



GOVERNMENT GAZETTE

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Government Notice

MINISTRY OF PRISONS AND CORRECTIONAL SERVICES

No. 226 2001

PRISONS ACT, 1998 (ACT NO. 17 1998): REGULATIONS FOR THE ADMINISTRATION AND CONTROL OF THE NAMIBIAN PRISON SERVICE

In terms of section 124 of the Prisons Act, 1998, the Minister of Prisons and Correctional Services makes the regulations set out in the Schedule.

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SCHEDULE**CHAPTER 1
PRELIMINARY****Definitions**

1. (1) In these Regulations, unless the context otherwise indicates, an expression defined in the Act has a corresponding meaning and -

“chairperson” means the chairperson of the disciplinary board designated under section 39 (3) of the Act;

“head of office or work place” means a prison member in charge of an office or work place who is directly responsible to the Commissioner for the management of that office or work place;

“inquiry” means a disciplinary inquiry;

“misconduct” means a contravention of or failure to comply with the Act or these Regulations, or the commission of any other offence;

“next of kin” means the prisoner’s next of kin, duly recorded in prison registers or forms;

“prescribed”, unless otherwise provided, means as prescribed by the Commissioner;

“presiding officer” means the Commissioner or any senior prison member conducting an inquiry for a junior prison member or an inquiry for a prisoner;

“prosecutor” means a prison member detailed by the Commissioner to lead evidence during an inquiry or an inquiry for a prisoner;

“Public Holidays Act” means the Public Holidays Act, 1990 (Act No. 26 of 1990);

“Public Service Act” means the Public Service Act, 1995 (Act No. 13 of 1995);

“Public Service Regulations” means the Regulations under the Public Service Act, published in Government Notice No. 211 of 1995;

“Public Service Staff Rules” means the Public Service Staff Rules referred to in section 35 of the Public Service Act;

“release board” means the National Release Board and zonal release boards;

“to record” means to take down in writing or in shorthand or by mechanical means and “recorded” has a corresponding meaning;

“the Act” means the Prisons Act, 1998 (Act No. 17 of 1998);

“uniform” means buttons, badges of rank, distinctive badges and other badges, articles of uniform and equipment, clothing and accoutrement of any nature prescribed in terms of regulation 20.

“work place” means -

- (a) a division or a subdivision within the Namibian Prison Service;
- (b) a prison training college; or
- (c) the prison centralised warehouse.

(2) Any expression appearing in Chapter 2 and not defined in this Chapter has, unless the context requires otherwise, the same meaning as that assigned to it by the Public Service Act, the Public Service Regulations and the Public Service Staff Rules.

(3) The Public Service Act, the Public Service Regulations and the Public Service Staff Rules apply to any aspect pertaining to personnel which has not been dealt with in Chapter 2.

(4) If any doubt arises regarding the interpretation of these Regulations, the matter must be referred to the Commissioner for determination.

CHAPTER 2 PERSONNEL REGULATION

PART 1 DISTRIBUTION, SERVICE AND RANKS OF PRISON MEMBERS

Determination of establishment and distribution of prison members

2. (1) The fixed establishment of the Namibian Prison Service is constituted of the posts which have been created from time to time by the Commissioner, with the approval of the Public Service Commission and the Treasury, for the normal and regular requirements of the Prison Service.

(2) The Commissioner must determine the distribution of prison members in all prisons.

Prison members liable to serve anywhere in Namibia

3. Whenever the interests of the Prison Service require, a prison member shall be liable to serve in any part of Namibia and he or she may be transferred from -

- (a) one prison to another;
- (b) a prison to an office;
- (c) an office to a prison;
- (d) one office to another; or
- (e) one division of the Prison Service to another.

Precedence of rank of prison members

4. (1) Prison members of the same rank must take precedence of rank according to the respective dates of their appointments to such rank.

(2) An officer-in-charge of a particular prison or a head of office or work place has command over all other prison members irrespective of the date of appointment.

(3) If on appeal in terms of sections 40 or 43 of the Act, an order of reduction of rank or seniority of a prison member is set aside or altered, that prison member must be reinstated in and take precedence of rank in accordance with any such order by the Minister.

Precedence of rank in lower ranks

5. If two or more prison members of the same rank are appointed on the same date, their precedence of rank must, subject to regulation 4(2) be determined by the date of their appointment to the preceding lower rank.

Retention of rank on retirement or resignation and award of honorary rank

6. (1) Subject to subregulation (2), a prison member who leaves the Prison Service for any reason, forfeits his or her rank.

(2) Notwithstanding subregulation (1), on retirement or resignation of a senior prison member who has consistently fulfilled his or her functions and who has displayed an irreproachable character and exemplary conduct, the Minister may, on the recommendation of the Commissioner, permit him or her to retain his or her rank and in a specially deserving case, may, subject to the following requirements, grant him or her a higher honorary rank as follows:

- (a) to a Superintendent, the honorary rank of a Senior Superintendent provided he or she has served at least five years as a Superintendent;
- (b) to a Senior Superintendent, the honorary rank of a Chief Superintendent provided he or she has served at least ten years as a senior prison member or has held the rank of Senior Superintendent for at least five years;
- (c) to a Chief Superintendent, the honorary rank of Assistant Commissioner provided he or she has served at least fifteen years as a senior prison member or has held the rank of Chief Superintendent for at least five years; and
- (d) to an Assistant Commissioner, the honorary rank of Deputy Commissioner provided he or she has served at least twenty years as a senior prison member or has held the rank of Assistant Commissioner for at least five years.

(3) In an exceptional case, the Minister may grant the senior prison member referred to in subregulation (2), who has rendered particularly meritorious or exemplary service, the next higher honorary rank notwithstanding the fact that the relative requirements, under paragraphs (a) to (d) of that subregulation have not been complied with.

(4) A person who, in terms of subregulation (2), has been granted permission to retain his or her rank or on whom a higher rank has been conferred, may wear the uniform applicable to his or her honorary rank on State or other prescribed occasions, but the fact that he or she has been granted permission to retain his or her rank or that a higher honorary rank has been conferred upon him or her, does not vest in him or her any authority in terms of the Act or these Regulations after he or she has left the Prison Service.

PART II**FUNCTIONS AND DUTIES OF COMMISSIONER AND PRISON MEMBERS****Commissioner**

7. In addition to any function or duty lawfully assigned to or imposed upon him or her, the Commissioner is responsible to the Minister for the effective performance of the functions of the Prison Service as provided under section 3 of the Act, the maintenance of discipline in the Prison Service, and the efficient administration and the proper use and care of state property under the control or use of the Prison Service.

Deputy Commissioner

8. The Deputy Commissioner must, subject to the direction of the Commissioner, perform such duties and functions and exercise such powers as are assigned or delegated to him or her under section 122 of the Act.

Duties of officer-in-charge, head of office or work place

9. The officer-in-charge or the head of office or work place, as the case may be, is responsible to the Commissioner for the maintenance of efficient administration, discipline and proper use and care of State property at any prison, office or work place under his or her command.

Prison members to place full services and time at disposal of State

10. (1) A prison member must place his or her full services at the disposal of the State, and he or she may, as the Commissioner generally or specially determines, be required to perform official duty on any day of the week or at any time during the day or night or to attend at his or her normal place of work or elsewhere for such duty.

(2) A prison member may not, without the permission of the Permanent Secretary: Prisons and Correctional Services, perform or engage himself or herself in any remunerative work outside his or her employment in the Prison Service.

Prison member not to employ, permit or authorise employment of another prison member or staff member who is on duty on the service of the State

11. A prison member may not, otherwise than for the exclusive benefit of the State, employ or permit or authorise the employment of the services of another prison member or a staff member as defined in the Public Service Act, during times when that other prison member or staff member is on duty in the service of the State.

No right of claim for additional remuneration for services

12. A prison member may not as of right claim any additional remuneration in respect of any official duty or work which is performed or is required to be performed by him or her during normal working hours in addition to his or her ordinary official duties or work.

PART III
PARTICIPATION IN SPORT AND RECREATION

Participation in sport and recreation

13. (1) The Commissioner may, for the Prison Service as a whole or at such place as he or she considers fit, authorise the establishment of a sport or recreation club (in this regulation referred to as the "club") for -

- (a) prison members;
- (b) staff members of the Ministry of Prisons and Correctional Services on application to the Commissioner; or
- (c) retired prison members; and
- (d) such other sports persons as the Commissioner may admit to the club.

(2) The Commissioner must control the spending of money voted by Parliament for the purpose of establishing a club in terms of subregulation (1), or received as membership fees from members of the club, which may, subject to his or her approval, be deducted from the salaries of the members, or which may accrue to the club in any other way.

(3) Every prison member, except a temporary prison member, becomes a member of the club established in terms of subregulation (1), and may, through that club, participate in any amateur sport which he or she may choose from a list of sports indicated by the Commissioner for that purpose.

(4) Subject to the other provisions of this regulation, a prison member who serves in a full-time capacity is deemed to be on official duty during any period in which he or she-

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

- (b) in an official capacity officiates at, or, acting on instructions, travels to or from an exercise, performance, display, contest or competition which is referred to in paragraph (a).

(5) A prison member who participates in an authorised sport as a member or official of a team selected at regional or national level, is, in the case of injury sustained as a member or official in the course of such competition, contest or exercise, deemed to be on official duty and such injury is deemed to be sustained in the course of duty.

PART IV

APPOINTMENT OF JUNIOR AND TEMPORARY PRISON MEMBERS

Appointment of junior prison members

14. The recruitment and appointment of junior prison members must be done in accordance with the Recruitment Policy of the Namibian Prison Service.

Conditions of probation and confirmation of appointment of junior prison members

15. (1) Subject to this regulation, the appointment of a junior prison member must be on a permanent basis with effect from the date of his or her assumption of duty.

(2) The first year of service of a junior prison member must be on probation, but the probationary period of service of a junior prison member must be extended by the number of days of leave taken by him or her during the period of probation or any extension of that period.

(3) The probationary period of a junior prison member may, on good and sufficient grounds, be extended by the Commissioner for such period as he or she considers to be necessary, but not exceeding one year.

(4) If, at any time during the probationary period or extended probationary period, it appears that a junior prison member is unfit or for any other reason unsuitable for further retention in the Prison Service, the Commissioner may terminate his or her service on 30 days' written notice.

(5) If the officer-in-charge or the head of office or work place certifies that the junior prison member concerned has been diligent and his or her conduct uniformly satisfactory during the period of probation or extended probation and that he or she is in all respects suitable for further retention in the service of the Prison Service, the Commissioner may confirm the appointment of that junior prison member.

Oath of office of junior prison members

16. On appointment, a junior prison member must take oath of office in the prescribed form and manner.

Scope of appointment of temporary prison members

17. The Commissioner in terms of, or the officer-in-charge subject to, section 9 of the Act, may appoint a person as a temporary prison member -

- (a) in a vacancy on the fixed establishment;
- (b) additional to the fixed establishment -
 - (i) under a special contract, whether in a full-time or part-time capacity;
 - (ii) for the removal of a prisoner from one prison to another or to and from court or other place;

- (iii) for the safe custody of prisoners -
 - (aa) whenever abnormal circumstances at a prison require such an appointment;
 - (bb) where that person is also the hirer of the prison labour concerned; or
 - (cc) where that person is the employee of the hirer of the prison labour concerned.

Conditions of appointment of temporary prison members

18. The appointment of a temporary prison member in terms of regulation 17 is subject to the conditions and the taking of an oath of office as prescribed.

PART V TRAINING AND UNIFORM

Prescribed course of training for prison members

19. The Commissioner may order a prison member to undergo a prescribed course of training at the training college or at any other place and on the completion of the course of training to undergo such further training as determined by him or her.

Issue, wearing and maintenance of articles of prescribed uniform and equipment

20. (1) The kind, quality, model, design or pattern and the quantity or articles of uniform and equipment and accoutrement of any nature, which a prison member must possess and maintain in connection with the discharge of his or her duties and which may be supplied at the expense of the Prison Service, as well as the time of issue and the periods of serviceability of such articles of uniform, equipment and accoutrement, must be prescribed from time to time with due regard to such prison member's functions and the rank which he or she holds.

(2) The uniform referred to in subregulation (1) must be worn only in accordance with prescribed dress orders.

(3) Unless exempted in terms of subregulation (4), a prison member must at all times be dressed in complete and serviceable articles of uniform and equipment prescribed in terms of subregulation (1) in respect of the rank which he or she holds.

(4) The Commissioner may, on such conditions as he or she may determine, exempt a prison member from subregulations (1) to (3).

Damage and abnormal wear and tear of uniform

21. Subject to Treasury authority, the Commissioner may approve the payment of full or partial compensation for the repair or replacement of any piece of uniform or private property of a prison member, which has unavoidably been damaged or lost in the performance of duty by that prison member, or which has had to be subjected to abnormal wear and tear in the performance of any special type of duty or work.

Additional personal equipment required for work

22. A prison member employed as an artisan, hospital attendant, chauffeur or the like may be supplied with a free issue of personal equipment necessary for such employment or work as determined by the Commissioner.

Reimbursement of prison member on change of, or additions to, uniform

23. The reasonable cost of any articles of uniform or equipment, which a prison member in consequence of a change of pattern or addition to the prescribed uniform, necessarily has had to acquire, may be refunded to him or her by the Commissioner with the approval of the Treasury.

Issue of prescribed articles of uniform or equipment to prison member on in-service courses

24. The Commissioner may authorise a free issue from stores of any prescribed articles of uniform or equipment to a prison member who has been ordered to attend an in-service course.

Compensation of prison member on change of work

25. If, in the opinion of the Commissioner, a prison member, who has been transferred from one prison to another, has in consequence of such transfer had to incur excessive expense in acquiring additional articles of uniform or equipment, he or she may authorize a payment to that prison member, from public funds, of an amount not exceeding half the stores issue cost of such articles.

PART VI
PROMOTION, SALARY AND ALLOWANCES

Requirements for promotion of prison members

26. The Commissioner must decide the promotion of a prison member according to the personnel requirements of the Prison Service and with due regard to the promotion policy of the Prison Service.

Promotion of prison members within appropriate division

27. (1) The Commissioner must limit the promotion of a prison member to the division to which he or she is attached, but may, if the prison member is suitable and qualified and otherwise eligible for appointment in another division, promote him or her to a post in that other division.

(2) The Commissioner may transfer a prison member from one division to another, whether on promotion or otherwise.

Salary scales, increment, etc

28. The scales, increments and other matters related to the salaries and allowances payable to a prison member must be dealt with in accordance with section 13 of the Public Service Act.

PART VII
MEDICAL PROVISIONS

Submission of prison member to medical examination and treatment

29. (1) The Commissioner may at any time require a prison member -
- (a) who is alleged or suspected to be indisposed to submit himself or herself to an examination by a medical officer or other registered medical practitioner or dentist indicated by the Commissioner or to undergo such examination in the hospital or to be admitted to any hospital and to undergo medical or dental treatment there;

- (b) to submit himself or herself to a medical examination referred to in paragraph (a) for the purpose of obtaining a report on his or her general state of health or with a view to the constitution of a medical board for the further examination of that prison member; or
- (c) to submit to a medical or other examination to determine whether any infection of a contagious disease occurred or that a prison member be immunised against a contagious disease to prevent an epidemic.

(2) A prison member who does not make use of medical services on grounds of religious or conscientious objections, may be exempted on application from such examination or immunization.

(3) The cost of the examination, treatment or immunization referred to in subregulation (1) must be met from public funds.

