nie in hegtenis is nie moet bedoelde regter of regterlike amptenaar die tyd wanneer en die plek waar die betrokke persoon voor bedoelde landdros moet verskyn, bepaal, en hy word daarna vir alle doeleindes geag ingevolge genoemde subartikel (1) gedagvaar te gewees het om voor bedoelde landdros op die tyd en plek aldus bepaal, te verskyn.

(3) So spoedig moontlik nadat 'n lasgewing kragtens subartikel (1) van hierdie artikel uitgereik is, moet 'n aanklaer verbonde aan die hof van bedoelde landdros so 'n verslag soos dié wat in artikel 29 (2) van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, vermeld word, verkry.

(4) Die bepalings van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, is *mutatis mutandis* van toepassing ten opsigte van iemand wat voor 'n landdros, soos in daardie Wet omskryf, verskyn uit hoofde van 'n lasgewing kragtens subartikel (1) uitgereik asof hy 'n persoon was wat voor bedoelde landdros gebring is ingevolge artikel 29 (1) van genoemde Wet en asof die verslag wat ingevolge subartikel (3) van hierdie artikel verkry is 'n verslag was wat ingevolge artikel 29 (2) van daardie Wet verkry is.

(5) Indien 'n lasgewing kragtens subartikel (1) gedurende die loop van 'n verhoor na skuldigbevinding uitgereik word, word daardie bevinding van nul en gener waarde vir sover dit betrekking het op die persoon op wie bedoelde lasgewing betrekking het, en word dit geag nie gedoen te gewees het nie."

(2) Enigiemand wat by die inwerkingtreding van hierdie Wet uit hoofde van 'n bevel uitgereik kragtens artikel 341 van die Strafproseswet, 1955, 'n inwoner in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum is, word geag daarin aangehou te word uit hoofde van 'n bevel uitgereik kragtens artikel 30 van hierdie Wet.

63. (1) Behoudens die bepalings van subartikels (2) en (3), word die Wet op Toevlugte en Rehabilitasiesentrums, 1963 (Wet No. 86 van 1963), behalwe vir sover bedoelde Wet nodig is vir die uitvoering daarvan deur die Minister van Kleurlingsake ingevolge Proklamasie No. 57 van 1964, en die Ordonnansie op die Voorkoming van en Bestryding van Alkoholisme en Anti-sosiale Gedrag, 1965 (Ordonnansie No. 11 van 1965), van die gebied, hierby herroep.

(2) Enigiemand, behalwe 'n Kleurling soos omskryf in Proklamasie No. 57 van 1964, wat by die inwerkingtreding van hierdie Wet uit hoofde van 'n bevel kragtens die Wet op

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tion Centres Act, 1963, or the Ordinance for the Prevention and Combating of Alcoholism and Anti-social Conduct, 1965, an inmate of a rehabilitation centre or registered rehabilitation centre, shall be deemed to be detained therein in pursuance of an order made under a provision of this Act.

(3) Any proclamation, regulation, rule, order, appointment, authorization, leave of absence or licence, issued, made, prescribed, given or granted and any other action taken under any provision of a law repealed by subsection (1), shall, except in so far as it is necessary for the administration of such Retreats and Rehabilitation Centres Act, 1963, by the Minister of Coloured Affairs in terms of Proclamation No. 57 of 1964, or in so far as it relates to a Coloured as defined in that Proclamation, be deemed to have been issued, made, prescribed, given, granted or taken under the corresponding provision of this Act.

Application of
Act in South-
West Africa.

64. This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.

Short title and
commencement.

65. This Act shall be called the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and different dates may be so fixed in respect of different provisions thereof.

Schedule.

