

- (i) the organisation and use throughout of all available potentialities and facilities for the promotion of an efficient programme of corrective training; and
 - (ii) the exercise of patient and intensive zeal in giving advice, guidance and encouragement to the prisoner to study and thereby to prepare and equip himself for after-release adaptation and self dependency.
- (c) A prisoner who fails to co-operate or to show interest or progress in his training or for any other good reason, may be transferred to another kind of training or may be subjected to such other action as may be deemed necessary.

4. Record of progress and test facilities

- (a) In order to control the relative designation of training, a prescribed personal record of application and progress shall be regularly maintained and filed with the personal file of every prisoner serving a sentence of two years and longer and of any other prisoner who may qualify during imprisonment for a trade test. Such record shall be made available to and controlled by the prison board whenever it interviews or otherwise deals with the prisoner concerned.
- (b) Facilities and assistance thereto are available to prisoners qualified and wishing to undergo recognized trade tests. Prisoners with alias names may elect before such tests which name they wish to be submitted and registered for the purpose thereof. This is important because any certificates or diplomas will be issued in the name submitted on entry for the test.
- (c) Prisoners trained in occupations in respect of which no official test is possible or available, or when the completion of the training is not made before release, may receive a certificate under the hand of the officer commanding giving particulars of the nature, period and experience gained in respect of the relative training.

24. SEGREGATION OF PRISONERS

Relative provisions: Section 78 of the Prisons Act, 1959; Regulation 118 and Prison Service Order B.7.

1. Individual segregation at rest

Sentenced prisoners shall, as far as possible and depending on the type of prison, be associated at work and segregated at rest.

2. Complete segregation at work and at rest

- (a) The Commissioner may order the complete segregation of a sentenced prisoner at work as well as at rest for any period in pursuance of any scheme of classification or treatment or otherwise. Any prisoner detained at an observation centre is subject to complete segregation, when required for classification purposes.
- (b) The Commissioner may order the complete segregation of a prisoner at work and at rest upon the written request of such prisoner.
- (c) The Commissioner may order the complete segregation of a prisoner if the head of the prison certifies that such prisoner exercises a pernicious influence on another prisoner, or attempts or plans to escape, or is recaptured after escape, or displays violence or undermines departmental policy.
- (d) The Commissioner may at any time revoke an order of complete segregation.
- (e) Complete segregation shall not be ordered or enforced if in any particular case or at any time the medical officer certifies that any such complete segregation would be or is dangerous to the prisoner's physical or mental health.
- (f) The complete segregation of a prisoner shall not be deemed to be solitary confinement for the purposes of any provision of the Prisons Act, 1959, whereby solitary confinement for a limited period is or may be ordered as a punishment.

25. REMISSION OF SENTENCE

Relative provisions: Section 70 of the Prisons Act, 1959; Regulations 119 and 131 and Prison Service Order B.14.

1. Basis or remission of sentence to a prisoner serving a sentence of less than two years

(a) Remission of sentence to a prisoner who is serving a sentence or a total sentence of less than two years imprisonment, with or without the option of a fine, may be granted on the following basis:-

- (i) In case of a sentence up to six months imprisonment - one third; and
- (ii) in case of a sentence of more than six months but less than two years imprisonment - one quarter.

(b) Remission of sentence granted on reception

Remission of sentence is granted immediately after admission to a prison.

(c) Forfeiture of remission of sentence

If a prisoner is not of good behaviour remission of sentence is forfeited -

- (i) for every contravention or offence committed under, or failure to comply with, the provisions of the Prisons Act, 1959, the Common Law or any other statutory provision while the prisoner is in custody, and for which a conviction follows on a formal charge, on the following basis:-
 - (aa) No remission of sentence for a reprimand;
 - (bb) three days if the sentence is the deprivation of privileges, gratuities, indulgences or meals; and
 - (cc) six days in respect of a conviction for which any other sentence was imposed.
- (ii) in any other case as determined by the Commissioner.

(d) Sentences in respect of which remission of sentence is not granted

No remission of sentence is granted in respect of a sentence of imprisonment imposed for an offence committed under, or failure to comply with, the provisions of the Prisons Act, 1959; the Common Law or any other statutory provision while the prisoner is in custody or any other offence as may be determined by the Minister.

- (e) Remission of sentence is no right
Remission of sentence cannot be claimed as a right.
- (f) Remission of sentence granted upon reception becomes operative only on the date following the date of reception in respect of the payment of any fine alternative to such determinate sentence or portion thereof.

2. Remission: Determinate sentences of two years imprisonment and over

- (a) Remission of sentence is authorised and granted on recommendation of a prison board in respect of aggregate determinate sentences of two years imprisonment and over, normally only after at least half such sentence has been served, on the following basis -
 - (i) One-third in respect of the aggregate sentence of a first offender who was sentenced before the 1st January, 1958;
 - (ii) one-quarter in respect of the aggregate sentence of a first offender who was sentenced after the 1st January, 1958;
 - (iii) one-eighth in respect of aggregate sentence in the case of a recidivist.
- (b) Definition of a recidivist for purpose of remission of determinate sentences of two years imprisonment and over

A recidivist is defined as a prisoner -

- (i) whose current aggregate determinate sentence is two years imprisonment or over, with or without a fine, in respect of any such sentence or portion thereof;
- (ii) such current sentence is preceded by sentences as set out hereunder in respect of previous convictions -
 - (aa) an aggregate sentence of more than 123 days imprisonment with or without a fine, or

- (bb) a fine of more than R100 (without imprisonment); or
- (cc) a period of detention in a farm colony, work colony or reform school;
- (dd) the date of the imposition of the current sentence is within ten full years of -
 - (i) the date of the normal expiry (without remission) of the sentence of imprisonment or detention of the last previous conviction as described above;
 - (ii) the date of payment of the fine, if an option of a fine was imposed and paid in respect of the sentence of the last previous conviction; and
 - (iii) the date upon which a fine was imposed, if a fine of more than R100 only was imposed in respect of such last previous conviction.

(c) Definition of a first offender

A first offender is a prisoner whose current aggregate sentence is for a determinate period of two years imprisonment and over, and who does not qualify as a recidivist in terms of the preceding sub-rule.

