



LAWS AND REGULATIONS

ORIGINAL: ENGLISH AND
AFRIKAANS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

SOUTH AFRICA

Communicated by the Government of South Africa

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

REGULATIONS UNDER THE PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992 (ACT NO.20 OF 1992)

*Note by the Secretariat: This document is a direct reproduction of the translated text communicated to the Secretariat.

No. R. 721

30 April 1993

REGULATIONS UNDER THE PREVENTION AND TREATMENT OF DRUG DEPENDENCY ACT, 1992 (ACT No. 20 OF 1992)^{1/}

The Minister of National Health has, under section 48 of the Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992), made the regulations contained in the Schedule hereto.

SCHEDULE

DEFINITIONS

1. (1) In these regulations "the Act" means the Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992), and any expression to which a meaning has been assigned in the Act bears such meaning, and unless the context otherwise indicates—

"**dangerous weapon**" means any object or instrument that in the opinion of the management may cause harm to a patient or staff member;

"**financial year**", in relation to any association of persons, registered treatment centre or registered hostel, means the financial year of such association of persons, registered treatment centre or registered hostel.

(2) For the purposes of the definition of "social worker" in section 1 of the Act, a welfare organisation shall be any organisation registered in terms of the National Welfare Act, 1978 (Act No. 100 of 1978), as a welfare organisation.

(3) For the purposes of the definition of "drugs" in section 1 of the Act drugs shall be any substance as set out in Annexure 1.

APPOINTMENT OF VOLUNTEERS

2. (1) The following particulars shall be indicated on a certificate of appointment referred to in section 14 (3) of the Act:

(a) The powers and duties of the volunteer;

(b) the full name, surname and identity number of the volunteer;

(c) the date of appointment as volunteer.

(2) A certificate of appointment referred to in sub-regulation (1) shall be signed by the Director-General.

(3) The Director-General shall keep a copy of each certificate of appointment, delivered by him in terms of section 14 (3) of the Act, together with the agreement which was signed by the volunteer in terms of section 14 (1) of the Act.

(4) The Director-General may, upon written application of a volunteer, if he is satisfied that the original certificate of appointment issued to the said volunteer has been lost or destroyed, issue a copy of the certificate of appointment to the volunteer, and certify the copy as a true copy of the original.

COURSE FOR VOLUNTEERS

3. (1) There is hereby instituted a course contemplated in section 14 (2) (b) of the Act which shall be presented by the Department of National Health and Population Development.

(2) The course shall consist of training in—

(a) the development of the self-awareness and service ethics of the volunteer; and

(b) one or more of the following matters:

(i) Welfare administration;

(ii) statutory procedure;

(iii) human behaviour and social functioning;

(iv) methods of rendering assistance to people;

(v) the utilisation of resources;

(vi) communication with people at individual and group level; and

(vii) any other matter which the Director-General may deem appropriate.

(3) The content of the training referred to in sub-regulation (2) shall be subject to approval by the Director-General.

(4) Notwithstanding the provisions of subregulation (1) but subject to the provisions of subregulations (2) and (3) the Director-General may, in consultation with a welfare organisation, a body, a person or persons who have the necessary expertise, request or allow such welfare organisation, body, person or persons to present the training for volunteers referred to in sub-regulation (2) in whole or in part.

(5) The Director-General shall issue a certificate to every person who has successfully completed a course referred to in subregulation (1) as proof of such successful completion.

(6) The certificate referred to in subregulation (5) shall be in a form determined by the Director-General.

(7) The Director-General shall keep a copy of every certificate issued by him in terms of subregulation (5).

(8) The Director-General may upon written application of a person to whom a certificate has been issued in terms of subregulation (5), if he is satisfied that such certificate has been lost or destroyed, issue a copy of such certificate and certify the copy as a true copy of the original.

REGISTER OF VOLUNTEERS

4. The Director-General shall keep a register of all volunteers appointed by him, in which the following particulars of every volunteer shall be entered:

- (a) His powers and duties;
- (b) the date upon which the certificate was issued to the volunteer;
- (c) his fixed residential and postal address in terms of regulation 3 (5);
- (d) any amendment to the particulars referred to in paragraphs (a), (b) and (c), or the termination of an appointment in accordance with section 16 of the Act, stating the date upon which such amendment or termination became effective and, in the case of the termination of an appointment, the reasons therefor; and
- (e) the date on which a volunteer resigned or died.

SUBMISSION OF CLAIMS BY VOLUNTEERS

5. A claim for reimbursement under section 18 (2) of the Act shall be submitted on a form obtainable from the Director-General, and shall be accompanied by a statement by the volunteer—

- (a) concerning the date upon which the expenditure was authorized; and
- (b) concerning any reimbursement which has been received from any other source for the expenses; or
- (c) that no reimbursement has been received or is expected from any other source.

COMMITTAL OF PERSONS TO TREATMENT CENTRES OR REGISTERED TREATMENT CENTRES

6. (1) If the magistrate makes an order in terms of section 22 (6) of the Act, he shall request the Director-General to designate a treatment centre or a registered treatment centre for the person concerned.

(2) The Director-General shall not designate a treatment centre or a registered treatment centre referred to in of subregulation (1) unless the management of the treatment centre or registered treatment centre in question has agreed to admit the person concerned.

(3) If the Director-General is unable to so designate a treatment centre or registered treatment centre, he shall immediately inform the magistrate accordingly.

(4) An order under section 22 (6) of the Act shall be made in the form of Form 1 of Annexure 2 and shall indicate the name of the designated treatment centre or registered treatment centre.

(5) After an order has been made under section 22 (6) of the Act, two copies of the order and of the record of proceedings at the enquiry, including two copies of all the reports and documents handed in at the enquiry, properly certified by the clerk of the court as true copies of the original order, record of proceedings, reports or documents, shall be transmitted to the Director-General, and in the case of an appeal against the order or of the review of the proceedings he shall be notified in writing of the result of the appeal or of the review.