PART I

PROHIBITED DEPENDENCE-PRODUCING DRUGS

Bufotenine (N,N-dimethylserotonin).
Cannabis (Indian Hemp), including Cannabis resin, "dagga", "Intsangu" and the whole plant or any portion thereof.
Coca leaf.
Diethyltryptamine [3-(2-diethylaminoethyl)-indole].
Dimethyltryptamine [3-(2-dimethylaminoethyl)-indole].
Harmaline (3, 4-dihydroharmine).
Harmine [7 methoxy-1-methyl-9-pyrid (3, 4-6)-indole].
Heroin (diacetylmorphine).
Lysergide (lysergic acid diethylamide).
Mescaline (3, 4, 5-trimethoxyphenethylamine).
Prepared Opium.
Psilocin (4-hydroxydimethyltryptamine).
Psilocybin (4-phosphoryloxy-N,N-dimethyltryptamine).
Tetrahydrocannabinol
including—

- (a) the isomers of the abovementioned substances where the existence of such isomers is possible within the specific chemical compound;
- (b) the esters and ethers of the abovementioned substances and their isomers where the existence of such esters and ethers is possible;
- (c) the salts of the abovementioned substances or the isomers thereof or of the esters or ethers of such substances or the isomers thereof, where the existence of such salts is possible; and
- (d) all preparations and admixtures of the abovementioned substances where such preparations and admixtures are not expressly excluded.

PART II

DANGEROUS DEPENDENCE-PRODUCING DRUGS

Acetorphine.
Acetyldihydrocodeine, excluding preparations compounded with one or more other medicinal ingredients and containing not more than 2,5 per cent acetyldihydrocodeine.
Acetylmethadol.
Allylprodine.
Alphacetylmethadol.
Alphameprodine.
Alphamethadol.
Alphaprodine.
Amphetamine.
Anileridine.

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Toevlugte en Rehabilitasiesentrums, 1963, uitgereik of die Ordonnansie op die Voorkoming en Bestryding van Alkoholisme en Anti-sosiale Gedrag, 1965, 'n inwoner in 'n rehabilitasiesentrum of geregistreerde rehabilitasiesentrum is, word geag daarin aangehou te word uit hoofde van 'n bevel uitgereik kragtens 'n bepaling van hierdie Wet.

(3) Enige proklamasie, regulasie, reël, bevel, aanstelling, magtiging, afwesigheidsverlof of vergunning uitgereik, uitgevaardig, voorgeskryf, gemaak, verleen of toegestaan en enige ander stappe wat gedoen is kragtens 'n bepaling van 'n by subartikel (1) herroepe wet, word, behalwe vir sover dit nodig is by die uitvoering van bedoelde Wet op Toevlugte en Rehabilitasiesentrums, 1963, deur die Minister van Kleurlingsake ingevolge Proklamasie No. 57 van 1964, of vir sover dit betrekking het op 'n Kleurling soos in bedoelde Proklamasie omskryf, geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, voorgeskryf, gemaak, verleen, toegestaan of gedoen te gewees het.

64. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied, met inbegrip van die Oostelike Caprivi Zipfel.

Toepassing van Wet in Suidwes-Afrika.

65. Hierdie Wet heet die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en verskillende datums kan ten opsigte van verskillende bepalings daarvan aldus bepaal word.

Kort titel en inwerkingtreding.

Bylae.

DEEL I

VERBODE AFHANKLIKHEIDSVORMENDE MEDISYNE

Bereide opium.

Bufotenien (N,N-dimetielerotonien).

Cannabis (Indiese Hennep), met inbegrip van cannabishars, „dagga” „Intsangu” en die hele plant of enige gedeelte daarvan.

Diëtieltriptamien [3-(2-diëtielaminoëtiel)-indool].

Dimetielttriptamien [3-(2-dimetieltaminoëtiel)-indool].

Harmalien (3,4-dihidroharmien).

Harmien [7-metoksi-1-metiel-9-pirid (3,4-6)-indool].

Heroïen (diasetieltmorfien).

Kokablaar.

Lisergied (lisergiensuurdiëtieltamied).

Meskalien (3, 4, 5-trimetoksifenetieltamien).

Psilosibien (4-fosforieloksi-N,N-dimetielttriptamien).

Psilosien (4-hidroksidimetielttriptamien).

Tetrahidrokannabinol

en ook—

- die isomere van bogenoemde stowwe waar die bestaan van sodanige isomere in die bepaalde chemiese samestelling moontlik is;
- die esters en eters van bogenoemde stowwe en die isomere daarvan waar die bestaan van sodanige esters en eters moontlik is;
- die soute van bogenoemde stowwe of die isomere daarvan of van die esters of eters van bedoelde stowwe of die isomere daarvan, wanneer die bestaan van sodanige soute moontlik is; en
- alle preparate en mengsels van bogenoemde stowwe waar sodanige preparate en mengsels nie uitdruklik uitgesluit word nie.