3. Board cases

A prison board is not bound but is guided by the provisions of rule 25.1(c) above in its recommendation and forfeiture of approved remission of aggregate of two years imprisonment and over.

4. Special remission of sentence by Minister

The Commissioner may, when in his opinion any prisoner has rendered highly meritorious service, submit the case with a recommendation for special remission of sentence to the Minister. The Minister may grant such prisoner special remission of sentence not exceeding ninety days, either unconditionally or on such conditions as he may determine.

26. ENFORCEMENT OF SENTENCE AND RELEASE

Relative provisions: Sections 31 - 33 and 62 - 71 of the Prisons Act, 1959, Regulation 120 and Prison Service Order B.15.

1. Manner and order of enforcement

A prisoner is required to serve the sentence according to the tenor of the warrant of imprisonment or other direction of the court or commutation of sentence, if any, by the State President.

2. Commencement, termination and computation of sentences

A sentence of imprisonment, with or without a fine, if not suspended whether on bail or otherwise, shall commence on the day on which it was imposed, or if suspended, on the day of surrender or on which taken into custody to undergo such sentence. When a person receives more than one sentence of imprisonment or receives additional sentences while serving a term of imprisonment, each such sentence shall be served the one after the expiration, setting aside or remission of the other in such order as the Commissioner may determine, or unless the court directs that such sentences shall run concurrently: Provided that any such sentence of imprisonment or additional sentence of imprisonment in which solitary confinement with or without spare diet is imposed, shall be served first: Provided further that any determinate sentence of imprisonment to be served by any person shall run concurrently with a life sentence or with an indeterminate sentence of imprisonment to be served by such person in consequence of being declared an habitual criminal; and that one or more life sentences and one or more such indeterminate sentences or two or more life sentences, two or more such indeterminate sentences, shall also run concurrently.

3. Sentenced prisoner released on bail

If a sentenced prisoner was released on bail, the time during which he was on bail shall be excluded in computing the time he has to serve.

4. Payment of optional fine in prison

- (a) The object of an optional fine to imprisonment is to afford the prisoner an opportunity to pay it to avoid the stigma of imprisonment.
- (b) The object of the alternative fine and advantages of pro-rata payment thereof, including credit in respect of any remission of sentence granted, shall be brought to the notice of a prisoner undergoing such a sentence. He should be encouraged to pay such pro-rata amount of the fine and given all reasonable assistance to contact his attorney, relatives, friends, employer or other benefactor to obtain payment thereof.
- (c) The tender of payment of a fine or portion thereof by his attorney, relative, friend or any other person shall not be refused because the prisoner elects and insists in undergoing the alternative imprisonment of the sentence. A co-prisoner may pay the fine of another prisoner out of personal funds.
- (d) Part payment of a fine before the expiry of the enforced alternative imprisonment is levied pro-rata in relation to the full sentence and the unexpired portion of the alternative imprisonment. Any amount tendered in payment of a fine or portion thereof which would reduce the imprisonment by a fractional part of a day, shall not be accepted.
- (e) No tender in part payment of a fine, the alternative imprisonment thereto having been enforced, need be accepted otherwise than during ordinary office hours.
- (f) The court may at any stage suspend the unexpired portion of a sentence in respect of which a fine alternative to imprisonment has been imposed to afford the prisoner an opportunity to pay the part fine, pro-rata in relation to the unexpired portion of the instalments or through his employer or otherwise. A prisoner who wishes to make application to the court with reasonable prospects of success should be afforded an opportunity to arrange with the court officials for an appearance before the convicting court for that purpose.

- (g) If the convicting court has made an order that any money on an accused person shall be seized and appropriated in payment or part payment of any fine imposed on him, a member in charge of the prison shall execute such order in respect of any money found on the prisoner concerned undergoing the alternative imprisonment to such fine.

5. Unconditional release

- (a) Unconditional release in general terms means that the prisoner shall under no circumstances whatsoever be required to undergo any portion of the relative sentence or sentences in respect of which he was so released.
- (b) Unconditional release shall be granted on the expiration of the full or aggregate period of a sentence.

6. Release on Probation or Parole

- (a) The two forms of release on probation and parole respectively, are dealt with together because they have common objects and specified (sometimes similar) conditions are attached thereto. The respective implications and application thereof, however, differ. It is largely a matter of the circumstances and requirements of the individual prisoner, when otherwise eligible for release, whether the one or other form is recommended by the prison board for consideration.
- (b) The common objects of release on probation or on parole respectively are as follows -
 - (i) generally in respect of all sentenced prisoners to give the probationer or parolee, as the case may be, a real and practical opportunity to readapt himself to conditions in the transitional period to freedom and to equip himself to provide for his own and his dependents, requirements; and
 - (ii) more particularly in respect of the short term prisoner to avoid personal and family disruption and the

stigma of imprisonment, association with hardened prisoners, and at the same time to provide useful employment or continuity thereof and to promote habits of industry.

- (c) The implications of release on probation generally mean -
- (i) the effect is similar to the suspension of a sentence of imprisonment or portion thereof by the convicting court for a stipulated period under specified conditions of good conduct, compensation, submission to treatment, etc.;
 - (ii) the operation of the sentence of imprisonment being served or portion thereof still required to be served is suspended and the prisoner is released from prison for a stipulated period under specified conditions, which, according to circumstances, during such stipulated period may be varied or cancelled;
 - (iii) if the probationer has observed all the specified conditions, or variations (if any) thereof, throughout the period of probation he shall no longer be required to serve the unexpired portion of his sentence in respect of which he was released on probation; and
 - (iv) if the probationer has not observed the conditions of probation, a warrant may be issued for his arrest and re-committal to prison to serve the sentence or unexpired portion thereof, as if he had not been released on probation, unless otherwise specifically stated in the warrant of re-committal to imprisonment. The Commissioner determines whether or not the conditions of probation have been broken.
- (d) The implications of release on parole generally mean that -
- (i) the prisoner is released for the full stipulated period of parole;