Submission of report of unfitness of prison member to Commissioner

30. Where a medical officer or other medical practitioner reports that, in his or her opinion, a prison member has become or is likely to become medically unfit to remain in the Prison Service, such report must be submitted without delay to the Commissioner.

Conducting of examination by medical board

31. (1) The Commissioner may at any time require that a prison member submit himself or herself at a given time and place for an examination by a medical board constituted by the Permanent Secretary: Health and Social Services.

(2) The cost of the examination referred to in subregulation (1) must be met from public funds.

(3) The prison member referred to in subregulation (1) may, if he or she so desires, arrange at his or her own expense for his or her private medical practitioner to be present at the proceedings of the medical board.

Record of proceedings, submission of record of proceedings and submission of report

32. (1) The proceedings of the board must be recorded and signed by the medical practitioners constituting the board and must include the board's report, findings, recommendation and any subsidiary medical or other reports, as well as any minority report and the representations or recommendations by the private medical practitioner, if any, of the prison member.

(2) The record of the proceedings of the board referred to in subregulation (1) must be transmitted without delay to the Commissioner, who may decide whether the prison member examined by a medical board in terms of regulation 31(1) must be -

- (a) discharged as medically unfit for further service;
- (b) granted leave of absence;
- (c) medically re-examined.

Medical, dental and hospital treatment of prison members

33. The cost of any medical, dental and hospital treatment or aid rendered to a prison member due to an injury sustained in an accident arising out and in the course of his or her duties or due to a disease contracted in the course of and as a result of his or her duties, must be met from public funds in accordance with the tariff laid down in terms of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

PART VIII
OFFICIAL RESIDENTIAL QUARTERS

Occupation of official quarters by prison members

34. The occupation of official quarters by a prison member must be in accordance with the Regulations made by the Prime Minister under section 34(1)(c) of the Public Service Act.

Commissioner to prescribe certain matters relating to official quarters

35. Any matter relating to occupation of official quarters which is not provided for in the Regulations referred to in regulation 34 must be prescribed.

PART IX
LEAVE

General provision

36. The leave provisions contained in the Public Service Staff Rules apply to a prison member.

Channelling of leave application of prison member and recommendation

37. (1) The leave application of a prison member, not being an officer-in-charge or the head of office or work place must be channelled through and recommended by the officer-in-charge or the head of office or work place, as the case may be.

(2) The leave application of the officer-in-charge or the head of office or work place must be channelled to and approved by the Commissioner.

PART X
OFFICIAL JOURNEY, TRANSPORT AND SUBSISTENCE ALLOWANCE

Approval and control of official journeys of prison members

38. Every official journey of a prison member must be approved by the Commissioner, the Officer-in-Charge or the head of office or work place, as the case may be, who must ensure that the journey is necessary and in the interest of the Prison Service.

Economical means of transport of prison members and shortest route

39. (1) A prison member must travel by the most economical means of transport, as expeditiously as circumstances permit and by the shortest route.

(2) The reason of non-observance of any of the requirements of subregulation (1) must be furnished in writing by the prison member and the explanation must be attached to the claim form.

(3) If a prison member has travelled in a manner involving greater expenditure on transport than necessary, the Commissioner must limit the amount payable to him or her as reimbursement of his or her travelling expenses, to the amount it would have cost had he or she observed the requirements of subregulation (1).

Other matters on transport and official journeys of prison members

40. Any other matter relating to an official journey and transport of a prison member must be dealt with in accordance with the Public Service Staff Rules.

Rates and conditions of subsistence allowance of prison members

41. A prison member who is absent from his or her working station on official duty, must be paid subsistence allowance at such rates and conditions as may, from time to time, be determined in the Public Service Staff Rules.

PART XI
TRANSFER OF PRISON MEMBERS

Transfer of prison members at State expense

42. (1) A prison member may be transferred and he or she and his or her household and personal effects moved at State expense from any prison or work place to another prison or work place within the Republic of Namibia.

(2) If a prison member is transferred at his or her own request, no expenditure in connection with the transfer must be met from public funds, and any absence from duty as a result of that transfer must be covered by granting him or her leave in terms of Part IX of this Chapter.

(3) This subregulation does not apply to a prison member who is transferred at his or her request, if the Commissioner is satisfied that the transfer -

- (a) is in the interest of the Prison Service; or
- (b) is necessary for the prison member's health or that of his or her spouse or their child, including a legally adopted child or stepchild, in which case the Commissioner may, at his or her discretion, require the submission of a supporting medical certificate.

Transport of household and personal effects of prison members from one prison to another or work place to another

43. The conditions applicable to the removal, from one prison to another or from one work place to another, of the household and personal effects of a prison member transferred in terms of regulation 42 must be as provided in the Public Service Staff Rules.

Privileges and subsistence allowance of prison members

44. If a prison member is transferred in terms of regulation 42 he or she must be regarded as travelling on official duty and may be granted such privileges and paid such subsistence allowance as is provided in the Public Service Staff Rules.

PART XII
TRANSPORT ON TERMINATION OF SERVICE OR DEATH OF PRISON
MEMBER

Transport privileges on retirement or termination of service of prison member

45. (1) The Commissioner may approve that the household and personal effects of a prison member -

- (a) who is retired owing to attainment of pensionable age; or
- (b) whose services are terminated on such other grounds as may from time to time be determined by the Prime Minister, and who had completed not less than ten years' service,

be conveyed at State expense to any place in Namibia, where that prison member intends to reside, subject to such limitations and conditions as may from time to time be determined by the Prime Minister.

(2) If a prison member who is retired on attaining pensionable age is re-employed, without a break in service, in a temporary capacity in the Prison Service, the Commissioner may grant the privileges prescribed by and in terms of this regulation, to that prison member on the termination of the temporary employment, whether on discharge or resignation.

Transport privileges on death or discharge of prison member

46. If a prison member dies whilst in the service of the Prison Service or is discharged from the Prison Service owing to continued ill-health which has not been occasioned by his or her fault, the benefits for which provision is made in regulation 45(1) may be granted by the Commissioner, provided that the prison member would have completed at least 10 years' service on attainment of the age of 58 years, had he or she not died or been discharged.

PART XIII DESERTION

Desertion

47. A prison member who deserts the Prison Service must be dealt with in accordance with section 34 of the Act.

PART XIV DISCIPLINE OF PRISON MEMBERS

Suspension of prison members

48. (1) Subject to section 45 of the Act, a prison member must be suspended only on account of alleged or suspected serious misconduct or if the circumstances are of such a nature that he or she should not be allowed to exercise his or her powers, functions or authority.

(2) Unless otherwise directed by the Minister, in the case of a senior prison member, or by the Commissioner, in the case of a junior prison member, the suspension of a prison member continues until the date on which that prison member is discharged, dismissed or reduced in rank, or until he or she resumes duty after having been ordered to do so.

(3) A prison member who has been suspended from office, may not wear uniform during the period of suspension, and the powers, functions and authority vested in him or her by virtue of his or her office must be in abeyance.

Action on commission of disciplinary offence by senior prison member

49. (1) Whenever it is suspected or alleged that a senior prison member has committed a disciplinary offence, the senior prison member who investigated the suspicion or allegation must submit the investigation report, together with other relevant documents to the Commissioner.

(2) If after receiving the investigation report and the documents referred to in subregulation (1), the Commissioner, or a prison member acting on his or her authority, is of the opinion that there are adequate grounds for a charge for committing a disciplinary offence, he or she must charge the prison member concerned.

(3) The senior prison member charged under subregulation (2) must submit, within seven days or such period as the disciplinary board may determine, after the date on which he or she was furnished with particulars of the charge, an admission or denial of the charge and any other explanation which he or she wishes to make in regard to the alleged commission of the disciplinary offence.

Appointment of senior prison member to adduce evidence and address board

50. (1) The Commissioner must detail and authorize a senior prison member with a rank equal to or higher than that of the accused senior prison member to attend the inquiry and to adduce evidence and make argument in support of the charge for committing a disciplinary offence and to cross-examine any person called as a witness by the defence.

(2) The proceedings at the inquiry referred to in subregulation (1) must be conducted in a manner and form provided under Part VI of the Act and Part XV of this Chapter.

(3) The chairperson must determine the place where and the date and time when the inquiry will be held, must advise the prosecutor and the other members of the board accordingly and must furnish the prosecutor with a copy of the order constituting the board, for service to the accused prison member.

Duties of prosecutor

51. The prosecutor must-

- (a) at least fourteen days before the fixed date of the inquiry, cause the written notice referred to in subsection (5) of section 39 of the Act and a copy of the order constituting a disciplinary board to be served on the accused senior prison member; and
- (b) ensure the attendance of all prison members required to give evidence at the inquiry, and must subpoena any other person required as a witness for the prosecution.

Issue and service of subpoena

52. A subpoena served on a person required to give or to produce any book, record, document or thing at an inquiry must be issued, under the signature of a senior prison member, in the form prescribed, and the rules of the magistrates court in regard to the service of the subpoena apply with the necessary changes.

Uniform at inquiry of accused senior prison member

53. An accused senior prison member who appears before a disciplinary board must wear the uniform of his or her rank.

Persons entitled to be present at inquiry of accused senior prison member

54. Unless the prior consent of the chairperson has been obtained, a person or a prison member other than the prosecutor, the accused senior prison member and his or her legal or union representative, a witness while under examination, and a stenographer or an interpreter, if any, may not be present at the inquiry, but that consent may not be denied to a senior prison member with a rank equal to or higher than that of the accused senior prison member without reasonable grounds.

Record of proceedings, findings of disciplinary board and previous convictions

55. (1) The chairperson must keep a record of proceedings at the inquiry and all evidence given at the inquiry, and must, upon the conclusion of the hearing, pronounce and record the finding of the board.

(2) If the disciplinary board finds an accused senior prison member guilty, the prosecutor must produce a certified extract of previous disciplinary convictions, if any, and must call upon the accused senior prison member to admit or deny those convictions.

(3) If the accused senior prison member denies any previous disciplinary conviction, the prosecutor may, if the chairperson considers it expedient, adduce evidence to prove the conviction.

Representation in mitigation

56. If the disciplinary board finds the accused senior prison member appearing before the inquiry guilty, it must give him or her an opportunity to make a representation in mitigation of punishment, which will form part of the proceedings.

Submission of record of proceedings, findings and recommendations of disciplinary board

57. The chairperson must, within 7 days from the date on which the finding of the board was pronounced in terms of regulation 55 (1), forward the following documents to the Commissioner for his or her action in terms of section 39 (17) of the Act:

- (a) The record of the proceedings at the inquiry and any documentary evidence admitted;
- (b) the finding of the disciplinary board, and its reasons for the finding, in writing;
- (c) the disciplinary board's recommendation in terms of section 39 (16) of the Act;
- (d) the board's observations, especially in regard to any representations lodged by the accused senior prison member in terms of regulation 56; and
- (e) any other general observations on the case which the disciplinary board may desire to make.

Summary disposal on admission of guilt and record of disciplinary measure

58. (1) If the accused senior prison member, after being furnished with the particulars of the charge, admits in writing the commission of the disciplinary offence, the disciplinary board must summon the accused senior prison member to appear before the disciplinary board to confirm the admission.

(2) After the accused senior prison member has confirmed the admission in terms of subregulation (1), the disciplinary board must, without recording evidence in support of the charge, convict him or her.

(3) After the disciplinary board has heard and recorded the presentation in mitigation of punishment, it must recommend to the Commissioner one or more of the disciplinary measures referred to in section 39 (16) of the Act.

(4) Subject to section 39 (18) of the Act, a disciplinary measure imposed in terms of section 39 (16) of the Act must be entered on the record of disciplinary offences of the senior prison member concerned and, on any subsequent conviction of a disciplinary offence, must be proved or accepted as a previous conviction.

(5) The Commissioner may order that subregulation (4) shall not apply in respect of a reprimand.

Power of stopping prosecution

59. (1) Whenever a senior prison member pleads to a charge of a contravention of, or failure to comply with, any provision of the Act or these Regulations, the prosecution of that charge must proceed until a verdict is given.

(2) The Commissioner or, with his or her consent, the prosecutor, may, for good and sufficient reasons, at any time after the accused senior prison member has pleaded and before a verdict is given, stop the prosecution referred to in subregulation (1), in which event the accused senior prison member is entitled to a verdict of acquittal in respect of that charge.

Procedure on appeal to Minister by senior prison member

60. (1) A senior prison member who desires to appeal to the Minister in terms of section 40 of the Act, must, within 14 days from the date of receiving the notice referred to in section 39 (17) of the Act, lodge with the Commissioner a written notice of appeal in which the grounds of appeal are clearly and specifically set out.

(2) The Commissioner must, immediately after the noting of the appeal, submit the notice of appeal to the disciplinary board which conducted the inquiry, which must within seven days of receipt of the notice furnish to the Commissioner a written statement of the disciplinary board showing:

- (a) The facts it found proved;
- (b) its reasons for any finding in relation to the facts in respect of which, according to the appellant's statement, an appeal is lodged; and
- (c) its reasons for any ruling on any question of law or in relation to the admission or rejection of evidence against which, according to the statement referred to in paragraph (b), an appeal is lodged.

(3) The Commissioner must, within seven days of receipt by him or her of the statement referred to in subregulation (2) submit it, together with the documents referred to in regulation 57 and together with any comments he or she desires to add to it, to the Minister.

Decision by Minister

61. (1) No oral arguments or representations in connection with the appeal, may be addressed by the disciplinary board, the prosecutor or the appellant to, or received by, the Minister.

(2) The Minister may after consideration of the documents referred to in regulation 60(3) make such order as he or she considers appropriate in terms of section 40 (2) of the Act.

Action on commission of disciplinary offence by junior prison member

62. (1) Whenever it is suspected or alleged that a junior prison member has committed a disciplinary offence, a prison member authorised by the Commissioner or the Officer-in-Charge must investigate the suspicion or allegation and submit an investigation report, as well as other relevant documents in relation to the suspicion or allegation to the office of the Officer-in-Charge, where the prosecutor must determine whether there are adequate grounds for a charge of misconduct.

(2) If the prosecutor referred to in subregulation (1) is of the opinion that there are adequate grounds for a charge, he or she must charge the junior prison member concerned.

Procedure at inquiry of accused junior prison member

63. The inquiry of a junior prison member must be conducted in the manner and form provided under Part VI of the Act and Part XV of this Chapter.

Persons entitled to be present at inquiry of accused junior prison member

64. If there is no explicit refusal from the presiding officer, any prison member with a rank equal to or higher than that of the accused junior prison member who is not a party to the inquiry may attend the inquiry referred to in regulation 63, provided the attendance does not interfere with that prison member's official duties.

Appointment of prosecutor

65. The Commissioner must generally or specially detail a prison member with a rank equal to or higher than that of the accused junior prison member to act as prosecutor, and, in the event of its being necessary for that prison member to give evidence not merely of a formal nature for the prosecution, that prison member must, as far as possible give evidence before any other witnesses are called.

Attendance of, and witnesses at inquiry of, accused junior prison member

66. The prosecutor must -

- (a) make arrangements for the appearance of the accused junior prison member by serving or causing to be served upon him or her 14 days before the date fixed for the inquiry, a notice to appear for the inquiry as provided under subsection (2) of section 42 of the Act; and
- (b) ensure the attendance of prison members required to give evidence and must subpoena any other person required as witness in support of the charge.

Issue and service of subpoena

67. A subpoena, in the form prescribed, served on a person to give evidence or to produce any book, record or document at the inquiry, must be signed by the presiding officer, and the rules of the magistrate's court applicable to the service of subpoenas apply with the necessary changes.