(6) The magistrate who has made an order in terms of section 22 (6) of the Act shall as soon as possible thereafter make arrangements for the removal of the person concerned to the treatment centre or registered treatment centre designated by the Director-General, and a copy of the order shall accompany the person.

CONSTITUTION, PROCEDURE AND FUNCTIONS OF THE MANagements OF TREATMENT CENTRES

7. (1) The superintendent shall act as chairman at all meetings of the management of a treatment centre.

(2) If the superintendent is absent from any meeting of the management, the person acting on his behalf as superintendent shall act as chairman at such meeting.

(3) The superintendent shall designate a member of the staff of the treatment centre to be the secretary of the management thereof.

(4) The management shall meet at least once every calendar month at such place and time as the chairman may determine to consider matters relating to the administration of the treatment centre or relating to the patients or to a specified patient thereof.

(5) Each member of a management shall be notified by the secretary of the management, in writing, of the place and the time at which any meeting of the management, as referred to in the notification, shall be held.

(6) Each member of a management shall attend each meeting of the management, unless a member has been granted leave by the management to be absent from a specified meeting.

(7) At a meeting of a management consisting of two or more members, two members shall form a quorum.

(8) Each member of a management, including the chairman, shall have one vote and the chairman shall, in the case of an equality of votes, also have a casting vote.

(9) The secretary of management shall keep minutes of the proceedings at all meetings of the management.

(10) The minutes of the proceedings at any meeting of a management shall, at its next meeting, be submitted for approval and if approved by the management, with or without amendments, the minutes shall be signed by the chairman and the secretary of the management.

(11) The management of a treatment centre shall, annually before the 31st day of March, in consultation with the Director-General, draw up a programme for the treatment and the training of the patients and shall submit such programme to the Director-General for approval.

(12) A management shall as soon as possible after the first day of April in every year submit to the Director-General a report on its activities during the previous year.

**RULES FOR THE DOMESTIC ADMINISTRATION
AND CONTROL OF TREATMENT CENTRES**

8. (1) The management of a treatment centre may prescribe rules for the proper domestic administration and control thereof with regard to—

- (a) the day programme in the treatment of patients of the treatment centre;
- (b) the manner in and the conditions on which a patient may be classified into a specified group or subgroup and the privileges to which any patient classified into a specified group or subgroup shall be entitled;
- (c) correspondence or communication by patients with any other persons inside or outside the treatment centre;
- (d) the recreation of patients;
- (e) behaviour that jeopardizes the safety of other patients or of staff members;
- (f) the dress, tidiness and personal hygiene of patients;
- (g) the custody and handling of any property of the State;
- (h) the places within the treatment centre which may be visited by patients without the consent of the superintendent or a member of the staff of the treatment centre;
- (i) the times at and conditions on which patients may be visited in the treatment centre by members of their family or by their friends;
- (j) the keeping and use of radio sets and electrical appliances by patients in the treatment centre;
- (k) the amount of money which any patient may keep in his possession;
- (l) the introduction into or receipt of any article, object or money in the treatment centre by patients;
- (m) the tidying and keeping tidy of sleeping quarters, beds, wardrobes, bathrooms and toilets;
- (n) the places and times at which and the manner and circumstances in which any patient shall be entitled to appear before the management or any member of the management and the manner in which the complaints of patients shall be received and investigated.

(2) The rules prescribed under subregulation (1), including any amendment or withdrawal thereof, shall be published by posting up on a notice-board at the treatment centre concerned to which the patients of such treatment centre have unrestricted access, a copy thereof in both official languages, which copy shall be duly certified by the superintendent of such treatment centre to the effect that such rules or amendment or withdrawal, as the case may be, have been prescribed or effected by the management of such treatment centre by virtue of the powers vested in such management by subregulation (1) or (6), as the case may be.

(3) The superintendent of the treatment centre concerned shall forward to the magistrate of the district in which such treatment centre is situated a copy, in both official languages, of the rules, including any amendment or withdrawal thereof, published in terms of subregulation (2) and shall certify on the copy that such rules or amendment or withdrawal, as the case may be, have been prescribed or effected by the management of such treatment centre by virtue of the powers vested in such management by subregulation (1) or (6), as the case may be, and that such rules or amendment or withdrawal, as the case may be, have been published in accordance with subregulation (2).

(4) A copy, in both official languages, of the rules referred to in subregulation (1), including any amendment or withdrawal thereof, shall be given to each patient of the treatment centre concerned and such a copy shall at all reasonable times be available for inspection in the office of the superintendent of the treatment centre by any patient of such treatment centre.

(5) Any patient contravening the provisions of any rule published in terms of subregulation (2) shall, on conviction by the superintendent or the person presiding at the enquiry referred to in regulation 20 (1), be liable to one or more of the following punishments:

- (a) Forfeiture of one or more specified privileges for a period not exceeding one month;
- (b) forfeiture of allowances, wholly or in part, for a period not exceeding fourteen days;
- (c) increase of normal hours of work by not more than one hour per day for a period not exceeding two days.

(6) Any rule prescribed under subregulation (1) may be amended or withdrawn by the management of the treatment centre concerned.

**APPOINTMENT, POWERS, FUNCTIONS AND
DUTIES OF STAFF OF A TREATMENT CENTRE**

9. (1) The superintendent shall be responsible for the proper management of a treatment centre and shall take such measures as may be necessary to ensure that the patients receive or undergo the prescribed treatment and training and perform the duties determined in terms of section 8 of the Act.

(2) The superintendent of a treatment centre shall—

- (a) take such measures as may be necessary to ensure the safety of the patients of the treatment centre;
- (b) immediately notify any patient's next of kin, if any, and the Director-General of the death of such patient.

(3) If the superintendent on reasonable grounds suspects that any person other than a patient of the treatment centre has in the treatment centre in his possession or custody any drug or any plant from which such drug can be manufactured or any dangerous weapon or that any drug or such plant or dangerous weapon is in or upon such person's container or vehicle which is on the premises of the treatment centre, the superintendent may prohibit such person from being on the premises.