- (ii) for all practical purposes a parolee is not regarded as a prisoner. The conditions of parole restrict him, however, to approved employment and in some cases to a fixed residence or area. He is subject to official contact and specified supervision. If he leaves, deserts or absconds from his employment or residence in conflict with the conditions of parole any period of absence from such employment or residence is not deemed service of sentence;
 - (iii) if the parolee does not break the conditions of parole, he is not subject to recommittal to prison; and
 - (iv) if the parolee has not observed the conditions of parole, a warrant is issued for his arrest and recommittal to imprisonment to serve the sentence or any unexpired portion in respect of which he was released on parole. The Commissioner determines if the conditions of parole have been broken.
- (e) The period of release on probation or on parole is determined on the following basis -
- (i) No prescribed period of parole or probation is laid down;
 - (ii) it is obvious that the stipulated period of probation and parole may not extend beyond the total or aggregate period of a determinate sentence, or beyond the maximum period of imprisonment of prescribed sentences (imprisonment for corrective training or for prevention of crime);
 - (iii) the period of probation or parole is determined on the recommendation of a prison board according to the individual's social background, conduct, previous record, potential rehabilitation and other relevant factors; and
 - (iv) in the indefinite nature of a life sentence or one being served by an habitual criminal, any reasonable period of probation or parole may be stipulated according to individual merits and requirements. A period of three years, however, is normally applied in respect of this category of sentenced prisoner.

7. The different categories of sentenced prisoners are eligible for release on parole or probation as follows -

(a) Determinate sentences

- (i) With the exception of prisoners sentenced under the Immorality Act, prohibited immigrants, foreign Bantu, prisoners sentenced for insurgent and seditious conduct or any other conduct or offence against the public safety or security of the State, as may be determined by the Minister, all prisoners serving imprisonment up to four months may, as soon as possible after admission, be released on parole, subject to a recommendation of the prison board in the case of all White prisoners. The special approval of the Commissioner is, however, necessary in respect of convictions of rape, any sentence in connection with the possession of a firearm or ammunition, driving under the influence of liquor, for stock theft or in which corporal punishment is included.
- (ii) Prisoners serving sentences of imprisonment of more than four months may be released on parole after half the sentence has been served and on a recommendation of the prison board.

(b) Habitual criminals

Subject to the serious nature of the offence prisoners serving the indeterminate sentence (habitual criminal) may be released after nine years have been served and on a recommendation of the prison board: Provided that a prisoner sentenced before the 1st September, 1959, may be released after seven years have been served.

(c) Life sentence

Prisoners serving a life sentence may be released after a substantial portion of the sentence has been served.

(d) Imprisonment for Corrective training and prevention of crime

Subject to the nature of the offence, any prisoner serving a sentence of imprisonment for corrective training or for prevention of crime, may be released on parole or probation after the minimum

period (or periods) of such sentence (or sentences) has been served. (Two years and five years imprisonment respectively in respect of any one of such sentences). A prison board's recommendation is necessary.

(e) Committal to Farm Colony

A prisoner committed as an idle person to a farm colony under the Urban Areas Act, 1945, may be released after half the period of detention has been served.

8. A probationer or parolee may at all times submit any request or complaint to a prison board or head of the nearest prison. The probationer or parolee is, however, required strictly to comply with the conditions of his release.

9. Release on medical grounds

Any prisoner -

- (a) who is suffering from a dangerous, infectious or contagious disease; or
- (b) whose life is endangered by his detention in a prison; or
- (c) whose release is expedient on grounds of advanced pregnancy,

may, on the recommendation of the medical officer, be released either unconditionally or on probation or on parole as the Minister may direct.

10. Time for release in relation to authorised date of discharge or expiration of sentence

- (a) Although a prisoner's sentence expires at midnight on the day of release, his release is normally effected at 9 a.m. In special circumstances a prisoner may, however, be released earlier or later than 9 a.m.
- (b) if the date of release falls on a Sunday or prison holiday the prisoner is normally released at 9 a.m. on the day immediately before such Sunday or prison holiday.

11. Medical examination and interview of a prisoner before release

- (a) Where practicable every sentenced prisoner shall be examined by a medical officer as shortly as possible before release.
- (b) Should the medical officer on expiration of a prisoner's sentence certify that such a prisoner is suffering from an acute or dangerous disease of such serious or infectious nature, or if it is suspected that he is affected with such disease, that his immediate release -
 - (i) is likely to result in his death or serious injury to his health; or
 - (ii) may be a source of infection to others,the prisoner is not released.
- (c) Every sentenced prisoner shall, prior to his release, be interviewed by a commissioned officer, if available, or by the head of a prison. (The object of this requirement is to exhort the prisoner to rehabilitation in free life and to assist, guide and inform him in regard to all matters incidental to and following on his contemplated release).

27. ASSISTANCE ON RELEASE

Relative provisions: Regulation 122 and Prison Service Orders B.16 and D.59.

1. Employment arrangements before release

- (a) As far as practicable all arrangements for the employment of a sentenced prisoner shall have been made before release is effected.
- (b) Special standing arrangements with the Department of Labour exist under which prescribed particulars of White, Coloured, and Asiatic prisoners eligible for release, are referred to that department. Contact with the prisoner if necessary is arranged, with a view to his placement in suitable and stable employment on release.

- (c) If a bona fide offer of suitable employment is made, special temporary leave from prison under approved private supervision may be granted to a sentenced prisoner nearing the date of release, to interview the prospective employer to make preliminary arrangements in connection with his employment and other matters incidental to his contemplated release.

2. Material assistance in respect of clothes, footwear, tools, working clothes before and incidental to release

- (a) A reasonable time before the contemplated date of release of a sentenced prisoner, the head of the prison shall take steps to have his private clothing and footwear washed or cleaned and, if necessary, repaired.
- (b) If a prisoner has no or insufficient clothing or his private clothing was destroyed or otherwise disposed of on reception, he shall be supplied with the necessary clothing on release.
- (c) In very deserving circumstances a standard pattern of a two piece suit, departmentally made to measurement of good quality cloth, may be supplied gratis on release to a prisoner who has served a sentence of two years imprisonment or more, with or without remission of sentence. A requisition on the prescribed forms for these clothes shall be made in respect of each case at least four months before the date of contemplated release.
- (d) Discharge clothing of special material departmentally made to measure for White prisoners against payment therefor out of private funds or any gratuity credit, may be requisitioned for in the prescribed manner at least four months before the date of contemplated release.
- (e) The issue of essential tools and working clothes may be authorised to prisoners of the following categories and in the circumstances indicated:-
 - (i) a prisoner who has served a sentence of two years imprisonment or more with or without remission of sentence, and who holds a diploma or apprenticeship certificate in one or other trade; or