Inspection of record by accused junior prison member

68. The accused junior prison member or his or her legal or union representative may, under the supervision of a prison member designated by the Commissioner or senior prison member inspect and make a copy of the record of the proceedings of the inquiry and on request may be furnished with a copy of the record on payment of the fees prescribed for the supply of a copy of the record of a summary trial in a magistrate's court.

Uniform at inquiry of accused junior prison member

69. An accused junior prison member who appears before the presiding officer at an inquiry must wear the uniform of his or her rank.

Summary disposal on admission of guilt and record of disciplinary measure

70. (1) If the accused junior prison member, after being furnished with the particulars of the charge, admits in writing the commission of a disciplinary offence, the presiding officer must summon the accused junior prison member to appear before him or her in order to confirm the admission.

(2) The presiding officer must, after the accused junior prison member referred to in subregulation (1) has confirmed the admission referred to in that subregulation, convict that accused junior prison member without recording the evidence in support of the charge, and, after hearing and recording the presentation in mitigation of punishment, impose one or more of the disciplinary measures referred to in section 42 (12) of the Act.

(3) Subject to section 42 (14) and (15) of the Act, a disciplinary measure imposed in terms of section 42 (12) of the Act must be entered on the record of disciplinary offences of the accused junior prison member concerned and, on any subsequent conviction of a disciplinary offence, must be proved or accepted as a previous conviction.

(4) The Commissioner may order that subregulation (3) shall not apply in respect of a verbal warning.

Power of stopping prosecution of accused junior prison member

71. (1) Whenever a junior prison member has pleaded to a charge of a contravention of, or failure to comply with, the Act or these Regulations, the prosecution of the charge must proceed until a verdict is given.

(2) The Commissioner or, with the consent of the Commissioner, the prosecutor, may, for good and sufficient reasons, at any time after the accused junior prison member has pleaded and before a verdict is given, stop the prosecution, in which event the accused junior prison member is entitled to a verdict of acquittal in respect of that charge.

Procedure on appeal by junior prison member

72. (1) A junior prison member who desires to appeal to the Minister against a conviction or disciplinary measure in terms of subsection (1) of section 43 of the Act, must, within fourteen days from the date of receiving a notice referred to in section 42 (13) of the Act, lodge with the Commissioner a written notice of appeal in which the grounds of appeal are clearly and specifically set out.

(2) The Commissioner must, if he or she was the presiding officer, within seven days of the noting of the appeal submit to the Minister the record of the proceedings at the inquiry, together with all related documents and a written statement by him or her showing:

- (a) The facts he or she found proved;
- (b) his or her reasons for any finding in regard to facts against which, according to the appellant's statement, an appeal is lodged; and
- (c) his or her reasons for any ruling on any question of law or in regard to the admission or rejection of evidence against which, according to the statement referred to in paragraph (b), an appeal is lodged.

(3) The Commissioner must, if he or she was not the presiding officer immediately after the noting of the appeal submit the notice of appeal to the senior prison member who conducted the inquiry who must, within seven days of receipt of the notice, furnish to the Commissioner the record of the proceedings at the inquiry, all relevant documents and the written statement referred to in subregulation (2).

(4) The Commissioner must, within seven days of the receipt by him or her of the record, documents and statements referred to in subregulation (3), submit them, together with any comments he or she may desire to add to it, to the Minister.

Decision by Minister

73. (1) No oral arguments or representations in connection with the appeal may be addressed by the prosecutor or the appellant to, or be received by, the Minister.

(2) The Minister must, after consideration of the documents referred to in subregulations (2) and (4) of regulation 72 make such order as he or she considers appropriate in terms of subsection (2) of section 43 of the Act.

Record of convictions

74. (1) Subject to regulations 58(4) and (5), and 70(3) and (4), all the convictions of a prison member, in respect of any disciplinary offence must be entered on a record of disciplinary offences of the prison member concerned.

(2) If a prison member has not been convicted of a disciplinary offence for a period of three years from the date of his or her last conviction all the previous convictions of that member must be deleted from his or her record of disciplinary offences.

Consideration of previous convictions before award of medal

75. Notwithstanding the deletion of an entry of any conviction from the record of disciplinary offences of a prison member, the Commissioner must take into account and give full consideration to the conviction before, in terms of regulation 155, recommending the award of a medal to that prison member.

PART XV
DISCIPLINARY INQUIRY RULES OF PROCEDURE AND EVIDENCE

Sub-part 1: General

Service of notice

76. (1) The notice to appear for the inquiry must be delivered to the accused prison member through the officer-in-charge, or the head of office or work place, as the case may be.

(2) The notice referred to in subregulation (1) must be given to the accused prison member in person and if he or she cannot be found, the notice must be left at his or her last known residence and a note to that effect must be made on the copy of the notice.

Objection by accused prison member

77. The accused prison member may, on receiving the notice to appear for an inquiry, object against the presiding officer or any member of the disciplinary board on the ground that he or she will not receive a fair inquiry and must give reasons for that to the Commissioner seven days before the date of the inquiry.

Appointment of new presiding officer or member of disciplinary board

78. (1) If the Commissioner agrees with the objection raised under regulation 77, he or she must, if the objection is from -

- (a) a junior prison member, appoint another presiding officer; or
- (b) a senior prison member, refer the matter to the Minister, who must appoint another member of the disciplinary board.

(2) Upon the appointment of a new presiding officer or member of the disciplinary board, the appointment of the objected presiding officer or member of the disciplinary board in respect of that particular inquiry stands rescinded.

Procedure where objection overruled

79. If the Commissioner overrules the objection raised by the accused prison member under regulation 77, he or she must inform that accused prison member of that fact and the inquiry must take place as scheduled.

Failure to appear for inquiry

80. Failure by the accused prison member to appear for the inquiry without leave of the chairperson or the presiding officer, as the case may be, does not invalidate the conduct of the inquiry in question.

Recording plea of not guilty

81. Where the accused prison member fails to appear for the inquiry, a plea of not guilty must be recorded, unless that prison member had, in writing, admitted the commission of the disciplinary offence before the date of the inquiry.

Charge for disobeying lawful order

82. A prison member who fails to appear for an inquiry may further be charged with a disciplinary offence for disobeying a lawful order.

*Sub-part 2: Charging***Joining charges**

83. A number of charges may be joined in the same inquiry against an accused prison member at any time before any evidence has been led in respect of any particular charge, and where several charges are joined, each charge must be numbered consecutively.

Separation of inquiries where charges joined

84. (1) The chairperson or the presiding officer, as the case may be, may, if in his or her opinion, it will be in the interests of justice to do so, direct that the relevant conduct of the prison member be inquired into separately in respect of any charge joined with any other charge.

(2) An order under subregulation (1) may be made before or during the inquiry and the effect of that order must be that the charge against an accused prison member which has not then been inquired into must be proceeded with in all respects as if the accused prison member had in respect of that charge been charged separately.

Charge where it is doubtful what disciplinary offence committed

85. If by reason of any uncertainty as to the facts which can be proved, or if for any other reason it is doubtful which of several disciplinary offences is constituted by the facts which can be proved, the accused prison member may be charged with the commission of all or any of those disciplinary offences, and any number of those charges may be inquired into at once, or the accused prison member may be charged in the alternative with the commission of any number of those disciplinary offences.

Essentials of charge

86. A charge must set out the relevant disciplinary offence in such manner and with such particulars as to the time when and the place at which the disciplinary offence is alleged to have been committed and the person, if any, against whom and the property, if any, in respect of which, the offence is alleged to have been committed, as may be reasonably sufficient to inform the accused prison member of the nature of the charge.

Request for clarification to charge

87. (1) The accused prison member may, not less than seven days before the date of the inquiry, in writing inform the prosecutor of his or her need for clarification to the charge against him or her if he or she feels that the charge does not disclose the disciplinary offence or that the charge does not contain sufficient particulars of any matter alleged in the charge or that the accused prison member is not correctly named or described in the charge.

(2) The accused prison member referred to in subregulation (1) must state clearly the factors upon which he or she bases his or her need for clarification.

Clarification by prosecutor and amendment of charge

88. On receipt of the application from the accused prison member requesting clarification to the charge in terms of regulation 87(1), the prosecutor must supply the accused prison member with the necessary clarification and may, if necessary, amend the charge in which case he or she must send a copy of the amended charge to the accused

prison member and a new date of inquiry must be fixed not less than 14 days after the accused prison member has been served with the copy of the amended charge.

Charge need not state manner or means of act

89. A charge need not set out the manner in which or the means or instrument by which any act was done, unless that manner, means or instrument is essential in order to disclose the nature of the disciplinary offence.

Accused prison member to plead to charge

90. The inquiry must start by the prosecutor putting the charge to the accused prison member and then the chairperson or the presiding officer, as the case may be, requiring the accused prison member to plead to the charge.

Sub-part 3 : The Plea

Pleas

91. When the accused prison member pleads to a charge he or she may plead -

- (a) that he or she is guilty;
- (b) that he or she is not guilty;
- (c) that he or she has already been convicted of the disciplinary offence with which he or she is charged; or
- (d) that he or she has already been acquitted of the disciplinary offence with which he or she is charged.

Refusal by accused prison member to plead

92. Where the accused prison member refuses to plead to a charge, the chairperson or the presiding officer, as the case may be, must record a plea of not guilty on behalf of that accused prison member, and a plea so recorded has the same effect as if it had been actually pleaded by the accused prison member.

Plea of guilty by senior prison member

93. Where the accused is a senior prison member and pleads guilty to a charge during the inquiry, procedure as provided under section 39 (6) and (16) of the Act must be followed.

Plea of guilty by junior prison member

94. Where the accused is a junior prison member and pleads guilty to a charge during the inquiry, procedure as provided under sections 42 (3) and 42 (12) of the Act must be followed.

Questioning to confirm plea of guilty

95. (1) Where the accused prison member, during the inquiry, pleads guilty to the charge, the chairperson or the presiding officer, as the case may be, must question him or her with reference to the alleged facts of the disciplinary offence in order to ascertain whether he or she admits the allegations in the charge to which he or she has pleaded guilty.

(2) If the chairperson or the presiding officer, as the case may be, is satisfied that the accused prison member does not admit any of the alleged facts of the disciplinary offence to which he or she pleaded guilty, he or she must enter the plea of not guilty and require the prosecutor to proceed with the prosecution.

Submission by prosecutor

96. Before the disciplinary board recommends, or the presiding officer imposes a disciplinary measure, the prosecutor must be given an opportunity to make a submission for a disciplinary measure.

Prosecutor to adduce evidence on plea of not guilty

97. Where the accused prison member pleads not guilty to the commission of the disciplinary offence for which he or she is charged, the prosecutor must proceed on proving that the accused prison member committed the offence referred to in the charge by examining the witnesses for the prosecution and adduce any other evidence relevant to the charge.

Documentary evidence by prosecutor

98. Where any document is received in evidence during the inquiry upon its mere production, the prosecutor must read out the document during the inquiry unless the accused prison member is in possession of a copy of, or dispenses with the reading out of, that document.

Rights of accused prison members

99. After the closure of the case for the prosecution, the presiding officer must inform the accused prison member of his or her rights to call witnesses for his or her defence or to testify himself or herself if he or she so wishes.

Accused prison member may adduce evidence

100. The accused prison member may adduce evidence on behalf of the defence and he or she may be called as a witness himself or herself if he or she so wishes, in which case, he or she must be called as witness before any other witness for the defence.

Documentary evidence by accused prison member

101. Where any document may be received as evidence before the inquiry upon its mere production, the accused prison member must read out that document during the inquiry unless the prosecutor is in possession of a copy of, or dispenses with the reading out of, that document.

Subpoena of witnesses by chairperson or presiding officer

102. The chairperson or the presiding officer, as the case may be, may at any stage of the inquiry subpoena or cause to be subpoenaed any person as witness at the inquiry and the chairperson or the presiding officer, as the case may be, must subpoena a witness or cause a witness to be subpoenaed if the evidence of the witness appears to the chairperson or the presiding officer essential to the just decision of the case.

Witness to testify orally

103. Subject to regulation 104, a witness at an inquiry must give his or her evidence orally.

Procedure when impossible to secure attendance of witness

104. (1) Where it is practically impossible to secure the attendance of a witness at an inquiry, and the chairperson or the presiding officer, as the case may be, is satisfied in that regard, the evidence of that witness must be accepted in writing if that witness gave his or her written statement before a justice of the peace or a commissioner of oaths.

(2) The written statement referred to in subregulation (1) must be produced in accordance with regulation 98 and 101.

Witness to be examined under oath

105. A witness in an inquiry must be examined under oath being administered by the chairperson or the presiding officer, as the case may be, and the oath must be in the following form:

"I swear that the evidence I shall give, shall be the truth, the whole truth and nothing but the truth, so help me God".

Witness to be examined under affirmation

106. A witness who, for any good reason, objects to taking the oath, must make an affirmation in the following words in lieu of the oath and at the direction of the chairperson or the presiding officer:

"I solemnly affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth",

and the affirmation has the same legal force and effect as if the person making it had taken the oath.

When unsworn or unaffirmed evidence admissible

107. (1) Any person who, from ignorance arising from youth, insufficient education or other cause, is found not to understand the nature and import of the oath or the affirmation, may be admitted to give evidence in an inquiry without taking oath or making the affirmation.

(2) The person referred to in subregulation (1), must, in lieu of the oath or affirmation, be admonished by the chairperson or the presiding officer, as the case may be, to speak the truth, the whole truth and nothing but truth.

Oath, affirmation or admonition may be administered by or through interpreter

108. Where the witness is to give his or her evidence through an interpreter, the oath, affirmation or admonition under regulation 105, 106 or 107 must be admitted by the chairperson or the presiding officer, as the case maybe, through the interpreter or by the interpreter in the presence of the chairperson or the presiding officer, as the case may be.

Cross-examination and re-examination of prosecution or defence witness

109. (1) The accused prison member may cross-examine any witness called on behalf of the prosecution at an inquiry or any co-accused who testifies at the inquiry, and the prosecutor may cross-examine any witness, including the accused prison member, called on behalf of the defence at the inquiry.

(2) The prosecutor may on any matter raised during the cross-examination of a witness called on behalf of the prosecution at an inquiry, re-examine that witness and the accused prison member may, on any matter raised during the cross-examination of a witness called on behalf of the defence at the inquiry re-examine that witness.

Examination and cross-examination of witness subpoenaed by chairperson or presiding officer

110. The prosecutor and the accused prison member may examine or cross-examine any witness called by the chairperson or the presiding officer, as the case may be, at an inquiry.

Examination by chairperson or presiding officer of witness or person in attendance

111. The presiding officer or the chairperson may -

- (a) at any stage of an inquiry examine any person, other than the accused prison member, who has been subpoenaed to attend the inquiry or who is in attendance at the inquiry; or
- (b) recall and re-examine any person, including the accused prison member, already examined at an inquiry, and the chairperson or the presiding officer must examine, or recall and re-examine the person concerned if his or her evidence appears to the chairperson or to the presiding officer essential to the just decision of the case.

Witness to attend inquiry and remain in attendance

112. (1) A witness who is subpoenaed to attend an inquiry, must attend the inquiry and remain in attendance at that inquiry unless he or she is excused by the chairperson or the presiding officer, as the case may be.

(2) A person who is in attendance at the inquiry, though not subpoenaed as a witness, and who is warned by the chairperson or the presiding officer, as the case may be, to remain in attendance at the inquiry, must remain in attendance at the inquiry, unless that person is excused by the chairperson or the presiding officer, as the case may be.