(4) The superintendent or a member of the staff of a treatment centre authorised thereto by the superintendent may open any letter, book, document or publication or any article addressed to or intended for any patient of the treatment centre or any letter, book, document or publication or any article directed or sent by any patient to any other person and may retain in any such letter, book, document, publication or article or any part thereof if he deems it necessary in the interest of the good order or administration of the treatment centre: Provided that the superintendent or such member so retaining such letter, book, document, publication or article shall submit it as soon as possible to the management, who may order that it shall be delivered to the patient concerned or returned to the sender or that it be otherwise disposed of as the management may determine.

RECORDS AND REGISTERS TO BE KEPT BY THE SUPERINTENDENT OF A TREATMENT CENTRE

10. (1) The superintendent of a treatment centre shall keep a register in which the following particulars in respect of every patient shall be recorded:

- (a) His full name, sex and occupation and the address where he was resident immediately prior to his admission to the treatment centre;
- (b) his identity number;
- (c) the names, addresses and telephone numbers of his next of kin if available;
- (d) his date of birth;
- (e) the date of his admission to the treatment centre;
- (f) in the case of any patient committed to the treatment centre in terms of section 22 of the Act, the name of the court by which and the date on which he was so committed;
- (g) in the case of a patient transferred or retransferred in terms of any of the provisions of the Act or any other law to or from a treatment centre, registered treatment centre, prison, children's home, school of industries or reform school, the date of such transfer or retransfer;
- (h) particulars of any leave of absence granted to him or of any released on licence and of any revocation of such licence;
- (i) in the case of any patient who has absconded from such treatment centre or who is deemed in terms of the Act to have so absconded, the date on which he so absconded or is deemed to have so absconded and, if he has been so brought back to the treatment centre or has so returned thereto, the date on which he was brought back or so returned and also particulars of any decision made by the Director-General in terms of section 39 (4) of the Act;
- (j) in the case of any patient who died while he was subject to detention in the treatment centre, the date of his death;
- (k) the date of his discharge from the provisions of the Act.

(2) (a) The superintendent of a treatment centre shall keep a separate file in respect of each patient in which the following documents shall be filed:

- (i) The documents relating to his committal under section 22 or his admission under section 40 of the Act or to his transfer or retransfer in terms of any provision of the Act or of any other law or to his release on licence, under or his discharge from the provisions of the Act;
- (ii) all reports or records relating to his treatment by a medical practitioner, psychiatrist, clinical psychologist or social worker or to any other treatment or training undergone or received by him;
- (iii) the copies of all reports, documents or correspondence relating to him and received, furnished or conducted by the superintendent;
- (iv) particulars of and all documents relating to any disciplinary steps instituted against him under the Act or these regulations.

(b) If a patient is transferred to another treatment centre or registered treatment centre the file referred to in paragraph (a) shall be transferred to the treatment centre or registered treatment centre concerned.

SEARCHING OF PATIENTS AND DISPOSAL OF PERSONAL EFFECTS

11. (1) The superintendent may if, he deems it necessary in the interest of a patient or of other patients, cause a patient of his property to be searched: Provided that a patient may be searched only by two staff members of the same sex as the patient.

(2) Any money, personal effects or other articles found in the possession of any patient, whether at or after his admission to a treatment centre, may if the superintendent or any member of the staff of the treatment centre authorized thereto by him, deems it necessary in the interest of the patient or the other patients, be taken into custody and kept in safe custody until the patient is released on licence under the Act or is discharged from the provisions of the Act or until such money, personal effects or other articles are otherwise legally disposed of.

(3) Any money, personal effects or other articles taken into custody, under subregulation (2), shall be recorded in an inventory and, if the patient is capable thereof and is willing, such inventory shall be signed by such patient and a copy thereof shall be delivered to him.

(4) No patient shall, without the consent of the superintendent, be entitled to keep any motor vehicle in or at the treatment centre.

(5) Any money, personal effects or other articles taken into custody under subregulation (2) may, at the written request of the patient and with the approval of the superintendent, at any time be returned to the patient or delivered to any other person to be administered on behalf of the patient.

(6) If any patient has absconded or is deemed in terms of the Act to have so absconded from a treatment centre and has failed to claim or take delivery of any money, personal effects or other articles which

have been taken into custody in terms of subregulation (2), the superintendent may, after the expiration of a period of 90 days after the date on which such patient so absconded or is deemed to have so absconded or the date on which he left the treatment centre, whichever is the latest date, sell, with the approval and in the manner determined by the Director-General, any valuable personal effects or other articles of such patient which are in his custody and he shall pay the proceeds thereof and any money of the patient which is then still in his custody into the State Revenue Fund established by section 81 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983).

(7) If any patient of a treatment centre dies whilst the superintendent has in his custody any money, personal effects or other articles which belonged to the patient, the superintendent shall deal with such money, personal effects or other articles, as the case may be, in accordance with the provisions of section 11 of the Administration of Estates Act, 1965 (Act No. 66 of 1965).

CLASSIFICATION OF PATIENTS INTO GROUPS

12. (1) The Director-General may, in consultation with the management of a treatment centre, for the purpose of the treatment of the patients of that treatment centre, classify such patients into groups and subgroups.

(2) The placing of a specified patient in a group referred to in subregulation (1) shall be determined with reference to the nature and degree of his dependence on drugs, his ability to understand and resolve his problems, his reaction to treatment, his co-operation in the treatment programme determined by the management, his progress in the rehabilitation situation and his treatment potential and with due regard to the findings and recommendations of the multidisciplinary team referred to in section 13 (2) of the Act.

MEDICAL EXAMINATION AND TREATMENT OF PATIENTS

13. (1) Every patient shall as soon as possible after his admission to a treatment centre be medically examined by the medical practitioner attached to the treatment centre or assigned thereto in terms of section 13 (2) of the Act.