- (ii) in very deserving cases of prisoners who have served sentences of less than two years imprisonment, with or without remission of sentence, and who hold a diploma or apprenticeship certificate in one or other trade; or
- (iii) in exceptional cases prisoners, on completion of sentence, who have training experience and ability in one or other trade but who do not hold a diploma or apprenticeship certificate.
- (iv) The issue of tools and working clothes is only authorised if they are essentially necessary in connection with the prisoner's employment on release and if he does not already possess such tools or working clothes or is unable to obtain them through his prospective employer on loan or repayment.
- (v) An application for tools and working clothes must be submitted on the prescribed form at least three months before the date of contemplated release by the Commanding Officer with his report and recommendation, through the Chairman of the Prison Board.

3. Destination to which prisoner is released and required to proceed

- (a) It is not necessary to return a discharged prisoner to a place merely because he was sentenced there. He must be returned to a place at which he not only has or may obtain employment and accommodation, but at which he may also lawfully work, reside or be domiciled.
- (b) In the case of discharged Bantu prisoners the following applies:-
 - (i) The reference or identification book must be available or obtained and be in order;
 - (ii) If the prisoner's employment is in his home district (domicile) as reflected in his reference book, he shall be returned there;
 - (iii) If the place of employment is not within the prisoner's home district, he may only return to such work if he is under contract lawfully entitled to be there, and the employer indicates his employment will be continued on release;

- (iv) Discharged prisoners without employment or employment at a place where they are not lawfully entitled to reside or work, shall be returned to the respective "home district". Whether such "home district" is a proclaimed area under the Consolidated Urban Areas Act or not, the prisoner should be referred with a discharge certificate to the District Bantu Affairs Commissioner for guidance, advice and employment;
- (v) Prisoners released to proclaimed areas under the Urban Areas Act shall be referred with a discharge certificate containing prescribed particulars to the District Bantu Affairs Commissioner to whom they shall report.

4. Transport, including bedding, food and other material assistance

- (a) A warrant for transport by rail, including motor road service, to the destination to which the prisoner is released, is given to sentenced prisoners on release as follows -
 - (i) A warrant for a second class ticket to White prisoners;
 - (ii) a warrant for a third class ticket to non-White prisoners.
- (b) If a discharged sentenced prisoner's journey to his destination is a long one and the circumstances otherwise justify, food or subsistence for the journey is provided as follows:-
 - (i) Suitable and adequate cooked food and/or other provisions; or
 - (ii) if food or other provisions for the journey is not practicable, and the prisoner has no private funds, or gratuity credit, 25c. and 15c. per meal to a White and non-White prisoner respectively, is provided.
- (c) Bedding is provided to a discharged sentenced prisoner who is required to travel over night by rail to the destination to which he is released, as follows:-

- (i) Railway bed ticket to White prisoners; and
- (ii) a good and clean second hand blanket to non-White prisoners.

5. Gratuity on Release

- (a) Prescribed ex-gratis amounts are made available on release to prisoners sentenced to six months' imprisonment or more, who did not qualify for a gratuity and are destitute or require such monetary assistance en route to their destination.
- (b) A prisoner in receipt of a gratuity on release may have any amount due to him augmented up to the prescribed maximum ex-gratia amount referred to in the preceding sub-rule.

28. LEGAL VISITS

Relative provisions: Regulation 123 and Prison Service Order B.17.

1. Legal visits to a party or witness in a legal proceeding (civil or criminal)

Subject to prescribed requirements, reasonable opportunity shall be offered to a prisoner to interview his legal adviser in the sight but not the hearing of a member or special warder.

2. Visits in regard to other legal matters

A legal adviser of a prisoner who wishes to interview him in connection with any other legal matter may be granted permission to interview the prisoner in the sight and hearing of a member or special warder.

3. Abuse of permission of visit

A legal adviser, who abuses the privilege of visit, or in any way infringes or attempts to infringe any prison rule may be denied further visits to a prison for such period as may be determined by the Commissioner.

29. FUNCTIONS AND DUTIES OF PRISON BOARDS

Relative provisions: Section 61 of the Prisons Act, 1959, Regulations 126 - 131 and Prison Service Order B.19.

1. Functions and duties of Prison Boards

A Prison Board shall at such times and intervals (which intervals shall not be longer than one year) as may be determined by the Commissioner or otherwise required by the Commissioner to do so -

- (a) submit reports in the prescribed form to the Commissioner on, inter alia, the conduct, training, aptitude and industry of every prisoner who is detained in any prison situated within the area for which the prison board has been appointed and
 - (i) upon whom a sentence of imprisonment for corrective training has been imposed;
 - (ii) upon whom a sentence of imprisonment for the prevention of crime has been imposed;
 - (iii) upon whom a sentence of imprisonment of two years or more has been imposed;
 - (iv) upon whom a life sentence has been imposed;
 - (v) who has been declared to be an idle person in terms of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
 - (vi) who has been declared an habitual criminal; or
 - (vii) with regard to whom a special report is required by the Commissioner.
- (b) make recommendations as to -
 - (i) the training and treatment to be applied to any prisoner referred to in paragraph (a);
 - (ii) the release of any prisoner referred to in paragraph (a);
 - (iii) the period and conditions for or upon which any prisoner referred to in paragraph (a) may be released on probation;
 - (iv) the period, supervision and conditions for, under or upon which any prisoner referred to in paragraph (a) may be released on parole;

- (v) the remission of portion of the sentence imposed upon any prisoner referred to in sub-paragraph (iii) of paragraph (a); and
- (vi) any matter affecting any prisoner with regard to whom a special report is required in terms of sub-paragraph (vii) of paragraph (a); and
- (c) perform such other functions and duties as may be prescribed by regulation.

2. Interviews and reports

A Prison Board shall interview every prisoner falling directly under its jurisdiction, as soon as possible after reception, for the following purposes -

- (a) enlightening the prisoner in regard to the implications of his sentence, treatment and training;
- (b) exhorting him to good conduct; and
- (c) classification in consultation with the Institutional Committee on a basis of group, type of suitable institutional safe custody, treatment and training and initial report in connection therewith.