DEEL II

GEVAARLIKE AFHANKLIKHEIDSVORMENDE MEDISYNE

Alfameprodien.

Alfametadol.

Alfaprodien.

Alfasetieltmetadol.

Allielprodien.

Amfetamien.

Anileridien.

Asetioldihidrokodeïen, behalwe preparate wat met een of meer ander medisinale bestanddele saamgestel is en wat hoogstens 2,5 persent asetieldihidrokodeïen bevat.

Asetieltmetadol.

Asetorfen.

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Benzethidine.
 Benzphetamine.
 Benzylmorphine.
 Betacetylmethadol.
 Betameprodine.
 Betamethadol.
 Betaprodine.
 Bezitramide.
 Chlorphentermine.
 Clonitazene.
 Cocaine, excluding preparations containing not more than 0,1 per cent cocaine, calculated as cocaine alkaloid.
 Codeine (methymorphine), excluding preparations compounded with one or more other medicinal ingredients and containing not more than 2,5 per cent codeine.
 Codoxime.
 Concentrate of poppy straw.
 Desomorphine.
 Dexamphetamine.
 Dextromoramide.
 Diampromide.
 Diethylpropion.
 Diethylthiambutene.
 Dihydrocodeine, excluding preparations compounded with one or more other medicinal ingredients and containing not more than 2,5 per cent dihydrocodeine.
 Dihydromorphine.
 Dimenoxadol.
 Dimepheptanol.
 Dimethylthiambutene.
 Dioxaphetylbutyrate.
 Diphenoxylate, excluding preparations containing not more than 2,5 milligrams of Diphenoxylate calculated as base, and not less than 25 micrograms Atropine sulphate per dosage unit.
 Dipipanone.
 Ecgonine, and the esters and derivatives thereof which are convertible to ecgonine and cocaine.
 Ethylmethylthiambutene.
 Ethylmorphine, excluding preparations compounded with one or more other medicinal ingredients and containing not more than 2,5 per cent ethylmorphine.
 Etonitazene.
 Etorphine.
 Etoxidine.
 Fentanyl.
 Furethidine.
 Hydrocodone (dihydrocodeinone).
 Hydromorphenol (14-hydroxydihydromorphine).
 Hydromorphone (dihydromorphinone).
 Hydroxypethidine.
 Isomethadone.
 Ketobemidone.
 Levomethorphan.
 Levomoramide.
 Levophenacymorphan.
 Levorphanol.
 Mefenorex.
 Metazocine.
 Methadone.
 Methadone-Intermediate.
 Methamphetamine.
 Methyldesorphine.
 Methyldihydromorphine.
 Methylphenidate, its molecular compounds and its derivatives.
 Metopon.
 Moramide-Intermediate.
 Morpheridine.
 Morphine, excluding preparations of morphine, except chlorodyne (Tincture of chloroform and morphine B.P.C. 1963) or any preparation or admixture thereof described as chlorodyne and containing morphine in any proportion, containing not more than 2,5 per cent morphine, calculated as anhydrous morphine, and also excluding any ethers or esters expressly mentioned in this Schedule and compounded with one or more other ingredients in such a manner that the drug cannot be recovered readily or in such a quantity that it would constitute a risk to public health.
 Morphine methobromide and other pentavalent nitrogen morphine derivatives, including the morphine-N-oxide derivatives, one of which particularly is Codeine-N-oxide.
 Morphine-N-oxide.
 Myrophine (myristylbenzylmorphine).
 Nicocodine.
 Nicodicodine.
 Nicomorphine.
 Noracymethadol.