(2) The medical practitioner referred to in subregulation (1) shall have access to any patient at any time and may at any time and shall at the request of the superintendent medically examine any patient.

(3) If it appears to the superintendent that any patient requires medical treatment, such patient shall be brought as soon as possible before the medical practitioner referred to in subregulation (1) for medical examination and treatment.

(4) The medical practitioner who in terms of subregulation (1) or (3) or otherwise medically examines a patient shall record his findings at such examination on a form supplied to him by the superintendent or a member of the staff of the treatment centre and shall sign that form before he delivers or forwards it to the superintendent.

(5) A form referred to in subregulation (4) received by the superintendent shall be filed in the file to be kept by the superintendent in terms of regulation 10 (2) in respect of the patient concerned, and the information furnished on the form shall be treated as confidential.

(6) If the medical practitioner who has examined a patient who is ill, deems it in the interests of the patient, he may have the patient also examined by any other medical practitioner or have the patient admitted to a hospital for medical treatment or observation.

(7) If the medical practitioner is of the opinion that the state of health of any patient is such that the next of kin of the patient should be informed thereof, he shall communicate his opinion to the superintendent, who shall, if the place of residence of the patient's next of kin is known, notify the said next of kin forthwith of the patient's condition.

(8) If any patient dies in a treatment centre or in a hospital to which he has been admitted or at a place where he was detained or employed in terms of the provisions of the Act or of these regulations, the superintendent shall obtain from the Director-General: Home Affairs, a certificate in which shall be stated the date of the deceased patient's death and the causes of his death and he shall file such certificate in the file to be kept by him under of regulation 10 (2) in respect of the deceased patient.

(9) Each patient shall, before he is released on licence under or discharged from the provisions of the Act, be medically examined by the medical practitioner referred to in subregulation (1).

CARE OF PATIENTS

14. (1) A patient shall be entitled to receive medical, dental and ophthalmological treatment free of charge.

(2) A patient may from time to time be supplied with such clothing as the superintendent may, with the approval of the Director-General, deem necessary.

(3) Any clothing so supplied to a patient for non-personal use shall remain the property of the State.

(4) If any patient sustains, during his detention in a treatment centre, any physical injury, except a minor or negligible injury, the superintendent shall make the necessary arrangements for the medical treatment of the patient for such injury and he shall obtain statements from the patient and, as far as is possible, from eye witnesses on the circumstances in which the patient was injured and he shall obtain from the medical practitioner treating the patient a report on the nature and extent of the injury.

DUTIES PERFORMED BY PATIENTS

15. (1) The Director-General may, in consultation with the management of a treatment centre and with due consideration of the treatment programme and the needs of patients, determine the duties that patients should perform.

(2) No patient shall be obliged to perform any duty or task for the private purposes of any member of the staff of a treatment centre.

FINANCIAL ARRANGEMENTS

16. (1) An allowance which may, under section 41 of the Act, be paid to a patient of a treatment centre shall be equal to an amount or shall be calculated in accordance with a formula or in the manner determined by the Minister with the concurrence of the Minister of State Expenditure, and shall be payable in respect of each day during which the patient concerned is in the treatment centre.

(2) If a patient who has been committed to a treatment centre under section 22 (6) of the Act is discharged from or is released on licence under the provisions of the Act or if his licence is revoked under the provisions of the Act, the cost of his transport from the treatment centre to the place in the Republic, approved by the Director-General, or from the place where he happens to be at the time of such revocation to the treatment centre, as the case may be, shall be paid from State funds.

(3) Whenever the transport expenses of any patient are, in terms of subregulation (2), paid out of State funds, the means of this transport and the rate at which such transport shall be effected shall be specified by the Director-General with the concurrence of the Minister of State Expenditure.

(4) Subject to the provisions of subregulation (2), any person admitted to a treatment centre under section 40 of the act (hereinafter in this regulation referred to as a voluntary patient), shall pay his transport expenses to the treatment centre or from the treatment centre to his home and he shall pay the cost of his maintenance and of the other services rendered to him in the treatment centre (hereinafter in this regulation jointly referred to as maintenance), calculated in accordance with a formula determined by the Minister with the concurrence of the Minister of State Expenditure, and such costs shall be payable in respect of each day during which the voluntary patient is in the treatment centre.

(5) If the Director-General is satisfied that a voluntary patient or his parent or guardian who is legally liable for his maintenance is unable to pay the transport expenses or maintenance referred to in subregulation (4), he may consent that such transport expenses or maintenance be paid fully, or to the extent determined by him in any specified case, from State funds.

PRACTISING OF RELIGION BY PATIENTS AND ACCESS OF MINISTERS OF RELIGION TO PATIENTS

17. (1) The management of a treatment centre may make arrangements with a spiritual worker to give attention within the treatment programme to the spiritual dimension of the patient.

(2) Religious services shall be held or given, as the case may be, at such places and times as the management may determine.

(3) (a) The superintendent may, at the request of any patient, consent to that patient's being visited to at the times specified by the superintendent by any minister of religion specified by such patient.

(b) If the superintendent refuses such request, he shall furnish his reasons for the refusal to the patient concerned in writing and cause a copy thereof to be filed in the file referred to in regulation 10 (2).

LEAVE OF ABSENCE

18. (1) The management of a treatment centre shall grant leave of absence to a patient only if such management is satisfied that such leave of absence will no prejudice or seriously delay the treatment or the rehabilitation of the patient concerned.

(2) Whenever a patient's leave of absence under section 36 of the Act is revoked and he is recalled to the treatment centre concerned, a written notice which has been signed by the superintendent of the treatment centre and in which the patient is informed of such revocation and recall shall be delivered or tendered to him by a social worker or a police officer.

(3) A certificate signed by the social worker or a police officer referred to in subregulation (2) in which it is stated that such notice has been delivered or tendered to a person referred to in the certificate, shall in any court of law be *prima facie* evidence of the particulars given therein.