3. Constitution of institutional committees

- (a) A local institutional committee is constituted by the Chairman of the relative Prison Board in consultation with the commanding officer concerned at every prison at which one or more prisoners serving sentences of two years and longer are detained.
- (b) The institutional committee consists of the head of the prison and other members of the prison concerned. A commissioned officer, if available, is appointed chairman, otherwise the head of the prison acts in that capacity.

4. Functions and duties of institutional committee

The functions and duties of an institutional committee are -

- (i) to maintain regular contact with each prisoner and to give him instruction and guidance in regard to his treatment and training;

- (ii) to maintain regular consultation with all members of the Prisons Service and special warders, who are concerned in any way with the safe custody, treatment and training of the prisoner;
- (iii) to keep regular progressive reports in connection with the prisoner's training and generally on conduct and diligence. These reports shall be available to and inspected and controlled by the Prison Board at every interview, or when otherwise required;
- (iv) to prepare full individual reports, covering the conduct, diligence, disciplinary contraventions (if any) and training (practical or theoretical) tests for the guidance and consideration by the Prison Board whenever the prisoner concerned is interviewed by it or whenever individual reports are otherwise required; and
- (v) to submit intermediary individual reports to the Prison Board in regard to conduct, diligence or any other relevant matter concerning a prisoner which it is necessary to bring to the timeous notice of the board.

30. SPECIAL RULES FOR ALL CATEGORIES OF UNSENTENCED PRISONERS

Relative provisions: Section 27, 81 and 82 of the Prisons Act, 1959, Regulations 132 - 136 and Prison Service Order B.20.

1. Applicability of rules

- (a) These special rules are additional to the disciplinary and other internal rules applicable to all prisoners, whether convicted or sentenced, or in the interest of good order, control and cleanliness.
- (b) These rules are applicable, with such limitations in respect of any category as may be shown, to the following categories of unsentenced prisoners:-
 - (i) Prisoners awaiting sentence or trial;
 - (ii) detained witnesses;
 - (iii) detained prohibited immigrants;

- (iv) detained indigents;
- (v) detained civil debtors or suspected fugitives;
- (vi) detained alleged mental patients;
- (vii) others detained under warrant of competent authority;
- (viii) persons detained in prison for insurgent and seditious conduct or any other alleged conduct or offence against the public safety or security of the State, as may be determined by the Minister.

2. Separation

- (a) Prisoners awaiting sentence or trial shall be separated, as far as possible, from sentenced and other types of unsentenced prisoners.
- (b) Mutual association of awaiting trial or unsentenced prisoners shall be limited to what is absolutely essential.
- (c) Civil debtors or suspected fugitives may be accommodated in association with one another.

3. Searching, removal and disposal of personal effects

- (a) All categories of unsentenced prisoners and accommodated indigent patients are subject to be searched and unauthorised articles, including cash, are taken away and disposed of as prescribed.
- (b) Population identity cards or reference books shall remain in the possession of the person concerned.

4. Food and unfermented drink

- (a) Unsented prisoners of all categories receive the prescribed basic diet ration.
- (b) Approved food and unfermented drink prepared, wrapped and in sealed containers may be purchased or delivered in prescribed manner and circumstances.

5. Stationery and literature

An unsentenced prisoner may, at his own expense, purchase or receive from outside such stationery and literature as approved by the Commissioner: Provided that any abuse of this concession shall result in the immediate withdrawal thereof.

6. Handing over of money and valuables

The member in charge of a prison may permit that money, valuables, documents and other personal belongings of a prisoner be handed over to his relatives, friends or legal advisers.

7. Private medical services

If an unsentenced prisoner requests the services of a medical practitioner or dentist, other than the medical officer or prison dentist, the Commissioner may, if he is convinced that there are sound reasons therefor, allow that such medical practitioner or dentist, in consultation with the medical officer, attend to such prisoner; provided that such treatment will involve no additional cost to the State.

8. Bail

If an unsentenced prisoner is in custody because he has not been able to pay bail, he shall be granted visits at reasonable times during any day, as well as the writing of letters to enable him to obtain the bail money.

9. Provision of stationery

For the purpose of his legal defence, a prisoner is, within reasonable limits -

- (a) provided with stationery;
- (b) afforded opportunity for preparation of his defence; and
- (c) afforded opportunity for the writing of letters to his legal advisers, relatives or friends.

10. Sale of articles

The sale or transfer or any attempt thereto by an unsentenced prisoner to any person of any article which he has been permitted to bring into the prison for his own use, is a contravention of the regulations.

11. Wearing of prison dress

No unsentenced prisoner shall be given or compelled to wear prison dress unless -

- (a) that prisoner's dress is deemed insufficient or improper or in an unsanitary condition;
- (b) it is necessary to preserve that dress in the interests of the administration of justice; or
- (c) he is unable to procure other suitable clothing from any other source.

12. Visits and correspondence and other contact

- (a) Unsentenced prisoners are allowed two visits per week on prescribed days by relatives or friends of not more than two persons on any such visiting day.
- (b) Additional visits may, however, in special circumstances be permitted.
- (c) Letters, subject to prescribed censorship, may be written and received daily. Documents handed over by a prisoner to his legal adviser are, however, not subject to censorship if the member in charge of the prison is satisfied that such documents are intended solely for the defence of the prisoner.
- (d) Literature, subject to censorship, may be delivered.
- (e) Visits by legal advisers are regulated by the relative sub-rules applicable to all types of prisoners.
- (f) Unsentenced prisoners are not allowed outside the prison to trace or contact witnesses in connection with their trial or other enquiry. Letters addressed to such witnesses shall be despatched or particulars of witnesses shall on request be conveyed to the state prosecutor or other official concerned.

13. Bedding and clothes

Approved bedding and clean or change of clothing may be delivered and received in prescribed manner and circumstances.

14. Other privileges and indulgences

- (a) Hair, except on request, may not be closely shaved.

- (b) Subject to suitable facilities being available smoking at prescribed times may be permitted at no cost to the State.

15. Deprivation and forfeiture of privileges and indulgences

Deprivation or forfeiture of privileges and indulgences may be ordered on conviction of a disciplinary contravention.