(3) The chairperson or the presiding officer, as the case may be, may, at any time during the inquiry referred to in subregulation (1) or (2), order that any person, other than the accused prison member, who is to be called as a witness, must leave the place of inquiry until he or she is called, and that he or she must remain at the inquiry after he or she has given evidence.

Failure by prison member to attend or to remain in attendance

113. A prison member who is subpoenaed to attend an inquiry and who fails to attend or to remain in attendance at the inquiry, or who is warned by the chairperson or the presiding officer, as the case may be, to remain in attendance at the inquiry and who fails to remain in attendance at that inquiry, or who, being subpoenaed or warned, fails to appear at the place and on the date and at the time to which the inquiry in question maybe adjourned, is guilty of a disciplinary offence of disobeying a lawful order.

Sub-part 4 : Allowances, witnesses and copying fees

Prison member as witness

114. (1) Subject to subregulation (2) and regulation 118, a prison member who is required to attend any disciplinary inquiry must be regarded as being on duty and is entitled to subsistence and transport allowances and travelling facilities in accordance with the Public Service Staff Rules.

(2) An accused prison member is not entitled to subsistence and transport allowances and travelling facilities referred to in subregulation (1) if he or she is found guilty of committing a disciplinary offence for which the inquiry was conducted.

Witness for prosecution

115. A person, other than a prison member, who is required to attend an inquiry to give evidence or to produce any record, document, book or other thing for the prosecution, is entitled to such witness fees and travelling allowances as are prescribed by the rules of court in respect of the attendance of witnesses in a criminal trial in a magistrate's court.

Defence witness

116. Subject to regulation 117, any person, other than a prison member, who is required to attend an inquiry to give evidence or to produce any record, document, book or other thing for the defence, is not entitled to any allowances, fees and travelling facilities at State expense.

Witness subpoenaed by chairperson or presiding officer

117. If the chairperson or the presiding officer, as the case may be, requires the attendance of a prison member or subpoenas any other person to give evidence or produce a document, book or other thing, regulation 114 or 115 in regard to allowances, fees and travelling facilities applies with the necessary changes.

Recovery of allowances and witness fees

118. If the chairperson or the presiding officer, as the case may be, is of the opinion, and reports to the Commissioner, that the evidence of a prison member subpoenaed on the request of the accused prison member was unnecessary or immaterial, the Commissioner may recover from the accused prison member, the fees, allowances and cost of travelling facilities paid or granted to the prison member by the State.

Allowances for a person's services and for using mechanical means, and copying fees

119. Whenever the services of any person or any mechanical means are used to record the evidence and proceedings at an inquiry under these Regulations, the rules of procedure in a magistrate's court in criminal proceedings in regard to the fees or allowances, if any, payable for the use of such services or mechanical means, and for the transcription and copy of the notes taken down apply with the necessary changes.

Address by prosecutor and defence at conclusion of evidence

120. After all the evidence has been adduced by both parties, the prosecutor may make a closing submission, and thereafter the accused prison member may make a closing submission.

Reply by prosecutor

121. The prosecutor may reply on any matter raised by the accused prison member in his or her closing submission.

*Sub-part 5: Findings and disciplinary measures***Pronouncing the finding**

122. After the closing submission by the accused prison member and the reply by the prosecutor, if any, the chairperson or the presiding officer, as the case may be, must pronounce the finding whether the accused prison member is found guilty or not guilty.

Procedure where junior prison member found not guilty

123. Where the presiding officer, other than the Commissioner, finds the accused junior prison member not guilty of the disciplinary offence, he or she must advise the Commissioner of that finding and the Commissioner may confirm, alter or quash the finding.

Finding may be corrected

124. When by mistake a wrong finding is pronounced, the chairperson or the presiding officer may, before or immediately after it is recorded, amend the finding.

Submission before imposing disciplinary measures

125. (1) Before the chairperson imposes, or the disciplinary board recommends, a disciplinary measure, the chairperson or the presiding officer, as the case may be, must give the accused prison member an opportunity to adduce evidence in mitigation and thereafter the opportunity must be given to the prosecutor to make a submission for the disciplinary measure.

(2) The chairperson or the presiding officer, as the case may be, must after the prosecutor has made a submission for the disciplinary measure to be imposed or recommended against the accused prison member, ask the accused prison member concerned to admit or deny any matter raised during the prosecutor's submission.

Denial by accused prison member and proof by prosecutor

126. Where, during his or her submission for the disciplinary measure, the prosecutor raises any matter which is denied by the accused prison member, the prosecutor must be required to adduce evidence to prove that matter.

Imposition of disciplinary measure

127. After the submissions mentioned in regulation 125 and the proof of matters, if any, as provided in regulation 126, the chairperson or the presiding officer, as the case may be, must take action as provided under section 39 (16) or 42 (12) of the Act.

Consideration of prosecutor's submission when imposing disciplinary measure

128. When imposing the disciplinary measure upon the accused prison member in respect of the disciplinary offence of which he or she has been found guilty, the chairperson or the presiding officer, as the case may be, must take into consideration any matter raised by the prosecutor and admitted by the accused prison member as provided under regulation 125 or proved as provided under regulation 126.

Confirmation of disciplinary measure

129. (1) A disciplinary measure imposed upon a junior prison member by the presiding officer, not being the Commissioner, is subject to the Commissioner's confirmation as provided under section 42 (14) of the Act.

(2) On confirming the disciplinary measure imposed upon the junior prison member, the Commissioner may, on consideration of the report on the inquiry in question -

- (a) confirm, alter or quash the finding by the presiding officer;
- (b) reduce, alter or set aside the disciplinary measure or any other order imposed or made by the presiding officer; or
- (c) give such finding or impose such disciplinary measure or make such order as the presiding officer might have given, imposed or made on any matter which was before him or her at the disciplinary inquiry in question.

Execution of fine

130. A disciplinary measure of a fine imposed upon a prison member must be executed by deducting money from that prison member's salary in one instalment or in such number of installments as the Commissioner may determine.

*Sub-part 6 : Evidence***Evidence of single witness**

131. An accused prison member may be found guilty of a disciplinary offence on the evidence of a single witness.

Evidence following conviction in court of law

132. Where the facts of a disciplinary offence for which a prison member is charged arise from that prison member's conviction in a court of law for committing a crime, such conviction is prima facie evidence during an inquiry for that disciplinary offence.

Irrelevant evidence inadmissible

133. No evidence as to any fact, matter or thing is admissible which is irrelevant to the proof of any point or fact at issue in an inquiry.

Admissibility of written statement

134. In an inquiry, a written statement by any person, other than the accused prison member at the inquiry, is, subject to regulation 135, admissible as evidence to the same extent as oral evidence by that person, and such statement must be admitted as evidence upon its mere production at an inquiry.

Requirements of written statement

135. (1) The statement referred to in regulation 134 must be signed by the person who made it, and must contain a declaration by that person to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement knowing that, if it were tendered in evidence, he or she would be liable to prosecution if he or she wilfully stated in it anything which he or she knew to be false or which he or she did not believe to be true.

(2) If the person who makes the statement cannot read it, it must be read to him or her before he or she signs it, and an endorsement must be made on it by the person who read the statement to the effect that it was so read.

(3) A copy of the statement, together with a copy of any document referred to in the statement as an exhibit, or with such information as may be necessary to enable the other party to inspect such document or a copy thereof, must, before those copies are tendered in evidence, be served on the other party to the inquiry.

Oral evidence by person who made written statement

136. Notwithstanding that a written statement made by a person may be admissible as evidence -

- (a) a party by whom or on whose behalf a copy of the statement was served may call that person to give oral evidence; and
- (b) the chairperson or the presiding officer, as the case may be, may, on his or her own motion or upon the application of the other party to the inquiry, cause that person to be summoned to give oral evidence at the inquiry in question.

Treatment of exhibit referred to and identified in written statement

137. Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under regulation 134, must be treated as if it had been produced as an exhibit and identified in the inquiry by the person who made the statement.

Evidence of disputed writing

138. Comparison at an inquiry of a disputed writing with any writing proved to be genuine may be made by a witness and that writing and the evidence of any witness with respect thereto, may be submitted as proof of the genuineness or otherwise of the writing in dispute.

Evidence of signature

139. Any document -

- (a) which purports to bear the signature of any prison member; and
- (b) which bears a seal or stamp purporting to be a seal or stamp of the office to which such prison member is attached,

is, upon the mere production thereof at disciplinary inquiries, prima facie proof that the prison member signed that document.

Article may be proved in evidence by means of photograph

140. (1) A photograph of any article, other than a document, may be admitted, in lieu of that article, as evidence at an inquiry notwithstanding that the article is available and can be produced in evidence.

(2) The chairperson or the presiding officer may on good reason require the production of the article in question.

Presumption that accused prison member possessed particular qualification or acted in particular capacity

141. Where a disciplinary offence can be committed by a prison member only when that prison member possesses a particular qualification or quality, or is vested with a particular authority or is acting in a particular capacity, a prison member charged with such a disciplinary offence, is, at the inquiry, deemed to have possessed that qualification or quality or to have been vested with that authority or to have been acting in that capacity at the time of the commission of the disciplinary offence, unless the presumption is disproved.

Evidence by prosecution

142. If evidence is led to disprove the presumption referred to in regulation 141 after the prosecution has closed its case, the prosecution may adduce evidence and submit any argument in support of the allegation as if it had not closed its case.

Adjournment of inquiry

143. The chairperson or the presiding officer, as the case may be, may from time to time during the inquiry, if the chairperson or the presiding officer considers it necessary or expedient, adjourn the inquiry to any time, date and place.

Failure by accused prison member to appear after adjournment

144. Where the accused prison member fails without leave of the chairperson or the presiding officer, as the case may be, to appear at the place and on the date and at the time to which the inquiry may be adjourned, the inquiry must proceed in the absence of that accused prison member, unless the chairperson or the presiding officer for any good reason decides otherwise.

Charge for disobeying lawful order

145. The accused prison member who fails to appear after adjournment as provided under regulation 143 may further be charged with a disciplinary offence of disobeying lawful order, if the chairperson or the presiding officer, as the case may be, considers it necessary or expedient.

Removal of person disturbing inquiry

146. If any person, other than the accused prison member, who is present at the inquiry, disturbs the peace and order of the inquiry, the chairperson or the presiding officer, as the case may be, may order that such person be removed from the place where the inquiry is being conducted.

Charging of prison members

147. If a person removed under regulation 146 is a prison member, he or she may be charged for committing a disciplinary offence of discreditable conduct under section 38 (e) of the Act.

Removal of accused prison member for disturbing inquiry

148. (1) If the accused prison member disturbs the peace and order of the inquiry, the inquiry must be adjourned for such a period of time as the chairperson or the presiding officer may consider fit.

(2) If after such adjournment, the accused prison member still disturbs the inquiry, the chairperson or the presiding officer, as the case may be, must order that the accused prison member be removed from the place where the inquiry is being conducted, and the inquiry must proceed in the absence of that accused prison member.

(3) The chairperson or the presiding officer may, at any stage of the inquiry, allow the accused prison member to come back to the place where the inquiry is being conducted.

Inquiry of prison members implicated in same disciplinary offence

149. The conduct of any number of prison members implicated in committing the same disciplinary offence may be inquired into jointly and each such prison member may be charged at the inquiry with the relevant substantive disciplinary offence against him or her.

Joinder of accused prison members

150. An accused prison member may be joined with any other accused prison member in the same disciplinary inquiry at any time before any evidence is led in respect of the charge in question.

Separation of inquiries

151. Where two or more prison members are charged jointly with the same disciplinary offence, the chairperson or the presiding officer, as the case may be, may at any time during the inquiry, upon the application of the prosecutor or of any of the accused prison members, direct that the inquiry of any one or more of the accused prison members must be held separately from the inquiry of the other accused prison members, and the chairperson or the presiding officer may abstain from giving the finding in respect of any of the accused prison members.

PART XVI
DISCHARGE, MEDALS AND DEATH

Certificate of service

152. A certificate of service in the prescribed form, duly completed and signed by or on behalf of the Commissioner as proof of its being in accordance with the official records of the Prison Service must, on the discharge of a prison member, be issued to such member in every case where he or she has completed not less than three months' continuous service.

Authenticity of certificate of service

153. A certificate of service, strictly in accordance with the official records of the Prison Service, must contain only a factual and accurate statement of the conduct, diligence, zeal, sobriety and efficiency of the prison member concerned.

Copy of certificate of service

154. A copy of the certificate of service, which has been destroyed or lost, may be issued only under the authority of the Commissioner in exceptional circumstances.

Awarding of medals or decorations

155. (1) The medals, decorations, bars, clasps and ribbons may, on the recommendation by the Commissioner, be awarded by the President of the Republic of Namibia to any prison member who qualifies for such an award.

(2) Any other matter arising from or incidental to the award referred to in subregulation (1) must be dealt with in accordance with the relevant government rules regulating the award of medals, decorations, bars, clasps and ribbons.

Notification of death of prison member

156. The death of a prison member must be reported without delay to the Commissioner by the officer-in-charge or the head of office or work place.

Burial of deceased prison member

157. The burial of a deceased prison member must be done in accordance with the rules and manner prescribed.

PART XVII
GENERAL

Liability of prison members for deficiency and loss of, or damage to, State property

158. A prison member may be held liable to make good any deficiency, loss, damage or other expenditure suffered by the State as a result of his or her negligence or carelessness or unlawful act or his or her failure to carry out a specific duty, and, if more than one prison member is responsible and liable in terms of this subregulation, they must be jointly and severally liable.

Determination of liability

159. The determination of liability of a prison member in terms of regulation 158 and the sum of money involved must be determined by such investigation and in such manner as are specially and generally prescribed, except in the case where the liability and the sum of money involved have been determined -

- (a) by a court of law in connection with a conviction of any offence arising wholly or partly from such deficiency, loss, damage or other expenditure;
- (b) in an inquiry under the Act and these Regulations in connection with a conviction on a contravention or finding of guilt, on a charge of misconduct or inefficiency or unfitness arising wholly or partly from such deficiency, loss, damage or other expenditure; or
- (c) by way of a voluntary undertaking on the part of such prison member to make good such deficiency, loss, damage or expenditure.

Recovery of determined amount for liability

160. Whenever the liability of a prison member and the sum of money involved have been determined in terms of regulation 159, a compensatory surcharge for that sum must be levied by the Commissioner on the prison member concerned, and notification of that levy must be served on him or her in such manner and form as may be prescribed and that sum must be a debt due to the State and must be recovered from the prison member in such conditions as may be determined by the Commissioner in consultation with the Treasury.

Liability and recovery after dismissal or retirement

161. Notwithstanding that a prison member who is liable for any deficiency, loss, damage or other expenditure in the circumstances set out in regulation 158 has been dismissed or has retired from or otherwise left the service of the Prison Service, regulations 158 to 160 apply to that person.

Application of section 30 of Public Service Act to political rights of prison members

162. Subject to regulation 163 and 164, section 30 of the Public Service Act applies with the necessary changes to prison members in relation to their political rights.

Limitation of political rights of prison members of rank of or above Chief Prison Officer

163. For the purposes of the second proviso to subsection (1) of section 30 of the Public Service Act, a prison member of a rank of, or above, Chief Prison Officer must be regarded as holding a post in the management cadre of the Namibian Prison Service.

Limitation of political rights of prison members below rank of Chief Prison Officer

164. The Minister may, on the recommendation of the Commissioner declare any prison member of a rank lower than Chief Prison Officer to be subject to the limitations specified in sub-paragraphs (i) and (ii) of the second proviso to subsection (1) of section 30 of the Public Service Act by virtue of that prison member's potential to influence policy formulation or his or her fiduciary relationship with any person who is in a position to influence policy formulation or of any other reason relating to the impartiality of the Prison Service.