RELEASE OF LICENCE

19. (1) The management of a treatment centre may, before a patient of the treatment centre is released on licence under section 37 of the Act, request from a social worker a report on the family of the patient.

(2) On the release on licence of any patient from a treatment centre under section 37 of the Act, the superintendent of such treatment centre shall issue to the patient concerned a licence signed by such superintendent in which shall be stated—

- (a) the full names of the patient and the address where he will reside during the period of his release;
- (b) the period of validity of the licence;
- (c) the name of the social worker or person under whose supervision he will remain in terms of section 37 (2) of the Act; and
- (d) the conditions on which he is being released on licence.

(3) A copy of a licence referred to in subregulation (2) shall forthwith be forwarded to the Director-General and to the social worker or person under whose supervision the patient will be.

(4) The social worker or person who is entrusted with such supervision shall submit to the superintendent a report on the adjustment of the patient every six months.

(5) Whenever a licence of a patient is revoked under section 38 of the Act and he is recalled to the treatment centre concerned, a written notice which has been signed by the superintendent of the treatment centre and in which the patient is informed of such revocation and recall shall be delivered or tendered to him by a social worker or a police officer.

(6) A certificate signed by a social worker or a police officer referred to in subregulation (5) in which is stated that such notice has been delivered or tendered to a person referred to in the certificate, shall in any court of law be *prima facie* evidence of the particulars given therein.

(7) The superintendent of a treatment centre shall notify the Director-General of the date of which any patient whose licence has been revoked is readmitted to the treatment centre.

MAINTENANCE OF GOOD ORDER AND DISCIPLINE

20. (1) If the superintendent of a treatment centre or any person designated under section 43 (1) of the Act is of the opinion that disciplinary steps should be taken against a specified patient under that section, he shall cause the patient concerned to be brought before him as soon as possible at a place and time specified by him in order to enquire into any alleged contravention by the patient of any of these regulations or of the rules prescribed under regulation 8 (1) by the management of the treatment centre concerned.

(2) The superintendent or the person so designated may designate any person to lead the evidence at an enquiry referred to in subregulation (1) and to cross-examine witnesses called by the patient concerned.

(3) On the appearance of the patient concerned the details of the alleged contravention shall be put to him and he shall be asked to admit or deny them.

(4) The admission or denial referred to in subregulation (3) shall be recorded in the record of the proceedings at the enquiry.

(5) The superintendent or person presiding at the enquiry referred to in subregulation (1) may call witnesses to give evidence at the enquiry and may administer an oath to or take an affirmation from any person giving evidence at the enquiry and may examine any witness at the enquiry.

(6) The patient in respect of whom the enquiry referred to in subregulation (1) is held shall be entitled to call and examine witnesses and may cross-examine any witness who has been called by the superintendent or person presiding at the enquiry and who has given evidence, and the patient concerned may give evidence himself.

(7) If the superintendent or person presiding at the enquiry convicts the patient of any contravention of these regulations or of the rules referred to in regulation 8 (1), he may caution and discharge him or impose on him any punishment prescribed by regulation 8 (5).

(8) If the superintendent or person presiding at the enquiry convicts the patient of any contravention of these regulations or of the rules referred to in regulation 8 (1), he shall direct the patient's attention to the provisions of section 43 (2) (a) of the Act and inform him that any written statements or arguments which the patient may desire to have appended to the record of the proceedings will, together with such record, be forwarded to the clerk of the court in terms of those provisions.

(9) The superintendent or person presiding at the enquiry shall state on the record of the proceedings whether he has complied with the provisions of subregulation (8).

POSTPONEMENTS OF ORDER

21. (1) Any order under section 23 (1) of the Act whereby the making of an order under section 22 (6) of the Act is postponed shall be made in the form of Form 5 of Annexure 2.

(2) Any order made under section 23 (1) of the Act may be made subject to the condition that no person referred to in the order shall comply with one or more of the following requirements, namely that he—

- (a) undergo the medical, psychiatric or psychological treatment referred to in the order;
- (b) use no alcoholic liquor;
- (c) use no drug, except in so far as it has been prescribed by a medical practitioner in the interest of his health;
- (d) refrain from begging or from squandering his means in the manner referred to in the order;
- (e) not fail or refuse to provide properly for the maintenance of any person for whose maintenance he is legally liable;
- (f) not lead an idle, dissolute or disorderly life;
- (g) if he is unemployed, take the steps referred to in the order to obtain employment;
- (h) not terminate or leave his employment or service without notifying in writing the social worker referred to in the order;
- (i) deliver his earnings or income or any specified portion thereof, at the times and to the person or organisation referred to in the order to be administered on his behalf or on behalf of his family;
- (j) not change his place of residence referred to in the order without notifying in writing the social worker referred to in the order of the address of his new place of residence.

(3) The magistrate making an order under section 23 (1) of the Act shall forthwith cause a copy thereof to be forwarded to the social worker under whose supervision the patient concerned has been placed and to the Director-General.

REGISTRATION AND MANAGEMENT OF REGISTERED TREATMENT CENTRES

22. (1) An application under section 9 of the Act shall be submitted in duplicate on a form obtainable from the Director-General.

(2) The application referred to in subregulation (1) shall be accompanied by—

- (a) the constitution of the organisation managing the institution or place of residence;
- (b) a certificate from the local authority in whose area the institution or place of residence is situated or has been or is to be established to the effect that, in the case of an existing institution or place of residence, such institution or place of residence, complies with all the structural and health requirements of such local authority or that, in the case of an institution or place of residence which is to be established, the plans for the erection thereof have been approved by the local authority; and
- (c) full particulars of any fees levied or to be levied by the management of such institution or place of residence on the patients thereof.