16. Work or employment

- (a) All unsentenced prisoners are required to perform such duties as may be necessary to maintain good order and cleanliness or any room or other place occupied by them within the prison, and of any premises adjoining or in any way subserving, or any articles or things subserving, that room or place or the occupants thereof.
- (b) Other duties may only be performed on the written application of the prisoner concerned.
- (c) Alleged mentally defective, feeble minded or epileptic prisoners may only be compelled to do such work as the medical officer may prescribe.

31. SPECIAL RULES, PRISONERS SENTENCED TO DEATH

Relative provisions: Regulation 139 and Prison Service Orders B.20. H.

1. Searching, removal^{of}/articles and private effects and disposal thereof

A condemned prisoner is subject to a thorough search and all objects and articles considered at all dangerous or undesirable and other unauthorised personal effects are taken away from him.

2. Separation

A condemned prisoner shall be locked up in a special cell prescribed for this purpose and shall be kept separated from other categories of prisoners. He shall be specially guarded by day and night.

3. Food

A condemned prisoner shall receive the same ration as is prescribed for a White prisoner of the same sex in the diet scale: Provided that the Commissioner may approve of a deviation therefrom.

4. Stimulants

A condemned prisoner may be supplied with stimulants on prescription by the medical officer.

5. Visits

(a) There is no limitation of the number of visits by relatives and friends provided they are within reasonable bounds.

(b) Visiting hours are as follows:-

9 a.m. to 12 noon daily
2 p.m. to 4 p.m. daily

The normal period allowed per visit may be extended by the Commanding Officer according to the circumstances thereof.

(c) Visits take place in the visitors' room.

(d) Under no circumstances may children under the age of 16 years be permitted to pay a visit or be present at a visit by another person.

(e) There is no restriction of the period of any visits by a legal adviser during the prescribed hours of 9 a.m. - 12 noon and 2 p.m. to 4 p.m. daily.

(f) Physical contact between the prisoner and any visitor shall not be permitted under any circumstances.

(g) All visits shall be conducted within the sight and hearing of a member of the Prisons Service.

6. Religion

A condemned prisoner may, if he so desires, be religiously ministered to by a minister of religion or religious worker of that faith to which he belongs and for this purpose such a minister of religion or religious worker shall, with due regard to administrative matters, be freely admitted to him.

7. Correspondence

- (a) There is no restriction in respect of the receipt or writing of letters to relatives, friends and legal advisers but all such correspondence is subject to strict censorship.
- (b) Writing material is provided and letters are conveyed through postal channels free under the official franking stamp. A prisoner may elect to use his own personal writing material.

8. Grocery purchases

Groceries for an amount of not more than R2.00 (two rand) may be purchased monthly out of any private funds to the credit of the prisoner concerned.

32. SPECIFIC SENTENCES

Relative provisions: Sections 38 - 40 of the Prisons Act, 1959, Regulations 129 and 140 - 143 and Prison Service Order B.25.

1. Periodical imprisonment

- (a) A person who is sentenced to undergo periodical imprisonment, shall serve such sentence in uninterrupted periods of not less than twenty-four hours at a time as determined by the member in charge of the prison where the person surrenders himself to undergo such imprisonment with due regard to the circumstances of such person's employment: Provided that any period thus determined may be less than twenty-four hours -
 - (i) if the said member considers it advisable in exceptional circumstances, which have relation to that person's circumstances of employment, after consideration of written application from such person's employer; or
 - (ii) if any unexpired portion of a sentence of periodical imprisonment is less than twentyfour hours.
- (b) Further notice

At the release of such person after expiration of each thus determined period, except at the expiration of the sentence imposed, the member concerned shall

furnish such person with a written notice giving him the following fixed uninterrupted period he is required to undergo. The head of a prison may on good grounds shown arrange for the sentence to be served at another prison. Periodical imprisonment may not be served in a police cell or lock-up.

(c) Offences

A person who -

- (i) without lawful excuse, the proof whereof shall be on such person, fails to comply with the notice served on him to undergo further periodical imprisonment; or
- (ii) surrenders himself for the purpose of undergoing further periodical imprisonment while under the influence of intoxicating liquor or narcotic drugs; or
- (iii) impersonates, or falsely represents himself to be a person who has been directed to surrender himself for the purpose of undergoing periodical imprisonment,

shall be guilty of an offence and liable on conviction to a fine of not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

(d) Detention after expiration of sentence

When the final period of detention of such a person expires between 5 p.m. and 6 a.m. he may consent in writing that his release be postponed to a later hour.

(e) No association

Such person shall, as far as possible, not associate with prisoners of other categories.

(f) A prisoner undergoing periodical imprisonment -

- (i) is subject to the discipline and control applicable to all prisoners. The disciplinary provisions and offences under the Act and in regard to remission of sentence on good conduct and that he may not smoke, write letters or receive visits shall specially be brought to his notice;
- (ii) is issued with and is required to wear prison clothes. He may supply his own reasonable requirements of tooth paste and brush, shaving requisites and comb;

- (iii) is required to make his own transport arrangements to or from prison; and
- (iv) is required to perform suitable work according to the period served.

2. Imprisonment for Corrective Training

A person who has, under the provisions of any law, been sentenced to imprisonment for corrective training, shall be detained in a prison for a period of at least two years but not exceeding four years imprisonment, to be determined by the Minister on a recommendation of the prison board in respect of each sentence of imprisonment for corrective training unless the court has ordered that two or more such sentences shall run concurrently. If the court has not so ordered the prison board may recommend that such two or more sentences run concurrently.

3. Imprisonment for the prevention of crime

A person who has, under the provisions of any law, been sentenced to imprisonment for the prevention of crime, shall be detained in a prison for a period of at least five years but not exceeding eight years, to be determined by the Minister on a recommendation of the prison board in respect of each sentence of imprisonment for the prevention of crime, unless the court has ordered two or more of such sentences to run concurrently. If the court has not so ordered the prison board may recommend that such two or more sentences run concurrently.

4. Indeterminate sentence

A person declared a habitual criminal under any law is subject to a minimum period of nine years imprisonment: Provided that a person so declared before the 1st September, 1959, is subject to a minimum period of seven years imprisonment before release.