Submission of progress reports

165. The officer-in-charge or the head of office or work place must submit to the Commissioner progress reports of prison members under his or her command in the form and on such intervals as may be prescribed.

Submission of special reports as required by Commissioner

166. The officer-in-charge or the head of office or work place must submit to the Commissioner a special report in respect of a prison member under his or her command in the manner and as often as the Commissioner may require.

Channel of communication

167. A request, communication or complaint from a prison member in connection with any matter falling within the scope of the powers, functions or duties of the Prison Service must be addressed in accordance with the Prison Service Grievance Procedure Manual.

Use of weapons

168. (1) A prison member may use a weapon against any person in the circumstances and manner provided under section 30 of the Act.

(2) For the purposes of prison administration "weapon" includes prescribed firearm, baton, ammunition, rubber bullet, teargas and any other prescribed implement.

**CHAPTER 3
PRISONERS****PART I
GENERAL PROVISIONS****Application of regulations**

169. The regulations contained in this Part and in Parts II and III of this Chapter apply to all prisoners, unless inconsistent with any special provisions applicable to a particular category of prisoners.

Search

170. Each prisoner must be searched as frequently as is considered necessary.

Seizure and destruction of articles

171. All articles which are unlawfully brought into a prison by a prisoner or any other person or which are found in or near a prison may be seized or destroyed at the discretion of the Commissioner and such seizure or destruction must be properly recorded.

Manner and purpose of search

172. The search of a prisoner must be conducted in an apparent manner and, as far as is practicable or reasonably necessary in the circumstances, without injury to the self-respect of the prisoner, and must be sufficiently thorough to detect any unauthorized article.

Stripping

173. A prisoner may, as far as is practicable, not be stripped and searched in the presence and in sight of other prisoners.

Person who must conduct search

174. A prisoner may only be searched by a prison member of the same sex.

Prohibition on documents or writings

175. Except as provided in the Act, these Regulations and the Prison Service Orders, no prisoner may compile or write any document or writing without the permission of the Commissioner.

Receipt and safe-keeping of articles

176. (1) The officer-in-charge or any other prison member duly authorised by the officer-in-charge, must take into safekeeping all money or valuables or any other articles belonging to a prisoner on admission or during his or her detention and must

make an inventory of all the money, valuables or other articles, the correctness of which must be certified by the prisoner.

(2) A copy of the inventory referred to in subregulation (1) must be given to the prisoner concerned.

Disposal of personal effects

177. (1) Subject to regulations 190, 192 and 193, the personal effects of a prisoner must be placed into the custody of the officer-in-charge, and must be returned to the prisoner on his or her release from prison.

(2) Notwithstanding subregulation (1), the clothes or other personal effects of the prisoner referred to in that subregulation which, in the opinion of the officer-in-charge, are so old, may be destroyed and a proper record of and the reasons for the destruction must be kept.

(3) On release of the prisoner whose clothes or other personal effects have been destroyed, from prison, the officer-in-charge must provide that prisoner with the necessary suitable clothing or personal effects at the expense of the State.

Disposal of private money

178. The Commissioner must determine the circumstances under which a prisoner may use his or her private money or the manner in which he or she may dispose of that money.

Bringing in and removal of prohibited articles

179. (1) A prohibited article may not be brought or removed from a prison by any person on behalf of a prisoner without the permission of the Officer-in-Charge.

(2) For the purposes of prison administration, "prohibited article" means any article, object, item or thing which is in unauthorised possession of any person within the prison, or which is not authorised to be brought into or removed from a prison.

PART II

ADMISSION, DETENTION, TRANSFER, DEATH AND ESCAPE OF PRISONERS

Personal and physical particulars

180. The name, age, height, weight, full address, distinctive marks and such other particulars as may be required from time to time must, in respect of every prisoner, be recorded in the admission register and in any other relevant registers or forms.

Fingerprints and photographs

181. Whenever required, the fingerprints and photographs of a prisoner must be taken on admission and as often thereafter as is necessary: Provided that no person who is not officially authorised may have access to, or inspect, any such fingerprints or photographs or their copies, and that no details or information contained in them must be divulged or furnished to any such person.

Bath on admission

182. Unless the medical officer otherwise determines, every prisoner must bath as soon as possible after admission and as often thereafter as is necessary.

Medical examination on admission

183. Every prisoner must, as soon as possible after admission, be examined by a medical officer, who must report fully on the physical and mental condition of that prisoner and other medical information which may be required or prescribed.

Custody during removal

184. A prisoner who is removed on the instructions of the Commissioner, must be in the safe custody of the prison member: Provided that a prisoner who is required to appear before a court not held in a prison, may be placed in the safe custody of a member of police for that purpose.

Protection from public exposure

185. When a prisoner is removed from or to a prison he or she must be subjected to a minimum of exposure to the public, and all necessary precautionary measures must be taken to protect him or her from public abuse or curiosity.

Interview before removal

186. The officer-in-charge must interview a prisoner before the prisoner is removed to another prison.

Medical certificate on removal

187. A prisoner must be examined by the medical officer as shortly as possible prior to his or her removal to another prison, and he or she may not be removed unless the medical officer has certified, in writing, that he or she is fit for removal.

Particulars of death of prisoner

188. The medical officer must record, in writing, all the relevant particulars of the death of a prisoner, which must include -

- (a) the time and date of illness;
- (b) the time and date when the illness came to the notice of the medical officer;
- (c) the nature of the illness referred to in paragraph (a);
- (d) the time and date of death;
- (e) the cause of death;
- (f) the findings at the post mortem, if any; and
- (g) any other relevant particulars as the medical officer may consider necessary.

Notification of death of prisoner

189. Upon the death of a prisoner, whether from natural or unnatural causes, the officer-in-charge must immediately give notice of the death to the Commissioner, the medical officer and the magistrate of the district in which the prison is situated, and also to the next-of-kin, or, if particulars of the next-of-kin are unknown, the officer-in-charge must, as far as is practicable, notify any other relative or friend of the death of the prisoner.

Disposal of private property of deceased prisoner

190. (1) The private property of a deceased prisoner, whether his or her death has occurred from natural causes or not, may be handed over to his or her spouse, child or next-of-kin, irrespective of whether or not an executor has been appointed in his or her estate.

(2) If the private property of a deceased prisoner is not disposed of in terms of subregulation (1) within a period of six months from the date of death, it must be dealt with in accordance with subsections (8) and (9) of section 50 of the Act.

Burial of deceased prisoner

191. The body of a deceased prisoner must be buried by the prison authorities at a burial place in the area in which he or she died: Provided that the Commissioner must grant authority for the body of any deceased prisoner to be handed over to the next-of-kin, other relative or friend for removal and burial at their own expense.

Disposal of private property of escaped prisoner

192. The inventory of the private property of a prisoner who has escaped and has not been recaptured must, after six months from the date of escape, be submitted to a magistrate's court by the officer-in-charge for disposal of that property in accordance with subsections (8) and (9) of section 50 of the Act.

Disposal of unclaimed private property

193. The unclaimed private property of a prisoner who has been released must, after six months from the date of his or her release, be disposed of in accordance with the provisions of subsections (8) and (9) of section 50 of the Act.

Disposal of perishable or valueless private property

194. Notwithstanding regulations 190, 192 and 193, any item of clothing or other article of a deceased, released or escaped prisoner, which is unclaimed and of no or little value or of no apparent sales value or of a perishable nature, may be destroyed or otherwise disposed of as the Commissioner may direct.

PART III ACCOMMODATION OF PRISONERS

Sleeping facilities

195. No dormitory or cell must be used for sleeping purposes unless it complies with the prescribed requirements in respect of floor-space, cubic capacity, lighting, ventilation and general health conditions.

Single cells

196. If single cells accommodation is available at a prison, only one prisoner must be accommodated in one cell: Provided that, should it be necessary to accommodate more than one prisoner in a single cell, not less than three prisoners must, as far as is practicable, be accommodated.

Bedding

197. Every prisoner must be provided with separate bedding which is of adequate warmth and which complies with the hygienic requirements prescribed.

Segregation of male and female prisoners

198. (1) Whenever separate parts of a prison are available for the reception of female prisoners, the following requirements, in addition to those contained in section 15 of the Act, must be strictly observed:

- (a) The locks of the doors and gates of the male section must be such that the keys to the locks of the doors and gates of the female section do not fit the locks of the doors and gates of the male section and vice versa;

- (b) the keys to the female section must be in the constant custody of a female prison member; and
 - (c) any male admitted to a female section must be accompanied by a female prison member during the full visit.
- (2) Wherever separate prisons for the reception of male and female prisoners are established on the same site, or on separate sites, or in proximity to each other -
- (a) all practical steps must be taken to prevent any of the prisoners of one sex being directly or indirectly in communication with any of the prisoners of the other sex;
 - (b) subregulation (1) applies with the necessary changes; and
 - (c) section 15 of the Act must be observed.

PART IV DISCIPLINE AND CONTROL OF PRISONERS

Sub-part 1 : General principles

Scope and aim

199. The regulations in this Part must, with due regard to differences in individual characteristics and reactions by different prisoners to treatment and discipline, be applied in accordance with the following principles:

- (a) Discipline and order must be maintained with firmness, but in no greater measure than is necessary for security purposes and an orderly community life in prison;
- (b) in exercising control over a prisoner, a prison member must, by personal example and sound leadership, endeavour to influence him or her towards good conduct; and
- (c) the aim in treating the prisoner must at all times be to promote his or her self-respect and to cultivate a sense of responsibility in him or her.

Duties of officer-in-charge

200. The officer-in-charge must -

- (a) ensure that the Act, these Regulations and the Prison Service Orders are strictly complied with and that the aims of the Act, these Regulations and the Public Service Orders are achieved;
- (b) continuously maintain personal and scrupulous supervision over the whole of the prison, visit daily all sections of the prison where a prisoner is detained, and pay particular attention to a prisoner in hospital and prisoners who are undergoing disciplinary punishment or who display any behavioural deviation; and
- (c) visit the prison at least twice a week at irregular times during the night and satisfy himself or herself that everything is in order.

Use of force

201. (1) A prison member may not strike or in any other manner assault a prisoner, except in lawful self-defence or in defence of another prison member, another prisoner or any other person.

(2) Whenever circumstances require the use of force, no more force than is necessary in the circumstances may be used.

(3) A prison member may not by word or deed deliberately annoy or give offence to a prisoner.

Prisoner not to perform disciplinary duties

202. A prisoner may not be employed in a disciplinary capacity in a prison, but a specially selected prisoner may be granted a position of responsibility and leadership within such limits as may be prescribed.

Segregation at work

203. Subject to regulation 265, the Commissioner may order a convicted prisoner to be segregated and to work alone in a cell where such action appears to be in the interest of the treatment of such prisoner or the good order and discipline of a prison.

Sub-part 2 : Disciplinary contraventions

Procedure when prisoner commits prison offence

204. Whenever it is suspected or alleged that a prisoner has committed a prison offence, the prison member who investigated the suspicion or allegation must submit the investigation report, as well as any other relevant documents to the suspicion or allegation, to the relevant prosecutor, who must, if there are adequate grounds to do so, charge the prisoner concerned.

Procedure at inquiry

205. The rules of procedure and evidence provided in Part XV of Chapter 2 apply with the necessary changes to an inquiry under section 77(1)(a) of the Act.

Venue of trial or inquiry

206. The inquiry of a prisoner in terms of section 77 (1) (a) of the Act, on an alleged contravention of or failure to comply with, the Act or any regulation, must be held at the prison, and the trial of a prisoner in terms of section 77 (1) (b) of the Act may be held at the court to where the Commissioner decides to transfer the matter for hearing.

Designation of prosecutor

207. (1) The Commissioner may, in general, detail one or more prison members of the prison to act as prosecutor or prosecutors, as the case may be, at the inquiry of a prisoner on a charge of a prison offence.

(2) The Commissioner or a senior prison member authorised thereto by the Commissioner may designate any other prison member to conduct the prosecution referred to in subregulation (1) if the designated prison member is not available or cannot for some good reason appear.

(3) If a trial of a prisoner on a charge of a prison offence is held, the magistrate, may, at his or her discretion designate a person who has been delegated to prosecute in a magistrate's court, to act as prosecutor at the trial.

Attendance of accused prisoner and witnesses at inquiry

208. (1) The prison member designated in terms of regulation 207(1) or (2) to act as prosecutor must make arrangements for the attendance of the accused prisoner and any prison member required to give evidence at the inquiry and must warn or subpoena, according to requirements, any other person to attend the inquiry to give evidence or produce any document or thing, whether in support of the charge or in defence of the accused prisoner.

(2) A subpoena, in the prescribed form, served on a person required to give evidence or to produce any book, record, document or thing at the inquiry must be issued under the hand of a magistrate, the Commissioner or the presiding officer, and the service of the subpoena must be subject to the rules of court applicable to the service of the process in a summary trial on a criminal charge in a magistrate's court.

(3) If it is necessary for a prison member designated in terms of regulation 207(1) or (2) to act as prosecutor, to give evidence other than of a merely formal nature in support of the charge, he or she must, as far as possible, give such evidence before calling any witness.

Competence to stop prosecution

209. Whenever a prisoner has pleaded to a charge for committing a prison offence, the prosecution of that charge must proceed to verdict: Provided that the Commissioner or, with his or her consent, the prison member designated under regulation 207 to act as prosecutor, may, for good and sufficient reasons, at any time after plea and before verdict, stop the prosecution, in which case the accused prisoner is entitled to a verdict of acquittal in respect of that charge.

Summary disposal at inquiry

210. (1) If the accused prisoner, after receiving a notice concerning the nature and particulars of the charge against him or her, in writing admits the commission of the prison offence, the presiding officer must order the accused prisoner to be brought before him or her to confirm the admission and thereafter may, without holding the inquiry, convict the accused prisoner and after hearing and recording evidence in mitigation, impose upon that prisoner one or more of the penalties referred to in paragraph (a) or (b) of section 78 of the Act.

(2) The penalty imposed upon the prisoner under section 78 of the Act may not be effected -

- (a) until the time prescribed for lodging of an appeal under regulation 211(1) has expired and the prisoner concerned has not lodged an appeal; or
- (b) where an appeal has been lodged, until the appeal has been dismissed or withdrawn.

Appeal by prisoners

211. (1) Any prisoner who at the conclusion of the inquiry, is aggrieved by the finding against him or her or by the penalty imposed upon him or her, may, within seven days from the date when the inquiry was concluded, appeal in writing, by lodging the notice of appeal with the officer-in-charge, to the Commissioner against -

- (a) the finding of the presiding officer; or
- (b) the penalty in question.

(2) The officer-in-charge must, within seven days after receiving the notice of appeal lodged by the prisoner under subregulation (1) submit to the Commissioner -

- (a) the notice of appeal;
 - (b) the records of proceedings and other relevant documents; and
 - (c) the written statement of the presiding officer showing the facts found to be proved and the reasons for conviction and the penalty imposed.
- (3) There must be no appeal if the inquiry was conducted by the Commissioner.

Decision by Commissioner

212. The Commissioner may, in respect of an appeal lodged in terms of regulation 211 (1), on consideration of the record, documents and statement referred to in regulation 211(2) and grounds of appeal -

- (a) confirm or alter the penalty imposed upon the prisoner;
- (b) set aside the conviction and order further investigation; or
- (c) take any other measure that he or she may consider expedient.