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Bensetiden.
 Bensfetamien.
 Bensielmorfien.
 Besitramied.
 Betameprodien.
 Betametadol.
 Betaprodien.
 Betasetielmetadol.
 Chloorfentermien.
 Deksamfetamien.
 Dekstromoramied.
 Desomorfien.
 Dianpromied.
 Diëtielpropioon.
 Diëtieltiambuteen.
 Difenoksilaat, uitgesonderd preparate wat hoogstens 2,5 milligram difenoksilaat, bereken as basis, en minstens 25 mikrogram atropiensulfaat per dosiseenheid bevat.
 Dihidrokodiefen, uitgesonderd preparate wat met een of meer ander medisinal bestanddele saamgestel is en wat hoogstens 2,5 persent dihidrokodiefen bevat.
 Dihidromorfien.
 Dimefeptanol.
 Dimenoksadol.
 Dimetieltiambuteen.
 Dioksafetielbutiraat.
 Dipipanoon.
 Ekgonien, en die esters en derivate daarvan wat veranderbaar is in ekgonien en kokaïen.
 Etieltieltiambuteen.
 Etielmorfien, behalwe preparate wat met een of meer ander medisinal bestanddele saamgestel is en wat hoogstens 2,5 persent etielmorfien bevat.
 Etokseridien.
 Etonitaseen.
 Etorfien.
 Fenadoksoon.
 Fenampromied.
 Fenasosien.
 Fendimetrasien.
 Fenmetrasien.
 Fenomorfaan.
 Fenoperidien.
 Fentaniel.
 Fentermien.
 Folkodien, behalwe preparate wat met een of meer ander medisinal bestanddele saamgestel is en wat hoogstens 2,5 persent folkodien bevat.
 Furetidien.
 Hidrokodoon (dihidrokodeïnoon).
 Hidromorfinol (14-hidroksidihidromorfien).
 Hidromorfoon (dihidromorfinoon).
 Hidroksipetidien.
 Isometadoon.
 Ketobemidoon.
 Klunitaseen.
 Kodeïen (metiilmorfien), behalwe preparate wat met een of meer ander medisinal bestanddele saamgestel is en wat hoogstens 2,5 persent kodeïen bevat.
 Kodoksien.
 Kokaïen, uitgesonderd preparate wat nie meer as 0,1 persent kokaïen bevat nie, bereken as kokaïenalkaloïed.
 Levofenasielmorfaan.
 Levometorfaan.
 Levomoramied.
 Levorfanol.
 Mefenoreks.
 Metadoon.
 Metadoon-intermediër.
 Metamfetamien.
 Metasosien.
 Metieldesorfien.
 Metieldihidromorfien.
 Metielfenidaat, sy molekule verbindings en sy derivate.
 Metopoon.
 Mirofien (miristielsiensielmorfien).
 Moramied-intermediër.
 Morferidien.
 Morfien, uitgesonderd preparate van morfien, met uitsluiting van chlorodien (Tinktuur van chloroform en Morfien B.P.C. 1963) of enige preparaat of mengsel beskryf as chlorodien en bevattende morfien in enige verhouding, wat hoogstens 0,2 persent morfien, bereken as watervrye morfien, bevat, en ook uitgesonderd enige eters of esters uitdruklik in hierdie Bylae genoem en saamgestel met een of meer

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Norcodeine, excluding preparations compounded with one or more other medicinal ingredients and containing not more than 2,5 per cent norcodeine.

Norlevorphanol.

Normethadone.

Normorphine (demethylmorphine or N-demethylated morphine).

Norpipanone.

Opium, excluding preparations or admixtures, except chlorodyne or any preparations or admixtures described as chlorodyne and containing morphine in any proportion, containing not more than 0,2 per cent morphine calculated as anhydrous morphine.

Oxycodone (14-hydroxydihydrocodeinone or dihydrohydroxycodeinone).

Oxymorphone (14-hydroxydihydromorphinone or dihydrohydroxymorphinone).

Pethidine.

Pethidine-Intermediate-A.

Pethidine-Intermediate-B.

Pethidine-Intermediate-C.

Phenadoxone.

Phenampromide.

Phenazocine.

Phendimetrazine.

Phenmetrazine.

Phenomorphane.

Phenoperidine.

Phentermine.

Pholcodine, excluding preparations compounded with one or more medicinal ingredients and containing not more than 2,5 per cent Pholcodine.

Piminodine.

Piritramide.

Proheptazine.

Properidine.

Propiram.

Racemethorphan.

Racemoramide.

Racemorphan.

Thebacon.

Thebaine.