(3) Subject to the provisions of the Act and of these regulations, no institution or place of residence shall be registered under section 9 of the Act, unless the Director-General is satisfied that arrangements have been made or will be made in respect of—

- (a) the treatment of the patients of the institution or place of residence by a social worker;
- (b) the medical and psychiatric or psychological treatment of such patients whenever necessary;
- (c) the spiritual treatment of such patients;
- (d) such treatment and training of the patients as may be reasonable necessary for their rehabilitation.

(4) If the Director-General grants an application referred to in subregulation (1), he shall issue to the applicant a registration certificate in the form of Form 2 of Annexure 2 in which the conditions imposed in connection with the registration of the institution or place of residence shall be specified.

(5) A temporary registration certificate under of section 9 (4) of the Act shall be issued in the form of Form 4 of Annexure 2 and shall be signed by the Director-General and shall contain the conditions imposed in connection with the temporary registration.

(6) The management of a registered treatment centre or of an institution or place of residence in respect of which a temporary registration certificate has been issued under section 9 (4) of the Act, shall—

- (a) keep properly audited books of account in which all the financial transactions and the assets and liabilities of the treatment centre or of the institution or place of residence, as the case may be, shall be fully recorded;
- (b) furnish to the Director-General audited statements of account, including a balance sheet and a statement of income and expenditure as soon as possible after the close of every financial year.

(7) (a) The provisions of regulations 7 (4) to (12) and of regulations 8, 10, 15, 17, 18, 19 and 20 shall *mutatis mutandis* apply in respect of registered treatment centres, the persons who have been or are admitted thereto, and the managements and staff of registered treatment centres: Provided that the provisions of regulation 20 shall apply only in respect of persons admitted to a registered treatment centre under section 22 (6) of the Act.

(b) For the purpose of paragraph (a) any reference in the regulations referred to therein, to—

“the Superintendent” shall be construed as a reference to the person at the head of a registered treatment centre;

“any property of the State” shall be construed as a reference to any property of a registered treatment centre.

RETURNS AND REPORTS TO BE FURNISHED BY THE MANAGEMENT OF A REGISTERED TREATMENT CENTRE

23. (1) The management of a registered treatment centre or of an institution or place of residence in respect of which a temporary registration certificate has been issued under section 9 (4) of the Act shall furnish to Director-General—

- (a) at such times as the Director-General may specify, such statistics relating to such registered treatment centre, institution or place of residence or the patients thereof as the Director-General may determine;
- (b) at such times as the Director-General may specify, such reports and particulars relating to such registered treatment centre, institution or place of residence or the patients thereof as the Director-General may determine.

(2) Whenever a patient is transferred under section 27, 30 or 32 of the Act to a treatment centre or a registered treatment centre or is retransferred under section 33 of the Act to an institution, the management of the treatment centre, registered treatment centre, children's home, school of industries reform school or institution from which the patient is so transferred or retransferred shall furnish a full report to the management of the treatment centre or registered treatment centre to which the patient is transferred or the person in charge of the institution to which the patient is retransferred, and the Director-General on the treatment and training which such patient has received or has undergone and the progress he has made there.

REGISTRATION AND MANAGEMENT OF HOSTELS

24. (1) An application under section 11 (2) of the Act shall be submitted in duplicate on a form obtainable from the Director-General.

- (2) Such application shall be accompanied by—
 - (a) the constitution of the organisation managing the institution or place from residence;
 - (b) a certificate from the local authority in whose area the institution or place of residence is situated or has been or is to be established to the effect that, in the case of an existing institution or place of residence, such institution or place of residence, complies with all the structural and health requirements of such local authority or that, in the case of an institution or place of residence which is to be established, the plans for the erection thereof have been approved by the local authority;
 - (c) full particulars of any fees levied or to be levied by the management of such institution or place of residence on the persons admitted thereto.

(3) The registration certificate referred to in section 11 (2) of the Act shall be issued in the form of Form 3 of Annexure 2.

(4) The management of every registered hostel shall furnish to the Director-General—

- (a) annually within six months of the close of the financial year of the registered hostel, a report of its activities and audited statements of account, including a balance sheet and a statement of income and expenditure, in respect of the registered hostel for the financial year concerned;

- (b) at such times as the Director-General may specify, such statistics, reports and information relating to such registered hostel or the persons admitted thereto as the Director-General may determine.
- (5) The management of a registered hostel may prescribe rules relating to—
- the mealtimes, refreshment times and bedtimes of the persons admitted thereto;
 - the conduct of such persons;
 - the dress, tidiness and personal hygiene of such persons;
 - the places within such registered hostel which may not be visited by such persons without the consent of the person in charge of the registered hostel;
 - the times at and conditions on which such persons may be visited in the registered hostel by members of their family or by their friends;
 - the keeping and use of radio sets by such persons in the registered hostel;
 - the tidying and keeping tidy of sleeping quarters, beds, wardrobes, bathrooms and toilets.
- (6) Rules prescribed under subregulation (5) shall be published *mutatis mutandis* in the manner prescribed by regulation 8 (2) and (4).
- (7) Any rules prescribed under subregulation (5) may be amended or revoked by the management of the registered hostel concerned.

WITHDRAWAL

25. Government Notices Nos. R. 2166 of 3 December 1971, R. 1861 of 20 October 1972, R. 1003 of 15 June 1973, R. 1812 of 9 September 1977, R. 541 of 13 March 1981, R. 584 of 30 March 1984 and R. 2092 of 3 October 1986 are hereby withdrawn.

ANNEXURE 1

PART I

All substances listed in this Part include the following:

- The salts and esters of such substances, where the existence of such salts and esters is possible; and
- all preparations and mixtures of such substances.

Amitriptyline and the derivatives thereof.

Amoxapine.

Anaesthetic preparations containing pregnanedione derivatives.

Apronalide.

Azacyclonol.

Barbituric acid and the derivatives thereof, excluding amobarbital, cyclobarbital, pentobarbital and secobarbital.

Benactyzine and the derivatives thereof.

Benfluramate.

Benzoctamine.