*Sub-part 3 : Confinement in single cells***Scope**

213. Confinement in a single cell means confinement as a punishment on conviction for committing a prison offence as referred to in section 78 (1) (a) (i) and 78 (1) (b) (i) of the Act.

Instance when prisoner may not be confined in single cell

214. A prisoner may not be subjected to confinement in a single cell if the medical officer certifies that the confinement will be detrimental to the prisoner's physical or mental health.

Regular visits

215. A prisoner undergoing confinement in a single cell must be visited daily by the officer-in-charge and also as often as is practicable by the medical officer.

Exercise

216. Whenever a prisoner is sentenced to confinement in a single cell, such exercise as is prescribed must, for the duration of that sentence, be taken in the open air for half an hour every morning and for half an hour every afternoon.

*Sub-part 4 : Restraint and confinement***Limitation and object of restraint or confinement of prisoner**

217. (1) Restraint of a prisoner must be applied only in the circumstances and for the purpose provided in section 90 of the Act and must in no circumstances be used as punishment.

(2) The restraint or confinement mentioned in section 90 of the Act must be for such period as may be considered absolutely necessary, but not exceeding 30 days.

(3) The officer-in-charge, after issuing an order to restrain or confine a prisoner, must immediately make, or cause to be made, an entry in a register to be kept for that purpose, recording the particulars of the restraint or confinement.

(4) If it is considered absolutely necessary to continue with the restraint or confinement referred to in subregulation (3) in a separate cell for a period exceeding 30 days, the officer-in-charge must report to the Commissioner stating the facts and making his or her recommendations.

(5) Upon receipt of the report and recommendation referred to in subregulation (4), the Commissioner may order the extension of the period of restraint or confinement in a separate cell for 60 additional days, but no such restraint or confinement must exceed a period of 90 days without an order under the hand of the Minister.

(6) Except as provided in this regulation, no prisoner, other than a person in the course of transfer or while temporarily outside the precincts of the prison, must, unless serving a penalty of confinement in a single cell, be confined in any separate cell or subjected to mechanical restraint.

Nature and manner of restraint

218. All forms of mechanical means of restraint and the manner in which they are applied, must be as prescribed.

Sub-part 5 : Access to prison

Access to prison by sheriff, deputy sheriff and messenger of court

219. A sheriff, a deputy sheriff and a messenger of court must, in the execution of his or her duties, be granted free access to a prison to interview a prisoner in connection with his or her duties.

Access to prison by judge of Supreme Court or High Court or by magistrate

220. (1) A judge of the Supreme Court or the High Court must at all times be afforded admission to a prison, as well as access to any section of the prison, and he or she may interview any prisoner and may report to the Commissioner in respect of any matter which he or she considers should be brought to the Commissioner's notice.

(2) A magistrate must at all times be afforded admission to a prison within the area of his or her jurisdiction, as well as access to any section of such prison, to see every prisoner and, if he or she desires, to interview any prisoner, and he or she must report his or her findings in respect of that visit to the Commissioner.

(3) A judge or a magistrate desiring to be admitted to a prison must sign the official visitor's book of the prison, and, subject to satisfactory identification, his or her signature is sufficient authority for admission to the prison in terms of subregulation (1) or (2).

Approval of other visits

221. The Commissioner may, on such conditions as he or she considers fit, grant permission to any person other than those mentioned in regulation 219 and 220(1) and (2) to visit a prison or any specific section of the prison for any special or general purpose.

Questioning and search

222. Any person entering or leaving a prison may be questioned and searched by a prison member on duty in that prison.

Refusal of admission to prison

223. The prison member on duty in a prison must refuse to admit any person if the person concerned refuses or neglects to furnish him or her with satisfactory replies to any questions in regard to his or her visit or any incidental matter, or who, if required, refuses to be searched.

Ejection from prison

224. (1) Any person who, during a visit to a prison, conducts himself or herself improperly or contrary to the good order or discipline of that prison, may be ordered by the officer-in-charge, or any other prison member authorised by the officer-in-charge, to leave the prison, and if that person fails, neglects or refuses to comply with the order, the officer-in-charge or any other prison member authorised in that regard, may cause him or her to be forcibly ejected from the prison.

(2) Any person who fails, neglects or refuses to comply with an order given in terms of subregulation (1) to leave a prison, or who resists or obstructs ejection ordered in terms of subregulation (1), or who refuses to be searched when required under that regulation, is guilty of contravening this regulation and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both the fine and imprisonment.

Sub-part 6 : Labour

General requirements

225. Every sentenced prisoner must work no more than eight hours a day, unless the Commissioner, in terms of the classification scheme or course of treatment or otherwise, orders that a prisoner be exempted from work on any day during any period.

Physical and mental fitness

226. (1) A prisoner may not perform work unless the medical officer has certified that he or she is physically and mentally fit.

(2) A prisoner may, on the recommendation of the medical officer, be wholly or partially exempted from work.

Scope of work

227. A prisoner must perform only the work provided under Part X of the Act.

Limitation of use of prison labour by prison members, etc.

228. A prisoner may not perform work for another prisoner, a prison member, or a private person or body without the explicit approval of the Commissioner.

Sundays and public holidays

229. A prisoner must, on a Sunday, as well as on any public holiday referred to in or declared under section 1 of the Public Holidays Act, perform only such work as is absolutely essential for the hygiene and proper administration of the prison.

Sub-part 7: Gratuity

Control and use, and payment of gratuity

230. Subject to section 84 of the Act, the Commissioner must determine the conditions under which a gratuity is paid to a prisoner, as well as the manner in which any earned gratuity must be controlled and used or paid to, or on behalf of, the prisoner.

Sub-part 8 : Ex-gratia compensation

Conditions and control of payment

231. If a prisoner's earning ability is reduced as a result of an accident or injury sustained in prison, which was not due to his or her own negligence or fault, the Commissioner may, in consultation with the Treasury, grant to that prisoner an ex-gratia compensation in money and may determine the manner in which such compensation must be controlled and paid to or on behalf of that prisoner.

Sub-part 9 : Religion

Determination and registration of religious denomination of prisoner and ministrations

232. (1) On admission of a prisoner to a prison, his or her religious denomination must, as far as possible, be determined and registered by the officer-in-

charge, and that prisoner must be recognised and treated as a member or adherent of that denomination, and he or she must be encouraged and allowed to satisfy his or her spiritual inclinations and needs by attending the services provided by his or her church organisation at that prison.

(2) If, on the admission of a prisoner, doubt or vagueness exists in regard to his or her religious inclination or church denomination, or if for any reason these cannot be determined, or if he or she is not a follower of any particular denomination, the Commissioner may determine the conditions under which, with the voluntary co-operation of the prisoner, ministrations to his or her spiritual needs may be provided for.

(3) The Commissioner may determine the conditions under which a prisoner referred to in subregulation (2) may subsequently be registered as a member or adherent of any particular church denomination, and upon that registration subregulation (1) applies with the necessary changes.

(4) A prisoner must be encouraged and afforded assistance and the opportunity to maintain contact with his or her church and to promote his or her knowledge and practical application of the principles of that church.

(5) The Commissioner may generally or specially determine the conditions under which the registration of a prisoner's church denomination may be altered or under which a prisoner may be exempted from or denied attendance at the services of his or her church.

(6) Subject to the proper administration, good order and discipline of a prison, the Commissioner may determine the conditions under which the religious needs of prisoners may be ministered to by the various denominations at that prison.

Granting of authority to minister of religion and religious workers

233. (1) The Commissioner must, as far as is practicable, ensure that authority is granted to sufficient ministers of religion, or religious workers, according to the number of denominations at a prison, to serve the spiritual needs of every prisoner according to his or her faith.

(2) The authority referred to in subregulation (1) must be granted in consultation with, or on the recommendation of, the governing body of the church denomination concerned, by the Minister: Provided that no such authority must be granted to a minister of religion or a religious worker unless his or her character has been vouched for by some responsible members of his or her church denomination.

(3) Subject to the proper administration, security, good order and discipline of a prison, a minister of religion or a religious worker to whom the authority referred to in subregulation (1) has been granted must be allowed practical and reasonable access to a prisoner who is registered at that prison as a member of his or her church denomination: Provided that due regard must be had to any objection by the prisoner to that access.

Bibles and religious literature

234. Bibles and religious literature must, as far as is practicable, be made available to a prisoner in the language with which he or she is conversant.

Exemption from work on holy days of certain church denominations

235. If a church denomination officially recognises any holy day other than a Sunday or other holy day of the Christian faith referred to in the Public Holidays Act, a prisoner registered as a member of such denomination may be granted exemption from work on any such day: Provided that such prisoner must perform ordinary work on a corresponding number of such Christian holy days as are not officially recognised as such by his or her church denomination.

*Sub-part 10: Education and library***Studies**

236. If the Commissioner is of the opinion that a prisoner's deficient or inadequate schooling or complete lack of schooling could possibly be a factor in causing crime, such a prisoner must at all times be encouraged to undertake an appropriate course of study, due regard being had to the period of his or her sentence and personal aptitude: Provided that the Commissioner may, in his or her discretion, allow any other prisoner to embark on a suitable course of study.

Compulsory studies

237. Compulsory studies, as well as conditions under which such studies must be pursued, may be determined by the Commissioner for specific cases in certain categories of prisoners.

Establishment of libraries

238. A properly organised library containing literature of constructive and educational value must, as far as possible, be established and maintained at a prison and may in the discretion of the Commissioner be placed at the disposal of all prisoners detained in that prison.

Books and periodicals from outside sources

239. Subject to any conditions and rules issued by the Commissioner, a prisoner may receive books and periodicals from outside sources.

Withdrawal of permission to study

240. (1) If any prisoner who has been granted permission to study abuses that permission or his or her study material in any way or uses it for purposes other than study, or if that prisoner is confined in terms of section 76 or 90 of the Act or is confined as a punishment, that prisoner's study material and permission to study may be temporarily or permanently withdrawn.

(2) If a prisoner's study material and permission to study is withdrawn in terms of subregulation (1), and if he or she has incurred costs in connection with his or her studies, he or she may not be entitled to recover those costs from the State.

(3) Any study material received by a prisoner in terms of regulation 239 for the purposes of his or her studies remains the property of the prisoner and must be treated as his or her private property.

Study and library facilities not a legal right

241. Permission to study or the utilization of any library in terms of this sub-part is subject to the discretion of the Commissioner, and these Regulations may in no way be construed in such a way as to imply that the permission or utilisation of any library allows any prisoner a right he or she can legally claim.

*Sub-part 11: Social and family relationship***Family relationship**

242. Special attention must be given to the preservation of the good relationship between a prisoner and members of his or her family in the best interests of both parties.

Conveyance of important information to prisoner

243. In addition to any privilege and indulgence granted to a prisoner, the officer-in-charge may at any time convey to a prisoner any important information concerning his or her relatives or friends.

Notification of admission or transfer

244. On admission or transfer, the prisoner himself or herself, unless he or she otherwise requests in writing, or the officer-in-charge, must notify the next-of-kin or, if particulars of the next-of-kin are unknown, any of the prisoner's relatives of the admission or transfer.

Notification of death, serious illness or injury

245. The officer-in-charge must notify the next-of kin of the prisoner or if particulars of the next-of-kin are unknown, any of the other relatives, if he or she is seriously ill or dies or is declared mentally ill or is injured in an accident.

*Sub-part 12 : Medical and hospital services***Establishment of hospital**

246. (1) A hospital must be established at every prison and be equipped according to local requirements to provide a sick prisoner with accommodation for his or her care and medical treatment by the medical officer.

(2) All the essential services at a prison hospital must be performed by trained medical staff only.

Visits, examinations and reports by medical officer or health inspector

247. (1) The medical officer must visit a sick prisoner as often as is necessary and must examine and treat, as may be necessary, any prisoner who complains that he or she is ill or injured and also any other prisoner to whom his or her attention is specially drawn.

(2) A medical officer or health inspector of the Ministry of Health and Social Services must inspect the prison as often as possible and report to the Commissioner on any matter concerning the medical and health facilities and requirements at the prison which, in his or her opinion, should be brought to the attention of the Commissioner.

Consultation with other medical practitioner

248. (1) If the medical officer considers it necessary, he or she may consult another medical practitioner in regard to the medical treatment of a prisoner, and he or she must do so in all cases before a serious operation is performed on a prisoner, unless he or she considers that an urgent operation is essential in the interest of the prisoner's health or life.

(2) An operation may not be performed on a prisoner without his or her written consent, or, in the case of a minor, without the written consent of his or her guardian, except when, in the opinion of the medical officer, the operation is in the interest of the prisoner's health or life and the prisoner is unable to give his or her consent or when it is not possible or practicable to obtain the consent of the guardian.

Private medical and dental services

249. Subject to security measures, the Commissioner, on request of a prisoner, may authorize that prisoner to employ the services of a private medical practitioner or dentist on such conditions as are specially or generally prescribed: Provided that no cost to the State is incurred by those private medical or dental services.

*Sub-part 13 : Hygiene***Washing and bathing facilities, and toilet requisites**

250. Washing and bathing facilities and toilet requisites must at all times be made available to a prisoner.

Shaving and cutting of hair

251. Shaving amenities and facilities for haircuts must be made available to a male prisoner and beards must be shaved and hair cut as prescribed unless the medical officer orders otherwise in writing.

*Sub-part 14: Exercise***Daily exercise**

252. Under good weather conditions, a prisoner who does not perform outdoor work, must take daily exercise for one hour in the air, but the Commissioner may, in any special case, approve that the exercise be taken for only half an hour daily.

Physical exercise under supervision

253. A prisoner must take suitable physical exercise, according to his or her physical condition and age under the supervision of a prison member.

Physical fitness for exercise

254. The medical officer must indicate in his or her report on a prisoner whether the prisoner is fit for normal physical exercise or any moderate form of exercise or is totally unfit for any such exercise.

*Sub-part 15 : Food***Diet and preparation of food**

255. Subject to regulation 257, a prisoner must be provided with food which has an adequate nutritional value according to a diet scale prescribed, which consists of a reasonable variety and is well prepared and served.

Inspection of food and water

256. The medical officer must regularly inspect all uncooked and prepared food and must report to the Commissioner on the sufficiency and quality of the food and also on the purity and adequacy of the water used for human consumption and other domestic purposes.

Rations

257. Subject to section 66 (1) of the Act, or except when approved by the Commissioner or otherwise prescribed by the medical officer, only rations according to the prescribed diet scale must be issued to a prisoner.

*Sub-part 16: Clothing***Issue of prescribed clothing**

258. Except when otherwise determined by the Commissioner, a sentenced prisoner must on admission be provided with a complete outfit of prescribed clothing which satisfies hygienic requirements and is of adequate warmth, and only such clothing must be worn by the prisoner during his or her imprisonment.

*Sub-part 17: Classification of sentenced prisoners***Basis for classification of prisoners**

259. Subject to sections 15 and 51 of the Act, a sentenced prisoner must be classified according to the necessary security level and his or her suitability for placement, treatment and training at a prison, and as determined by the Commissioner in accordance with the following principles:

- (a) Individual classification in so far as the period of sentence permits and such classification is justified by an analysis and assessment of the prisoner's previous record, risk, nature of committed crime, aptitude, qualification or previous training, ability and other personal factors; or
- (b) group classification according to the duration of sentence, offence, previous record, aptitude, ability, qualifications, age or maturity and other personal factors common to the group; and
- (c) the maintenance of regular contact with, and observation of, the conduct and progress of the prisoner, whether classified on an individual or group basis, and, in so far as the duration of sentence permits, the application of progressive and flexible reclassification on promotion or otherwise to another group or another type of training.