Trimeperidine

and includes—

- (a) the isomers of the abovementioned substances where the existence of the isomers is possible in the specific chemical compound;
- (b) the esters and ethers of the abovementioned substances and the isomers thereof where the existence of such esters and ethers is possible;
- (c) the salts of the abovementioned substances or the isomers thereof or of the esters or ethers of such substances or the isomers thereof, where the existence of such salts is possible; and
- (d) all preparations and admixtures of the abovementioned substances where such preparations and admixtures are not expressly excluded.

PART III

POTENTIALLY DANGEROUS DEPENDENCE-PRODUCING DRUGS

Barbituric acid; barbituric acid salts; barbituric acid derivatives; salts of barbituric acid derivatives. Compounds of the foregoing, with any other substance except preparations and admixtures—

- (i) containing 15 milligrams per minimum recommended or prescribed dose or less of any of these in association with medicinal substances;
- (ii) containing not more than 30 milligrams per minimum recommended or prescribed dose of these substances in combination with—
 - (a) not less than 300 milligrams of theobromine; or
 - (b) not less than 15 milligrams of ephedrine or phenytoin and its salts; or
 - (c) not less than 90 milligrams of theophylline ethylenediamine, or phenytoin and its salts.

Chlordiazepoxide, its salts; preparations and admixtures containing them.

Diazepam, preparations and admixtures containing it.

Dibenzepine and its salts; preparations and admixtures containing them.

Etchlorvynol; preparations and mixtures thereof.

Ethinamate, its salts, molecular compounds, esters and derivatives; preparations and admixtures thereof.

Glutethimide and its salts; preparations and admixtures thereof.

Medazepam; preparations and admixtures thereof.

Methaqualone, its derivatives; their salts; preparations and admixtures containing them.

Methypyrone, its salts; preparations and admixtures containing them.

Nitrazepam; preparations and admixtures containing it.

Oxazepam, preparations and admixtures containing it.

Phencamphamine, its salts; preparations and admixtures containing them.

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ander bestanddele op so 'n wyse dat die medisyne nie maklik nie of in so 'n hoeveelheid herwin kan word dat dit 'n gevaar vir die openbare gesondheid sal inhou.

Morfienmetobromied en ander pentavalente stikstofmorfien-derivate, met inbegrip van die morfien-N-oksied-derivate, in die besonder waarvan een kodeïen-N-oksied is.

Morfien-N-oksied.

Nikodikodien.

Nikokodien.

Nikomorfien.

Norasimetadol.

Norkodeïen, uitgesonderd preparate wat met een of meer ander medisinale bestanddele saamgestel is en wat hoogstens 2,5 persent norkodeïen bevat.

Norlevorfanol.

Normetadoon.

Normorfien (demetielmorfien of N-gedemetileerde morfien).

Norpipanoon.

Oksikodoon (14-hidroksidihidrokodeïnoon of dihidrohidroksikodinoon).

Oksimorfoon (14-hidroksidihidromorfinoon of dihidrohidroksimorfinoon).

Opium, uitgesonderd preparate of mengsels, met uitsluiting van Chlorodien of enige preparate of mengsels beskryf as Chlorodien en bevattende morfien in enige verhouding, wat hoogstens 0,2 persent morfien bereken as watervrye morfien, bevat.

Papawerstrooikonsentraat.

Petidien.

Petidien intermediêr A.

Petidien intermediêr B.

Petidien intermediêr C.

Piminodien.

Piritramied.

Proheptasien.

Properidien.

Propiram.

Rasemotorfaan.

Rasemoramied.

Rasemorfaan.

Tebakon.

Tebalen.

Trimeperidien

en ook—

- (a) die isomere van bogenoemde stowwe waar die bestaan van sodanige isomere in die bepaalde chemiese samestelling moontlik is;
- (b) die esters en eters van bogenoemde stowwe en die isomere daarvan waar die bestaan van sodanige esters en eters moontlik is;
- (c) die soute van bogenoemde stowwe of die isomere daarvan of van die esters of eters van bedoelde stowwe of die isomere daarvan, waar die bestaan van sodanige soute moontlik is; en
- (d) alle preparate en mengsels van bogenoemde stowwe waar sodanige preparate en mengsels nie uitdruklik uitgesluit word nie.