Benzodiazepines and the derivatives thereof.

Benzquinamide.

Beta-aminopropylbenzene and beta-aminoisopropylbenzene, any compound structurally derived from either of these substances by substitution in the side chain or by ring closure therein (or by both substitution and ring closure) and any salt or substance falling under the above, excluding cathine [(+)-norpseudoephedrine], ephedrine, etafedrine, N-methylephedrine, N-diethylaminoethylephedrine, *phenylpropanol-amine*, *prenylamine* and preparations and mixtures thereof.

Bromides.

Bromisovalum.

Brotizolam.

Buspirone.

Butriptyline.

Butyrophenones.

Carbromal.

Chloral derivatives.

Chlormezanone.

Chlorprothixene.

Clomacran.

Clomethiazole.

Clopenthixol.

Clothiapine.

Clozapine.

Cyclobenzaprine.

Deanol and the derivatives thereof.

Detomidine.

Dexfenfluramine.

Dextropropoxyphene; preparations and mixtures for oral use containing not more than 135 milligrams of dextropropoxyphene, calculated as the base, per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations.

Diprenorphine.

Dothiepin.

Doxepin.

Droperidol.

Ecothiopate.

Emylcamate.

Enflurane.

Ethchlorvynol.

Ethinamate and the derivatives thereof.

Etodroxizine.

Etomidate.

Fencamfamine.

Fenfluramine.

Flumazenil.

Fluoxetine.

Fiupenthixol.

Fluspirilene.

Fluvoxamine.

Glutethimide.

Halothane.

Hedonal and its esters.

Heminevrin.

Hydroxyzine.

Imipramine and the derivatives thereof.
Iproniazid.
Insoflurane.
Ketamine.
Lithium salts.
Lofepramine.
Loxapine.
Maprotiline.
Mazindol.
Mechlorethamine and the derivatives thereof.
Meclofenoxate.
Medetomidine.
Melitracene.
Mephenoqualone.
Meprobamate.
Methoxyflurane.
Mianserin.
Moclobemide.
Molindone.
Nalbuphine.
Nomifensine.
Oxypertine.
Paraldehyde.
Pargyline.
Paroxetine.
Pemoline and the complexes thereof.
Phenethylhydrazine.
Phenothiazine and the derivatives thereof.
Phentermine.
Pimethixene.
Pimozide.
Pipradrol.
Pizotifen.
Prolintane.
Propofol.
Quinupramine.
Risperidone.
Sulphonmethane.
Sulpyride.
Thioguanosine.
Thiothixene.
Tiapride.
Tiletamine.
Tizanidine.
Tramadol.
Tranylcypromine.
Trazodone.
Trihexyphenidyl.
L-tryptophan.
Venlafaxine.
Viloxazine.
Xylazine.
Zimelidine.
Zolazepam.
Zopiclone.
Zotepine.
Zuclopenthixol.

PART II

All substances listed in this Part include the following:

- (a) The isomers of such substances, where the existence of such isomers is possible within the specific chemical designation;
- (b) the esters and ethers of such substances and of the isomers referred to in (a), as well as the isomers of such esters and ethers, where the existence of such esters, ethers and isomers is possible;
- (c) the salts of such substances and of the isomers referred to in (a), as well as the salts of the esters, ethers and isomers referred to in (b), where the existence of such salts is possible;
- (d) the isomers of any of the salts referred to in (c), where the existence of such isomers is possible;
- (e) all preparations and mixture of any of the above.

Acetorphine.

Acetyldihydrocodeine.

Acetylmethadol.

Alfentanil.

Allyprodine.

Alphacetylmethadol.

Alphameprodine.

Alphamethadol.

Alphaprodine.

Amobarbital.

Amphetamine.

Anileridine.

Benzethidine.

Benzphetamine.

Benzylmorphine.

Betacetylmethadol.

Betameprodine.

Betamethadol.

Betaprodine.

Bezitramide.

Brolamfetamine (\pm)-4-bromo 2,5-dimethoxy- α -methylphenethylamine (DOB).

Bufotenine (N,N-dimethylserotonin).

Buprenorphine.

Cannabis (dagga), the whole plant or any portion of product thereof.

Cathine [(+)-norpseudoephedrine].

Cathinone [(–)-(S)-2-aminocropiophenone].

Chlorodyne ("Chloroform and Morphine Tincture BP 1980") or any preparation or mixture thereof described as chlorodyne.

Chlorphentermine.

Clonitazene.

Coca leaf and any salt, compound, derivative or preparation of coca leaf and any salt, compound, derivative or preparation thereof that is chemically

equivalent or identical to any of these substances, whether obtained directly or indirectly by extraction from material or substances obtained from plants, or obtained independently by chemical synthesis, or by a combination of extraction and chemical synthesis, except decocainized coca leaf and extractions of coca leaf where such extractions contain no cocaine or ecgonine.

Codeine (methyilmorphine).
Codoxime.
Cyclobarbital.
Desomorphine.
Dexamphetamine.
Dextromoramide.
Dextropropoxyphene, except preparations and mixtures for oral use containing not more than 135 milligrams of dextropropoxyphene, calculated as the base, per dosage unit or with a concentration of not more than 2,5 per cent in undivided preparations.
Diampromide.
Diethylpropion (amfepramone).
Diethylthiambutene.
Diethyltryptamine [3-(2-(diethylamino)-ethyl)-indole].
Difenoxin (or diphenoxylate).
Dihydrocodeine.
Dihydromorphine.
Dimenoxadol.
Dimepheptanol.
(±)-2,5-dimethoxy-α-methylphenethylamine (DMA).
3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol (DMHP).
(±)-N,α-dimethyl-3,4-(methylenedioxy)phenethylamine (MDMA).
Dimethyltryptamine [3-(2-(dimethylamino)-ethyl)-indole].
Dimethylthiambutene.
Dioxaphethyl butyrate.
Diphenoxylate.
Dipipanone.
Dronabinol [(-)-transdelta-9-tetrahydrocannabinol].
Drotebanol.
Ecgonine and the esters and derivatives thereof which are convertible to ecgonine and cocaine.
Ethylmethylthiambutene.
Ethylmorphine.
(±)-4-ethyl-2,5-dimethoxy-α-phenethylamine (DOET).
Etilamfetamine (N-ethylamphetamine).
Etonitazene.
Etorphine.
Etoxidine.
Fenetylline (7-[2-[α-methylphenethyl]amino]theophylline).
Fenproporex.
Fentanyl.