*Sub-part 18: Education, treatment and training***Aim of education, treatment and training**

260. As far as the duration of a sentence permits, the aim of the education, treatment and training of a sentenced prisoner must be -

- (a) to cultivate in him or her the desire to lead an honest and industrious life after his or her release;
- (b) to equip him or her with necessary skills which will enable him or her to lead an honest and industrious life after his or her release and refrain from re-offending; and
- (c) to develop self-respect and a sense of responsibility in him or her.

Application of certain principles in treatment and training of sentenced prisoner

261. Subject to appropriate security measures and the avoidance of familiarity, and in order to promote the aims set out in regulation 260, the following principles must be strictly observed and applied in the treatment and training of a sentenced prisoner:

- (a) Continuous and intensive instruction and regular discipline within the scope of the institutional treatment and training to which the prisoner has been assigned;
- (b) personal advice and guidance by all prison members directly or indirectly charged with the treatment or training of the prisoner;
- (c) the promotion of proper and healthy social intercourse and a good spirit with fellow prisoners and all prison members directly or indirectly concerned with the treatment or training of prisoners; and
- (d) the provision of facilities for regular spiritual care and religious instruction.

Establishment of workshops

262. The Commissioner may, in consultation with the Treasury, establish and equip workshops and other working places which he or she may consider necessary for the training of prisoners at a prison.

Determination of training

263. (1) Training must be determined by an assessment of the personal factors and history of the prisoner concerned, and special attention must be given to -

- (a) qualifications and previous experience;
- (b) aptitude and ability; and
- (c) the duration of sentence.

(2) Whenever it appears that a prisoner is not displaying interest or making progress in the training to which he or she has been assigned, or when for any good reason it is desirable to transfer him or her from such training, the Commissioner or the Officer-in Charge may order a change of training or take such other action as he or she may consider necessary to place him or her in other suitable work.

Objectives of education

264. The objectives of education to prisoners are, among other things, to -

- (a) promote literacy;
- (b) make prisoners effectively use their leisure time; and
- (c) enable prisoners to acquire minimum level of education.

*Sub-part 19: Segregation***Grounds and authority for segregation of prisoner**

265. (1) When a prisoner -

- (a) has a bad or harmful effect on another prisoner or is responsible for the deterioration of the relationship between a prison member and a prisoner and their attitudes towards each other;
- (b) causes unrest or dissatisfaction among other prisoners or incites other prisoners to submit trivial or untrue complaints and representations or incites or influences other prisoners to disregard or contravene any command or instruction or tries to do or bring about any of the things mentioned in this paragraph;
- (c) has attempted to escape, or when there are reasonable grounds for believing that he or she is planning to escape;
- (d) has again been taken into custody after escape from prison or other lawful detention, becomes violent or adopts a threatening or aggressive attitude towards a prison member or any other prisoner or person, or conducts himself or herself or acts in any manner which conflicts with the good order and discipline of the prison,

the officer-in-charge may order the segregation of that prisoner.

(2) The segregation referred to in subregulation (1) must be for such period as may be considered absolutely necessary, but not exceeding 30 days.

(3) The officer-in-charge, after issuing an order to segregate a prisoner, must immediately make, or cause to be made, an entry in a register to be kept for that purpose, recording the particulars of the segregation.

(4) If it is considered absolutely necessary to continue with the segregation referred to in subregulation (3) in a separate cell for a period exceeding 30 days, the officer-in-charge must report to the Commissioner stating the facts and making his or her recommendations.

(5) Upon receipt of the report and recommendation referred to in subregulation (4), the Commissioner may order the extension of the period of segregation in a separate cell for 60 additional days, but no such segregation must exceed a period of 90 days without an order under the hand of the Minister.

(6) Notwithstanding subregulation (1), segregation of a prisoner may not be ordered or enforced if in any particular case or at any time the medical officer certifies that any such segregation would be or is dangerous to the prisoner's physical or mental health.

(7) The segregation described in this regulation is not deemed to be confinement in single cells for the purposes of any provision of the Act whereby confinement in a single cell for a limited period is or may be ordered as a punishment.

Revocation of order of segregation

266. The Commissioner may, at his or her discretion, at any time revoke an order for the segregation of a prisoner.

Sub-part 20: Remission of sentence

Basis for remission of sentence

267. (1) Remission of sentence is granted in accordance with section 92 of the Act.

(2) The recommendation of the National Release Board to the Minister to grant remission of sentence to prisoners mentioned in section 92 (2) of the Act is done by the National Release Board after considering the reports on those prisoners submitted to the Board by the Institutional Committee under section 105 (a) of the Act.

(3) The recommendation of a zonal release board to the Commissioner, or the decision by that board, as the case may be, to grant remission to prisoners mentioned under section 92 (2) of the Act is done by the zonal release board considering the reports of the prisoners submitted to the board by the Prison Management Committee under section 107 (a) of the Act.

Remission of sentence not a legal right

268. The granting of remission of sentence under the Act is at the sole discretion of the Minister, the Commissioner or the zonal release board, and the Act must in no way be construed that the remission of sentence confers upon any prisoner a right which he or she may legally claim.

Sub-part 21: Release

Medical examination of prisoner before release

269. A medical officer must, as far as is practicable, examine a sentenced prisoner as shortly as possible before the prisoner is released from prison.

Further detention of prisoner on medical grounds

270. If a medical officer certifies that a prisoner whose sentence is about to expire is suffering from a serious or infectious disease or a serious injury, and that release or removal from prison on expiry of his or her sentence is likely to result in death or serious injury to his or her health or to constitute a source of infection and danger to the health of others, that prisoner may be detained for such further period and under such conditions as may be determined by the Commissioner.

Interview prior to release of prisoner

271. The officer-in-charge must interview a sentenced prisoner as shortly as possible before his or her release from prison.

Compulsory after care order

272. The compulsory after care order issued under section 102 of the Act must be in such form as may be prescribed.

Disposal of private property of prisoner and material assistance

273. (1) On the release of a prisoner -

- (a) his or her private money, valuables and personal effects which have not been destroyed or confiscated under the Act, must be handed over to him or her as prescribed; and
- (b) he or she must be provided with suitable clothing and other essential equipment as determined by the Commissioner, if his or her clothing has been destroyed or otherwise disposed of under the Act or if he or she has no clothing or totally unserviceable clothing and is unable to obtain suitable civil clothing out of his or her own funds or from any other source.

(2) In addition to the requirements of subregulation (1), on release of a sentenced prisoner -

- (a) a warrant at government rates may be issued for travel by rail or road, and for bedding for the journey, to the station or halt nearest to his or her destination; and
- (b) sufficient food for the normal duration of the journey to his or her destination must be provided, or, if it is not practicable to provide him or her with sufficient food for the full journey or part thereof, a monetary grant not exceeding the rates prescribed in consultation with the Treasury may be made to him or her.

*Sub-part 22: Conducting of business***Basis for conducting of business by prisoner**

274. (1) A prisoner who, for the purposes of a sentence imposed on him or her, is detained in custody inside or outside a prison, may not conduct any business in the pursuit of gain.

(2) Subregulation (1) does not detract from the competence of a prisoner to grant a power of attorney to a person of his or her choice to continue with his or her business.

Sub-part 23: Promotion of, and grants-in-aid to, approved welfare institutions, societies and individuals

Assistance on release of prisoner

275. (1) The Minister may take steps to -

- (a) promote the establishment of welfare institutions or societies;
- (b) appoint qualified individuals; and
- (c) determine the functions and activities of the welfare institutions, societies or individuals referred to in paragraphs (a) and (b) in the furtherance of the rehabilitation and after-care of prisoners on release.

(2) The Minister may make a grant-in-aid to any welfare institution, society or individual referred to in subregulation (1), out of moneys to be voted by Parliament for this purpose, on a basis and in a manner to be determined by him or her, but subject to any condition which may be prescribed by regulation.

Sub-part 24: Visit to, and interview with, prisoner by his or her legal representative

Basis for visit and interview

276. Subject to the permission of the Commissioner and to such conditions as the Commissioner may determine, any prisoner who is a party to civil proceedings or intends to institute those proceedings, or is an accused in a criminal action, may consult his or her legal representative in connection with those proceedings or action.

Conditions of visit and interview with prisoner by his or her legal representative

277. The Commissioner may, for the purposes of regulation 276, generally or in a specific instance determine that -

- (a) the legal representative of a prisoner, at the request of the officer-in-charge, or in his or her absence, of the prison member in charge of the prison for the time-being, must lodge proof of his or her identity and status;
- (b) a visit to or interview with a prisoner may take place only during normal office hours, except in exceptionally meritorious cases where prior permission must be obtained from the officer-in-charge;
- (c) the interview be restricted to the civil proceedings or the criminal action to which the prisoner is a party;
- (d) if an interpreter or a shorthand writer is used, the person involved must be approved by the Commissioner;
- (e) no prisoner may, during a visit, hand any writing, document or any other article to his or her legal representative, interpreter or shorthand writer if such writing, document or article is not relevant to the civil proceedings or criminal action to which the prisoner is a party;
- (f) no sound-recording apparatus or aid for the recording or reproduction of sound will be allowed, except where prior permission by the officer-in-charge is given; or
- (g) the interview be subject to such conditions as may be considered necessary by the Commissioner for the general control and management of a prison and the maintenance of good order and discipline in that prison.

Refusal of further visit

278. (1) If a legal representative in any way abuses the privilege of visiting or interviewing a prisoner, is subject to sub-regulation (2), or is convicted of any offence under the Act, he or she may be denied further visits to any prison or prisoner for such period as the Commissioner may determine.

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

(3) If the Commissioner refuses to grant permission to a legal representative to visit or interview a prisoner under subregulation (2), that prisoner is entitled to request that some other legal representative visit him or her.

*Sub-part 25: Safe custody and guarding of prisoners***Determination of security measures**

279. The Commissioner must specially and generally determine all the measures to be taken for the safe custody and guarding of all categories of prisoners, whether at work or at rest.

*Sub-part 26: Complaints and requests***Duty of officer-in-charge in relation to complaints and requests**

280. The officer-in-charge must investigate or cause to be investigated every complaint and request submitted by a prisoner and, as far as possible, dispose of it.

Submission of complaints to Commissioner

281. The officer-in-charge, must without delay submit, with his or her comments, any complaint and request, which he or she is unable to dispose of, to the Commissioner for suitable attention and disposal.

Request for interview and disposal thereof

282. (1) If a prisoner has valid grounds for requesting an interview with the Commissioner, he or she may submit a written request for that interview, together with the grounds in support of the request, to the officer-in-charge.

(2) The officer-in-charge must forward the request referred to in subregulation (1) to the Commissioner, and the Commissioner or any other senior prison member nominated by him or her, may, as soon as is practicable, grant an interview to the prisoner in regard to the subject matter of the request.

PART V
RELEASE BOARDS

Constitution, name and seat of zonal release boards

283. The Minister must constitute one or more zonal release boards and declare the name and seat of each zonal release board, and define, extend or reduce the area of jurisdiction of a zonal release board.

Constitution and seat of National Release Board

284. The Minister must constitute a National Release Board and declare the seat of that board.

Compliance by release board with requirements of Act, regulations and directions of Minister

285. In addition to compliance with Parts XII and XIII of the Act, a release board must exercise the functions, and comply with the duties, assigned to it by these Regulations or directions of the Minister.

Delegation of functions and duties of release board

286. Any function or duty entrusted to a release board by the Act may, with the concurrence or under the direction of the Minister, be generally or specially delegated to, and exercised by, any member or members of that board.

Convening of meetings of release board

287. (1) The chairperson of the National Release Board must, as often as is necessary or at the request of the Commissioner, convene a meeting of the National Release Board at its seat, a prison or other place where prisoners may be held in custody.

(2) The chairperson of a zonal release board must, whenever necessary or at the request of the officer-in-charge of a prison situated within the region for which that board has been constituted, convene a meeting of that board at its seat, a prison or other place where prisoners may be held in safe custody within the area of jurisdiction of that board.

(3) A majority of the members of a release board constitutes a quorum at a meeting of a release board.

(4) The chairperson of a release board must preside at a meeting of that board or, in his or her absence, a member elected by the members present at a meeting of a release board from amongst their number to act as chairperson of a release board must preside.

(5) The chairperson or the person elected to act as chairperson of a release board must determine the order of the agenda of, and the procedure at, a meeting of a release board and his or her decision on those matters is final: Provided that, in the case of zonal release boards, for the sake of uniformity and precedent, any decision or any conflicting decision given by two or more zonal release boards may be reviewed by the Minister, whose decision is final and binding on all zonal release boards.

(6) A decision of a majority of the members present at a meeting of a release board constitutes a decision of the release board, and in the event of an equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote: Provided that any minority vote must be brought to the notice of the Commissioner or the Minister in a report or recommendation of a release board with regard to the matter discussed.

(7) A decision taken by or an act performed under the authority of a release board is not rendered invalid by reason only of a vacancy on the release board or of the fact that a person who is not entitled to sit as a member sat as such a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the majority of the members of the release board who were present at the time and entitled to vote.

(8) The person presiding at a meeting of a release board must cause a record to be kept of the proceedings of the meeting of the release board and must cause that record to be submitted to the Minister or the Commissioner as soon as possible after a meeting of the release board.

Reports and recommendations by National Release Board

288. A National Release Board must submit a report and make a recommendation, in the prescribed form, to -

- (a) the Minister on a prisoner referred to -
 - (i) in section 92 (2) (c) of the Act with regard to that prisoner's remission of sentence; and
 - (ii) in section 95 of the Act with regard to that prisoner's release on parole or probation; and
- (b) the Commissioner on a prisoner referred to in section 98 of the Act with regard to that prisoner's release on parole or probation.

Reports and recommendations by zonal release boards

289. A zonal release board must submit a report and make a recommendation in the prescribed form, to the Commissioner on a prisoner referred to -

- (a) in section 92 (2) (c) of the Act with regard to that prisoner's remission of sentence; and
- (b) in section 96 of the Act with regard to that prisoner's release on parole or probation.

PART VI
INSTITUTIONAL COMMITTEES

Compliance by institutional committees with requirements of the Act, Regulations and directions of Commissioner

290. In addition to compliance with Parts XII and XIII of the Act, an institutional committee appointed under section 105 of the Act must exercise the functions and comply with the duties assigned to it by these Regulations or directions of the Commissioner.

Delegation of functions and duties of institutional committees

291. Any function or duty entrusted to an institutional committee by the Act may, with the concurrence or under the direction of the Commissioner, be generally or specially delegated to, and exercised by, any member or members of that committee.

Convening of meetings of institutional committees

292. (1) The chairperson of an institutional committee must, as often as it is necessary, but at least once every six months, or at any other time at the request of the Commissioner or the National Release Board, convene a meeting of an institutional committee at the prison for which that institutional committee has been appointed.

(2) The quorum at a meeting of an institutional committee is a majority of the members of the institutional committee.

(3) If the chairperson of an institutional committee is absent or for any other reason unable to preside at any meeting of an institutional committee, the members present must elect a senior prison member from amongst their number to act as a chairperson at that meeting.

(4) The chairperson or the acting chairperson of the institutional committee must determine the order of the agenda of, and the procedure at, a meeting of an institutional committee, and his or her decision in such matters is final: Provided that, for the sake of uniformity and precedent, any such decision or any conflicting decision given by two or more institutional committees may be reviewed by the Commissioner, whose decision is final and binding on all institutional committees.