5. Life sentence

A prisoner serving a life sentence shall be detained in prison during the pleasure of the State President.

6. Persons detained in a farm colony

- (a) Any person declared to be an idle person and ordered to be detained in a farm colony in terms of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), shall be detained thereat for the period ordered by the Court unless released prior to the expiration of such period on the recommendation of a prison board.
- (b) In respect of a prisoner detained in a farm colony, a prison board may recommend, after -
 - (i) one-half of his sentence has been served, that such a prisoner be released on parole;
 - (ii) two-thirds of his sentence has been served, that he be released on probation or unconditionally.
- (c) A person committed to a farm colony for detention shall perform such work as the Commissioner determines in order that he may cultivate habits of industry.
- (d) With the exception of the regulations relating to the grant of remission of sentence the prison regulations are mutatis mutandis applicable to a prisoner committed to a farm colony.

33. MONITORS

Relative provisions: Regulation 98 and Prison Service Order B.21.

1. Authorised posts

The Commissioner authorises the number of monitor posts at a prison according to requirements.

2. Eligibility for appointment

Except in very deserving cases a prisoner may not be appointed to an authorised monitor post until a portion of his sentence has been served as follows:-

- (a) Under two years imprisonment - one third.
- (b) Two years and over imprisonment - one-half.
- (c) Corrective Training - one year.

- (d) Prevention of Crime - three years.
- (e) Indeterminate Sentence - Five years.
- (f) Life sentence - Five years.

3. Functions

Monitors perform all such duties including guidance and training but excluding disciplinary functions as may be determined by the Commissioner. Monitors serving sentences of under two years receive the privileges attached to group B.

4. Appointment

- (a) Selected individual prisoners serving sentences of under two years imprisonment may be appointed as monitors by the Commanding Officer.
- (b) Selected individual prisoners serving or required to serve a minimum of two years imprisonment are appointed by the Commissioner on recommendation of the Chairman of the relative prison board.
- (c) A monitor may be deprived of his appointment by the Commissioner on grounds of misconduct or dereliction of duty or other good cause.

5. Gratuity

Prescribed rates of gratuity for certain services of monitors are provided and are subject to safe keeping, use and other disposal as prescribed.

34. PRIVILEGES AND CONCESSIONS

Relative provisions: Section 22 of the Prisons Act, 1959, and Prison Service Order B.22.

1. Determination of privileges and concessions

The Commissioner determines the privileges and concessions applicable to the various types of prisons or portions thereof.

2. Special privileges on Christmas Day

The undermentioned privileges and concessions are applicable, under the circumstances as indicated, to all categories of prisoners on Christmas Day, except to those whose ordinary privileges and concessions have been forfeited:-

(a) Supplied gratis by the State -

(i) White prisoners:-

1 lb. pudding or cake.

(ii) Non-White Prisoners:-

One pint coffee or tea with one oz. of sugar. Milk, if available from ordinary supply, may be given.

(b) Purchases by a prisoner out of personal funds, (additional to ordinarily authorised disbursements) or distribution to prisoners on an equal basis out of gifts or donations from private persons, firms or other bodies -

(i) Maximum of 1 lb. sweets, 1 lb. cake, including biscuits, and 1 lb. fresh or dried fruit;

(ii) The dispatch and receipt of one Christmas card.

3. Ordinary privileges and concessions according to sentence or group classification

(a) Prisoners with sentences of up to and including one month (31 days) imprisonment:

(i) No privileges or concessions generally;

(ii) one special visit per month of not longer than 30 minutes may, however, be authorised by the Commanding Officer on urgent individual private affairs or other urgent matters.

(b) Prisoners with sentences of over one month and under two years imprisonment with effect from date of admission

(i) Visits. One visit per month of not more than 30 minutes by only one person.

(ii) Letters. May write and receive one letter per month.

(iii) Coffee or tea. 3/16th oz. per day.

- (iv) Sugar: 1 oz. per day
 - (v) Studies: An approved course of study may be pursued.
 - (vi) Reading Matter: One approved book and two magazines per week.
- (c) Prison board cases viz. prisoners serving determinate sentences of imprisonment of two years and longer, including corrective training, prevention of crime and the indeterminate and life sentences
- (i) Before registration and classification
The privileges and concessions as set out in paragraph 3(b) above.
 - (ii) After registration and classification

GROUP D

Visits: One visit of thirty minutes by one person during every six months.

Letters: May write and receive one letter during every six months.

Coffee or tea: 3/16th oz. per day.

Sugar: 1 oz. per day.

Studies: An approved course of study may be pursued.

Reading matter: Two approved books per week.

GROUP C

Visits: One visit of thirty minutes by one person during every three months.

Letters: May write and receive one letter during every three months.

Coffee or tea: 3/16th oz. per day.

Sugar: 1 oz. per day.

Studies: An approved course of study may be pursued.

Reading matter: Two approved books per week.

GROUP B

Visits: One visit of thirty minutes per month of not more than two persons coming together.

Letters: May write and receive two letters each month.

Coffee or tea: 3/16th oz. per day.

Sugar: 1 oz. per day.

Smoking (Only White male prisoners)

(a) Free issue: 2 oz. tobacco per week.

(b) Purchase out of private funds:

A monthly purchase out of private funds of any one or more of the following items with quantities as authorized. (A prisoner shall at no time have more than the authorized quantity of any item in his possession):

Tobacco	: 4 oz.
Cigarette paper	: 500
Pipe	: 1
Pipe cleaners	: 4 packets
Matches	: 1 packet
Tobacco pouch	: 1
Cigarette case	: 1

Recreation: Soccer, athletics, draughts, chess, tennis, tenniquoit and domino (if equipment available).

Communal gatherings (if facilities exist)

Religious gatherings: As determined by the Commanding Officer.

Debating society: One every two months.

Boxing tournament: One every six months.

Concerts: One annually.

<u>Bioscope:</u>	Not more than two per month.
<u>Music:</u>	Playing gramophone records and other approved instruments.
<u>Studies:</u>	An approved course of study may be pursued.
<u>Reading matter:</u>	Two approved books and two approved magazines per week.