Fentanyl-analogues.
acetyl-α-methyl-fentanyl;
α-methyl-fentanyl;
α-methyl-fentanyl-acetanilide;
α-methyl-thio-fentanyl;
benzyl-fentanyl;
β-hydroxy-fentanyl;
β-hydroxy-3-methyl-fentanyl;
3-methyl-fentanyl and the two isomeric forms thereof, namely -cis-N-(3-methyl-1-(2-phenethyl)-4-piperidyl)propionanilide; and trans-N-(3-methyl-1-(2-phenethyl)-4-piperidyl)propionanilide;
3-methylthiofentanyl;
para-fluoro-fentanyl; and
thiofentanyl.
Furethidine.
Harmaline (3,4-dihydroharmine).
Harmine (7-methoxy-1-methyl-9H-pyrido (3,4-b)-indole).
Heroin (diacetylmorphine).
3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol (parahexyl).
Hydrocodone (dihydrocodeinone).
Hydromorphanol (14-hydroxydihydromorphine).
Hydromorphone (dihydromorphinone).
Hydroxypethidine.
Isomethadone.
Ketobemidone.
Lefetamine (SPA).
Levomoramide.
Levophenacetylmorphan.
Levorphanol.
Lysergide (lysergic acid diethylamide).
Mecloqualone.
Mefenorex.
Meptazinol.
Mescaline (3,4,5-trimethoxyphenethylamine).
Metamfetamine and metamfetamine racemate.
Metazocine.
Methadone.
Methadone-intermediate.
Methaqualone and any preparation containing methaqualone.
Methypylon.
Methorphan, including levomethorphan and racemethorphan, but excluding dextromethorphan.
p-methoxy-amfetamine (PMA).
2-methoxy-α-methyl-4,5-(methylenedioxy)phenethylamine (MMDA).
1-methylaminorex.
Methylidesorphine.
Methylidihydromorphine.
Methylenedioxyamphetamine (MDA) and the analogues thereof.
4-methyl-2,5-dimethoxyamphetamine (DOM) and the derivatives thereof.
Methylphenidate and the derivatives thereof.
Metopon.

Moramide-intermediate.
 Morpheridine.
 Morphine.
 Morphine methylbromide and other pentavalent nitrogen morphine derivatives.
 Morphine-N-oxide and the derivatives thereof.
 Myrophine (myristylbenzylmorphine).
 Nabilone.
 Nicocodine.
 Nicodicodine.
 Nicomorphine.
 Noracymethadol.
 Norcodeine.
 Norlevorphanol.
 Normethadone.
 Normorphine (demethylmorphine or N-demethylated morphine).
 Norpipanone.
 Opium and opiates and any salt, compound, derivative or preparation of opium or opiates, whether obtained directly or indirectly by extraction from material or substances obtained from plants, or obtained independently by chemical synthesis, or by a combination of extraction and chemical synthesis.
 Opium-poppy and poppy straw, whether obtained directly or indirectly by extraction from material or substances obtained from plants, or whether obtained independently by chemical synthesis, or by a combination of extraction and chemical synthesis.
 Oxycodone (14-hydroxydihydrocodeinone or hydrohydrocodeinone).
 Oxymorphone (14-hydroxydihydromorphinone or dihydrooxymorphone).
 Pentazocine.
 Pentobarbital.
 Pethidine, pethidine-intermediate A, pethidine-intermediate B and pethidine-intermediate C.
 Pethidine-analogues:
 1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP);
 1-methyl-4-phenyl-1,2,5,6-tetrahydro-piperidine (MPTP); and
 1-phenylethyl-4-phenyl-4-acetyloxy-piperidine (PEPAP).
 Phenadoxone.
 Phenampromide.
 Phenazocine.
 Phencyclidine and the congeners thereof, namely—
 eticyclidine [N-ethyl-1-phenylcyclohexylamine (PCE)];
 rolycyclidine [1-(1-phenylcyclohexyl)pyrrolidine (PHP or PCPY)]; and
 tenocyclidine [1-[1-(2-thienyl) cyclohexyl]piperidine (TCP)].
 Phendimetrazine.
 Phenmetrazine.
 Phenomorphan.
 Phenoperidine.
 Pholcodine.
 Piminodine.
 Pir tramide.

Prepared opium.
 Proheptazine.
 Properidine.
 Propiram.
 Psilocin (4-hydroxydimethyltryptamine).
 Psylocybin (4-phosphoryloxy-N, N-dimethyltryptamine).
 Pyrovalerone (4'-methyl-2-(1-pyrrolidinyl)valerophenone).
 Racemoramide.
 Racemorphan.
 Secobarbital.
 Sufentanil.
 Tenamfetamine [methylenedioxyamphetamine (MDA)] and the analogues thereof, namely—
 (±)-N-ethyl-methylenedioxyamphetamine;
 (±)-N-hydroxy-methylenedioxyamphetamine.
 Tetrahydrocannabinol.
 Thebacon.
 Thebaine.
 Tiidine.
 Trimeperidine.
 (±)-3,4,5,-trimethoxy-amfetamine (TMA).

ANNEXURE 2

SUMMARY OF FORMS

Form No.	Heading
1	Order of court
2	Certificate of registration of treatment centre
3	Certificate of registration of a hostel
4	Temporary certificate of registration of institution or place of residence
5	Postponement of order

[. . .]