DEEL III

MOONTLIK GEVAARLIKE AFHANKLIKHEIDSVORMENDE MEDISYNE

Barbituursuur; soute van barbituursuur; derivate van barbituursuur; soute van barbituursuurderivate. Verbindings van bostaande met enige ander stof, uitgesonderd preparate en mengsels—

- (i) wat 15 milligram per minimum aanbevole of voorgeskrewe dosis of minder van engeen hiervan bevat in verbinding met medisinale stowwe;
- (ii) wat hoogstens 30 milligram per minimum aanbevole of voorgeskrewe dosis van hierdie stowwe bevat in verbinding met—
 - (a) minstens 300 milligram teobromien; of
 - (b) minstens 15 milligram efedrien of fenitofen en sy soute; of
 - (c) minstens 90 milligram teofillienetileendiamien, of fenitofen en sy soute.

Chloordiasepoksied, sy soute; preparate en mengsels wat daarvan bevat.

Diasepam, preparate en mengsels wat daarvan bevat.

Dibensepien en sy soute; preparate en mengsels wat daarvan bevat.

Etchloorvinol; preparate en mengsels daarvan.

Etinamaat, sy soute, molekulêre verbindings, esters en derivate; preparate en mengsels daarvan.

Fenkamfamien, sy soute; preparate en mengsels wat daarvan bevat.

Fenoksasool, kompleksverbindinge van fenoksasool; preparate en mengsels daarvan.

Glutetimied en sy soute; preparate en mengsels daarvan.

Medasepam, preparate en mengsels daarvan.

Metakaloon, sy derivate, hulle soute; preparate en mengsels wat daarvan bevat.

Metipriloon, sy soute; preparate en mengsels wat daarvan bevat.

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- Phenoxazole, phenoxazole complexes; preparations and admixtures thereof.
- Prolintane, its salts; preparations and admixtures thereof.
- Propanediol (Propane-1: 2-diol and Propane-1: 3-diol)-derivatives; their salts, molecular compounds and esters; preparations and admixtures containing them except Alpha Glyceryl Guaiacol Ether and Parachlorophenyl Alpha Glyceryl Ether.
- Temazepam; preparations and admixtures thereof.
- Urethanes and ureides, all poisonous forms thereof; preparations, admixtures containing them.

Opium, opiate preparations of meniscus, met-vorming van Chloro-

Opium, opiate preparations of meniscus, met-vorming van Chloro-

Opium, opiate preparations of meniscus, met-vorming van Chloro-

Opium, opiate preparations of meniscus, met-vorming van Chloro-

Opium, opiate preparations of meniscus, met-vorming van Chloro-

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DEEL III

MOONTLIEKE GEVAARLIKE AFHANKELIJSMAKENDDE MIDDELS

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

Barbituraten; soos van barbituraten; derivate van barbituraten;

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Nitrasedam; preparate en mengsels wat daarvan bevat.

Oksasedam, preparate en mengsels wat daarvan bevat.

Prolintaan, sy soute; preparate en mengsels daarvan.

Propaandiol (Propaan-1:2-diol en Propaan-1:3-diol)-derivate, hulle
soute, molekulêre verbindings en esters; preparate en mengsels wat
daarvan bevat, uitgesonderd alfagliserieselguajakoeter en Para-
chlorofenielalfagliserieseleter.

Temasedam; preparate en mengsels daarvan.

Uretane en ureiede, alle giftige vorms daarvan. Preparate en mengsels wat
daarvan bevat.

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Miltasapann; preparate en mengsels wat daarvan bevat.
Oksasapann; preparate en mengsels wat daarvan bevat.
Prohantann; sy soute; preparate en mengsels daarvan.
Propandiol (Propan-1,2-diol en Propan-1,3-diol)-derivate, hulle
soute, molekuleêre verbindings en esters; preparate en mengsels wat
daarvan bevat, uitgesonderd alifatisiese alkoholien en Pers-
chloronietasietegister.
Temasapann; preparate en mengsels daarvan.
Urtasann en soute, alle gelyke vorme daarvan. Preparate en mengsels wat
daarvan bevat.