GROUP A

<u>Visits:</u>	Two visits of thirty minutes per month by not more than two persons coming together.
<u>Letters:</u>	May write and receive three letters each month.
<u>Coffee or tea:</u>	3/16th oz. per day.
<u>Sugar:</u>	1 oz. per day.
<u>Smoking:</u>	

A monthly purchase out of private funds or gratuity of any one or more of the following items with quantities as authorised. (A prisoner shall at no time have more than the authorised quantity of any item in his possession):

<u>Article</u>	<u>Whites</u>	<u>Non-Whites</u>
Free issue		
Tobacco	2 oz. weekly	1 oz. weekly
Purchase (monthly)		
Tobacco	8 oz.	4 oz.
Cigarettes	250	-
Cigarette Paper	500	500
Pipe	1	1
Pipe cleaners	4 packets	4 packets
Matches	1 packet	1 packet
Cigarette lighter	1	1
Fuel for cigarette lighter (not petrol or benzine)	1 container	1 container
Tobacco pouch	1	1
Cigarette case	1	1

Recreation: Soccer, cricket, athletics, draughts chess, darts, bagatelle, jukskei, tennis, tenniquoit and domino (if facilities exist).

Reading matter: Three approved books and three approved magazines per week and one daily newspaper.

Communal gatherings: Religious gatherings: As may be determined by the commanding officer.

Debating society: One every two months.

Boxing tournaments: One every six months.

Concert: One Annually.

Bioscope: Not more than twice per month.

Music: Playing gramophone records and other approved instruments.

Radio: After working hours for reception of music, church, sports and news services.

Groceries: A monthly purchase out of private funds or gratuity not exceeding 50 cents of any one or more of the items shown hereunder with quantities as authorised. (A prisoner shall at no time have more than the authorised quantity of any item in his possession):

Biscuits	$\frac{1}{2}$ lb. packets	1
Coffee	$\frac{1}{2}$ lb. packets	1
Instant coffee	$\frac{1}{2}$ lb. tin	2
Sugar		10 lb.
Tea	$\frac{1}{2}$ lb. packets	1
Cheese	1 lb. packets	1
Milk, condensed,	tins	2
Milk (Power)	1 lb. tins	1
Worcester sauce	9 oz. bottle	1
Tomato sauce	9 oz. bottle	1
Syrup or jam	2 lb. tins	1
Sweets	1 lb. packet/tin	1

Photographs: Not more than three photographs of post card size, framed or open, may be kept on bed-locker or in personal possession.

Studies: An approved course of study may be pursued.

4. Conditions of Visits:

- (a) Visits shall take place in the rooms or apartments specially set aside therefor, in the sight and hearing of a member of the Prisons Service who is conversant with the medium of language in which the conversation is conducted. Physical contact between the visitor(s) and prisoner is prohibited, except in the case of a visit to a prisoner in group A.
- (b) Visits by children between the age of one and sixteen years are not allowed without special permission of the Commissioner.
- (c) In very special circumstances of urgent private or domestic affairs or in the social interests of the prisoner or other personal matters of urgency, the Commanding Officer may authorise a special visit of 30 minutes once per month. Additional special visits may only be allowed under prior authority of the Commissioner.
- (d) The Commanding Officer or head of a prison may authorise a prisoner to write a letter and receive a reply thereto in lieu of a visit to which he may be entitled.
- (e) Visits dealt with under the above sub-rules have no relevance to legal visits.

5. Additional communication transmitted by Commanding Officer or head of prison on matters of importance or urgency to a prisoner

In addition to any privileges and concessions granted to a prisoner, the Commanding Officer or head of the prison may in his discretion at any time convey to such prisoner any information of importance concerning his relatives or friends.

6. Concession to write and receive additional letters in special circumstances

The Commanding Officer or head of the prison may authorise the writing of a special letter and the receipt of a reply thereto in the following circumstances:-

- (i) On the death of a blood-relation;
- (ii) To give instructions on urgent domestic or business matters;
- (iii) Pre-release arrangements to obtain employment or assistance from friends and relatives;
- (iv) To make arrangements before deportation or otherwise leaving the Republic;
- (v) Notification of reception in prison to his next-of-kin if not already done by the prison authorities; and
- (vi) To obtain money to pay a fine or portion thereof.

7. Censor and conditions of correspondence

- (a) Only letters of approximately 500 words, i.e. two single folios or four pages ordinary writing paper, may be despatched or received.
- (b) Letters for despatch may only be written in a language which a member of the Prisons Service at that prison can read and understand. This also applies to incoming letters.
- (c) All incoming and outgoing letters are subject to be censored.
- (d) Prisoners who are not in possession of writing material or funds for the purchase thereof, are supplied with official writing paper and envelopes duly franked.
- (e) Prisoners should request their relatives and friends not to enclose money with letters but to forward it to the Commanding Officer or head of the prison direct.
- (f) Incoming letters without prepaid postage thereon, will not be accepted.

- (g) If desired, a prisoner may purchase private writing paper and envelopes and ordinary postage stamps out of private funds or gratuity. A prisoner may also provide postage stamps even if an official envelope is used, in which case the envelope will not be officially franked.

8. Smoking Times

Smoking times are as follows:-

- (a) Prisoners in the building group, workshops, agricultural group and clerical work -
- (i) before the commencement of daily work;
 - (ii) at 10 a.m. interval of 10 minutes;
 - (iii) during the midday meal;
 - (iv) at 3.30 p.m. Interval of 10 minutes; and
 - (v) Immediately after the cessation of daily work or before lock-up.
- (b) Other prisoners - as determined by the Commanding Officer or head of the prison.

9. Forfeiture of all privileges and concessions in respect of certain sentences on conviction of disciplinary contraventions

In other than sentences of a reprimand or deprivation of meals on conviction of a disciplinary contravention, the prisoner concerned forfeits all privileges for one month. In the case of Group C and D prisoners, the forfeiture of the privileges or concessions of visits and letters is extended for an additional month.

10. Receipt of wrapped or parcelled articles or goods is prohibited

The receipt of wrapped or parcelled articles or goods, such as toilet requisites or groceries for a prisoner, is prohibited.

11. Use of cosmetics by White women prisoners

All White women prisoners may apply lipstick of approved natural or flesh colours on Sundays, visiting days and public holidays, which may be purchased out of private funds or gratuity.

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