(5) A decision of a majority of the members present at a meeting of an institutional committee and entitled to vote constitutes a decision of the institutional committee, and in the event of an equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote: Provided that any minority vote must be brought to the notice of the Commissioner or the National Release Board in a report or recommendation of an institutional committee in regard to the matter discussed.

(6) A decision taken by or an act performed under the authority of an institutional committee is not rendered invalid by reason only of a vacancy on the institutional committee or of the fact that a person who is not entitled to sit as a member sat as such a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the majority of the members of the institutional committee who were present at the time and entitled to vote.

(7) The person presiding at a meeting of an institutional committee must cause a record to be kept of the proceedings of the meeting of the institutional committee and must cause that record to be submitted to the Commissioner or to the National Release Board as soon as possible after a meeting of the institutional committee.

Reports and recommendations by institutional committees

293. An institutional committee must submit a report and make a recommendation in the prescribed form, to -

- (a) the National Release Board on a prisoner referred to in section 95 (1) (a) of the Act in regard to that prisoner's release on parole or probation;
- (b) the Commissioner on a prisoner referred to in -
 - (i) section 91 of the Act in regard to that prisoner's work and conduct; and
 - (ii) section 102 of the Act in regard to conditions of compulsory after-care order to be issued to a prisoner; and
- (c) the National Release Board or the Commissioner on a prisoner referred to in section 105 (a) of the Act in regard to that prisoner's conduct, training, attitude, industry and physical and mental health and possibility of relapse into crime.

PART VII PRISON MANAGEMENT COMMITTEES

Compliance by prison management committees with requirements of Act, Regulations and directions of Commissioner

294. In addition to compliance with Parts XII and XIII of the Act, a prison management committee must execute the functions and comply with the duties, assigned to it by these Regulations or by directions of the Commissioner.

Delegation of functions of prison management committees

295. Any function or duty entrusted to a prison management committee by the Act may, with the concurrence or under the direction of the officer-in-charge, be generally or specially delegated to, and exercised by, any member or members of such committee.

Convening of meetings of prison management committees

296. (1) The chairperson of a prison management committee must at least once every month or at any other time as the officer-in-charge or the zonal release board may request, convene a meeting of a prison management committee at the prison for which the prison management committee has been appointed.

(2) The quorum at a meeting of the prison management committee is a majority of the members of the prison management committee.

(3) If the chairperson of the prison management committee is absent or for any other reason unable to preside at any meeting of a prison management committee, a prison member most senior in rank present at the meeting must act as chairperson at that meeting.

(4) The chairperson or the acting chairperson of a prison management committee must determine the order of the agenda of, and the procedure at, a meeting of a prison management committee, and his or her decision in such matters is final: Provided that, for the sake of uniformity and precedent, any such decision or any conflicting decision given by two or more prison management committees may be reviewed by the Commissioner, whose decision is final and binding upon all prison management committees.

(5) A decision of a majority of the members of a prison management committee constitutes a decision of the prison management committee, and in the event of an equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote: Provided that any minority vote must be brought to the notice of the zonal release board in a report or recommendation of a prison management committee to that Board.

(6) A decision taken by or an act performed under the authority of a prison management committee is not rendered invalid by reason only of a vacancy on the prison management committee or of the fact that a person who is not entitled to sit as a member sat as such a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the majority of the members of the prison management committee who were present at the time and entitled to vote.

(7) The person presiding at a meeting of a prison management committee must cause a record to be kept of the proceedings of the meeting of the prison management committee and must cause that record to be submitted to the Commissioner or the Zonal Release Board as soon as possible after a meeting of the prison management committee.

Reports and recommendations by prison management committees

297. A prison management committee must submit a report and make a recommendation, in the prescribed form, to -

- (a) the zonal release board on a prisoner referred to in section 96 (1) (a) of the Act in regard to such prisoner's release on parole or probation;
- (b) the officer-in-charge or the zonal release board on a prisoner referred to in section 107 (a) of the Act in regard to that prisoner's conduct, training, aptitude, industry, physical and mental health, possibility to relapse into crime and treatment.

CHAPTER 4

SPECIAL REGULATIONS FOR DIFFERENT CATEGORIES OF PRISONERS

PART I

UNSENTENCED PRISONERS

Segregation of prisoners awaiting trial or sentence

298. A prisoner awaiting trial or sentence must, as far as possible, be segregated from sentenced and other categories of unsentenced prisoners.

Association

299. Association between prisoners awaiting trial or sentence must be restricted to a minimum in order to prevent collusion or conspiracy to defeat the end of justice.\

Search

300. When a prisoner awaiting trial or sentence is searched, no personal effects or articles other than dangerous weapons or articles with which an escape may be effected, or such other articles, money or valuables as the Commissioner may specially or generally prohibit, must be removed from him or her.

Food

301. Subject to section 66 of the Act, a prisoner awaiting trial or sentence must be provided with food according to the prescribed diet scale.

Stationary and reading matter

302. A prisoner awaiting trial or sentence may receive, or purchase at his or her own expense, from outside sources such stationary and reading matter as may be approved by the Commissioner: Provided that the privilege may be summarily withdrawn if, in the opinion of the Commissioner, whose decision is final, the prisoner is in any manner abusing this privilege.

Delivery of personal effects and valuables

303. The officer-in-charge may, at the request or with the consent of a prisoner awaiting trial or sentence, deliver the money, valuables, documents or other personal effects of the prisoner to a prisoner's relative, friend or legal representative.

Private medical and dental services

304. Subject to security measures, the Commissioner, on request of a prisoner awaiting trial or sentence, may authorise that prisoner to employ the services of a private medical practitioner or dentist on such conditions as are specially or generally prescribed, provided no cost to the State is incurred by those private medical or dental services.

Compliance with conditions of bail

305. A prisoner awaiting trial or sentence, who has been unable to comply with the conditions of bail, must be granted visits at reasonable times during any day and also the opportunity and facilities to write and receive letters in order to comply with those conditions.

Preparation of defence

306. A prisoner awaiting trial or sentence may, for the purpose of his or her legal defence, within reasonable limits be -

- (a) provided with stationary;
- (b) afforded an opportunity for the preparation of the defence; and
- (c) afforded an opportunity to write letters in connection with the defence to a relative, friend or legal representative.

Sale or transfer of private property prohibited

307. A prisoner awaiting trial or sentence is guilty of contravening these Regulations if, without the permission of the Commissioner, he or she sells or in any other manner transfers or attempts to sell or transfer to another person any article which he or she has been allowed to bring into prison for his or her own use.

Application of regulations 298 to 307 to prisoner detained for mutinous or seditious conduct

308. Regulations 298 to 307 apply with the necessary changes to a prisoner detained for any alleged mutinous conduct, or for any other alleged conduct of an offence against the public safety or security of the State, as the Minister may determine.

Application of regulations 298 to 307 to witnesses, prohibited immigrants and other unconvicted persons

309. Regulations 298 to 307 apply with the necessary changes to unconvicted persons received at a prison in terms of paragraph (b) or (c) of subsection (1) of section 48 of the Act.

Authority for admission and maintenance of indigent or destitute sick persons in prison hospital

310. An indigent or destitute sick person may, on the order of a magistrate, be admitted to, and maintained at, a prison hospital for as long as is essential for the health, preservation of life or general care and treatment of that person: Provided that no such order for the admission of that person to a prison hospital must be made merely because it is alleged that he or she is an indigent or destitute sick person, unless -

- (a) there is no hospital available in the immediate vicinity for admission, maintenance, treatment and care of that person;
- (b) the illness or other condition of that person is not of infectious or other communicable form;
- (c) accommodation according to the sex of the person concerned is available at the prison hospital; and
- (d) that person is not living with, or being accommodated by his or her employer who is able to provide the necessary maintenance, care and treatment for him or her.

Application of regulations 298 to 307 to indigent or destitute sick persons

311. Regulations 298 to 307 apply with the necessary changes to an indigent or destitute sick person admitted, maintained and treated in a prison hospital in terms of regulation 310.

Treatment and restraint of mentally ill persons

312. A prisoner detained as an alleged mentally ill person in terms of the Mental Health Act, 1973 (Act No. 18 of 1973), must be subject to such treatment or restraint as may be prescribed by the medical officer.

Application of regulations 298 to 307 to alleged mentally ill persons

313. Subject to regulation 312, regulations 298 to 307 apply with the necessary changes to an alleged mentally ill person detained in prison.

PART II
OTHER CATEGORIES OF PRISONERS

Segregation of juvenile prisoners

314. A juvenile sentenced to imprisonment must, as far as possible, be segregated from an older and more hardened prisoner.

Guarding and safe custody of female prisoners

315. A female prisoner must be in the safe custody and under the guard of only a female prison member, and, whenever it may be necessary for that prisoner to receive training or instruction by a male prison member, that training must be given in the presence and under the supervision of a female prison member.

**PART III
PERIODICAL IMPRISONMENT**

Periodical imprisonment and minimum period of detention for periodical imprisonment

316. A person sentenced to periodical imprisonment, in terms of section 285 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must serve that sentence in uninterrupted periods of not less than 24 hours at a time as determined, with due regard to the circumstances of such person's employment, by the officer-in-charge of a prison at which the person surrenders himself or herself to undergo that imprisonment: Provided that any period determined may be less than 24 hours, if -

- (a) on the strength of the written application of that person's employer, the officer-in-charge decides that, in the special circumstance of that person's employment a shorter period is justified; or
- (b) any unexpired portion of the sentence of periodical imprisonment is less than 24 hours.

Further notice to undergo sentence of periodical imprisonment

317. Except when the final period of the sentence of periodical imprisonment has been served, the officer-in-charge must serve on the person concerned a notice, substantially in the prescribed form, on every occasion when he or she is released from prison after serving each period of the sentence, as determined in terms of regulation 316.

Offences

318. A person who -

- (a) without lawful excuse, proof of which rests on him or her, fails to comply with a notice served on him or her under regulation 317; or
- (b) while under the influence of intoxicating liquor or narcotic drugs, surrenders himself or herself to undergo further periodical imprisonment; or
- (c) impersonates, or falsely represents himself or herself to be the person on whom a notice has been served in terms of regulation 317,

commits an offence and is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both the fine and imprisonment.

Detention after expiration of sentence

319. Whenever the final interrupted period of periodical imprisonment being served by a prisoner expires at any time after 17.00 hours on any day and before 6.00 hours of the following day, his or her release may be postponed to a later hour if the prisoner in writing consents to the postponement.

Avoidance of association with other categories of prisoners

320. The Commissioner must take reasonable steps to prevent a prisoner undergoing periodical imprisonment from associating with other prisoners.

CHAPTER 5 MISCELLANEOUS PROVISIONS

Establishment of Prison Service canteen

321. Subject to any special or general direction by the Minister, the Commissioner may approve the establishment of a Prison Service canteen if, in his or her opinion, that canteen is necessary and satisfies the requirements of section 123 of the Act.

Management of Prison Service canteen

322. (1) A Prison Service canteen (including a mess), established under regulation 321 must be controlled by a committee under the chairpersonship of a senior prison member and that committee must be constituted, and exercise its functions, in accordance with such rules as may be prescribed: Provided that the Commissioner may, at his or her discretion, nominate any particular prison member to serve on the committee or to perform any specific duty in respect of the control and management of the canteen.

(2) Any profits or assets, or any proceeds from the liquidation, of a Prison Service canteen may be distributed by the control committee, as may be specially or generally determined by the Commissioner, for any purpose contemplated in subsection (3) of section 123 of the Act, or for the common benefit or welfare of prison members, pensioners and civilian employees referred to in that subsection, and also their dependants.

(3) A Prison Service canteen must be conducted on business lines, and, with the exception of accommodation or other necessities which may be provided by the State, and except any expenditure which the Commissioner may, in consultation with the Treasury, authorise from public funds, such canteen must be self-supporting.

Establishment of Prison Service Benefit Fund

323. (1) The Commissioner may establish a fund to be known as "The Prison Service Benefit Fund", in these Regulations called "the Fund" to provide for grants or loans -

- (a)** to Prison Service clubs for the promotion of, or in the interest of, sport and recreation;
- (b)** for the establishment or the maintenance of holiday resorts;
- (c)** to members for the purpose of studies or research; or
- (d)** for any other purpose which, in the opinion of the board of trustees, is meritorious and in the interest of the Ministry of Prisons and Correctional Services.

(2) The Fund established under subregulation (1) is a juristic person.

Constitution and maintenance of Fund

324. The Fund consists of -

- (a)** moneys, assets and investments, together with accrued interest and dividends, which, with the approval of the Commissioner, have been paid or transferred by existing prison benefit fund or association to the Fund for its sole benefit and ownership;
- (b)** any grants made by the State;
- (c)** any distribution accruing to the Fund in terms regulation 322 (2); and
- (d)** any other donations to the Fund, interest or dividends, and any other income.

Control and administration of Fund

325. The control and administration of the Fund and the income of the Fund must be vested in a board of trustees with the powers, functions and duties as prescribed, and that board must consist of the Deputy Commissioner as chairperson, and such other member or members as may be considered necessary and appointed by the Commissioner for a period indicated by him or her.

Statistics and research

326. (1) Information of statistical value, as prescribed, must be regularly kept in order to investigate and ascertain the causes of and trends in crime, the degree of success or otherwise of the treatment and training of the various categories of prisoners, of other suitable methods or measures for the prevention of crime and the treatment of the offender, and all other incidental matters.

(2) Any other investigation or research must be conducted in respect of any of the matters referred to in subregulation (1), and any observation or report in connection with the investigation or research must receive due consideration, and the recommendations contained in the observations and the report must be applied as the Commissioner may determine.

Penalties for contraventions

327. Whenever no specific punishment has been prescribed for the contravention of, or non-compliance with, any regulation by a prison member, a prisoner, or other person, whether on first or subsequent conviction, the following penalties apply, namely -

- (a)** for a contravention or for non-compliance by a prison member, a fine not exceeding N\$2 000, or imprisonment for a period not exceeding six months, or to both the fine and imprisonment; or
- (b)** for a contravention or non-compliance by a prisoner, any one or more of the penalties set out in section 78 and 79 of the Act; or
- (c)** for a contravention or non-compliance by any person not referred to in paragraph (a) or (b), a fine not exceeding N\$2 000, or imprisonment for a period not exceeding six months, or both the fine and imprisonment.

Prison Service Orders

328. The Commissioner may, in such form and manner as he or she may determine, issue, amend or rescind Prison Service Orders inconsistent with the Act and these Regulations, on any or all of the following matters:

- (a)** The application of discipline, control and security measures for the effective administration of prisons;
- (b)** the appointment, conditions of service, organising or arranging or controlling sport, discipline, functions and performance of the duties of a prison member and other persons in the service of the Prison Service, whether on a temporary or permanent basis;
- (c)** the practical and effective application of the provisions of the Act in relation to the safe custody, discipline, treatment, spiritual and medical care, training, work, remission of sentence and rehabilitation of all categories of prisoners;
- (d)** directives to, and the guidance of, institutional committees and prison management committees in the exercise of their functions with a view to uniformity of performance of their duties in conformity with departmental policy, and the effective and productive use of the services of members of all institutional committees and prison management committees;

- (e) the form of and procedure for, the submission of petitions to the Minister;
- (f) conditions of approval, and manner of payment or use, of gratuities and *ex-gratia* grants; and
- (g) in general the regular and efficient administration of the Prison Service and the exercise of its functions.

Compliance with Prison Service Orders

329. Members of the Prison Service, and other persons in the Prison Service must obey the Prison Service Orders applicable to them.
