



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 789.

13 Maart 1992

No. 789.

13 March 1992

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

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

No. 20 van 1992: Wet op die Voorkoming en Behandeling van Dwelmafhanglikheid, 1992.

No. 20 of 1992: Prevention and Treatment of Drug Dependency Act, 1992.

Wet No. 20, 1992

WET OP DIE VOORKOMING EN BEHANDELING
VAN DWELMAFHANKLIKHEID, 1992**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1992.)*

WET

Om voorsiening te maak vir die instelling van 'n Dwelmadviesraad; die instelling van programme vir die voorkoming en behandeling van dwelmafhanklikheid; die stigting van behandelingsentrums en tehuise; die registrasie van inrigtings as behandelingsentrums en tehuise; die verwysing van sekere persone na en hulle aanhouding, behandeling en opleiding in sodanige behandelingsentrums of geregistreerde behandelingsentrums; en bykomstige aangeleenthede.

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) “behandelingsentrum” ’n behandelingsentrum wat kragtens artikel 7 5 gestig is of geag word aldus gestig te gewees het; (xxv)
- (ii) “bestuur”, met betrekking tot ’n behandelingsentrum, die superintendant van daardie behandelingsentrum en die persone genoem in artikel 13(2) en, met betrekking tot ’n tehuis, die persoon aan die hoof van daardie tehuis, en, met betrekking tot ’n geregistreerde behandeling- 10 sentrum of geregistreerde tehuis, die persone wat met die bestuur en beheer daarvan belas is; (viii)
- (iii) “Direkteur-generaal” of “ander senior beampte”, met betrekking tot ’n bepaling van hierdie Wet, die hoof of ’n ander senior beampte van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering 15 van daardie bepaling by ’n proklamasie uitgevaardig kragtens artikel 49 opgedra is; (iii)
- (iv) “dwelms” enige medisyne of stof deur die Minister voorgeskryf na oorleg met die Medisynebeheerraad, ingestel by artikel 2 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 20 1965), en ook alkoholiese drank; (iv)
- (v) “geneesheer” iemand wat as ’n geneesheer of intern ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet No. 56 van 1974), geregistreer is; (x)
- (vi) “geregistreerde behandelingsentrum” ’n behandelingsentrum wat krag- 25 tens artikel 9 geregistreer is; (xviii)
- (vii) “geregistreerde tehuis” ’n tehuis wat kragtens artikel 11 geregistreer is; (xvii)
- (viii) “hierdie Wet” ook die regulasies; (xxiv)
- (ix) “inrigting”, by die toepassing van artikels 32, 33, 34 en 35, ’n in artikel 30 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), omskrewe inrigting; (vi)
- (x) “kinderhuis” ’n in artikel 1 van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), omskrewe kinderhuis; (ii)

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the State President.)

(Assented to 3 March 1992.)

ACT

To provide for the establishment of a Drug Advisory Board; the establishment of programmes for the prevention and treatment of drug dependency; the establishment of treatment centres and hostels; the registration of institutions as treatment centres and hostels; the committal of certain persons to and their detention, treatment and training in such treatment centres or registered treatment centres; and incidental matters.

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - 5 (i) "Board" means the Drug Advisory Board established under section 2; (xviii)
 - (ii) "children's home" means a children's home as defined in section 1 of the Child Care Act, 1983 (Act No. 74 of 1983); (x)
 - 10 (iii) "Director-General" or "other senior officer", in relation to any provision of this Act, means the head or any other senior officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section 49; (iii)
 - 15 (iv) "drugs" means any medicine or substance prescribed by the Minister after consultation with the Medicines Control Council, established by section 2 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), and includes alcoholic liquor; (iv)
 - (v) "hostel" means a hostel established under section 10 or deemed to be so established; (xxii)
 - 20 (vi) "institution", for the purposes of sections 32, 33, 34 and 35, means an institution as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973); (ix)
 - (vii) "magistrate", includes an additional magistrate and assistant magistrate; (xi)
 - 25 (viii) "management", in relation to any treatment centre, means the superintendent of that treatment centre and the persons mentioned in section 13(2) and, in relation to any hostel, means the person in charge of such hostel, and, in relation to a registered treatment centre or registered hostel, means the persons who have the management and control thereof; (ii)
 - 30 (ix) "medical officer" means any medical practitioner in the service of the State; (xiii)
 - (x) "medical practitioner" means any person registered as a medical practitioner or intern under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); (v)
 - 35

- (xi) "landdros" ook 'n addisionele landdros en 'n assistent-landdros; (vii)
- (xii) "maatskaplike werker" iemand wat ingevolge die Wet op Maatskaplike Werk, 1978 (Wet No. 110 van 1978), as 'n maatskaplike werker geregistreer is of geag word aldus geregistreer te wees en wat in diens is van 'n Staatsdepartement onder die beheer van die Minister of 'n voorgeskrewe welsynsorganisasie; (xxii) 5
- (xiii) "mediese beampte" 'n geneesheer in diens van die Staat; (ix)
- (xiv) "Minister", met betrekking tot die een of ander bepaling van hierdie Wet, die Minister aan wie, of die Ministers aan wie, handelende in oorleg met mekaar, die uitvoering van daardie bepaling by 'n proklamasie uitgevaardig kragtens artikel 49 opgedra is; (xi) 10
- (xv) "nywerheidskool" 'n in artikel 1 van die Wet op Kindersorg, 1983, omskrewe nywerheidskool; (xxi)
- (xvi) "pasiënt" 'n persoon wat kragtens hierdie Wet of 'n ander wetsbepaling na 'n behandelingsentrum of 'n geregistreerde behandelingsentrum verwys of daarin opgeneem is of geag word aldus verwys of opgeneem te gewees het en ook 'n persoon wat met vergunning uit 'n behandelingsentrum of geregistreerde behandelingsentrum vrygelaat is of aan wie verlof tot afwesigheid daaruit toegestaan is, of wat nog onder die beheer of toesig van die bestuur van 'n behandelingsentrum of geregistreerde behandelingsentrum staan, of wat daarheen teruggebring kan word; (xii) 20
- (xvii) "polisiebeampte" 'n lid van 'n by wet ingestelde polisiemag; (xiv)
- (xviii) "Raad" die kragtens artikel 2 ingestelde Dwelmadviesraad; (i)
- (xix) "reël" 'n reël deur 'n bestuur kragtens 'n by regulasie aan hom verleende bevoegdheid voorgeskryf; (xx) 25
- (xx) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgereik en van krag is; (xix)
- (xxi) "superintendent" die persoon wat aan die hoof van 'n behandelingsentrum staan; (xxiii) 30
- (xxii) "tehuis" 'n tehuis wat kragtens artikel 10 gestig is of geag word aldus gestig te gewees het; (v)
- (xxiii) "veiligheidsplek" 'n in artikel 1 van die Wet op Kindersorg, 1983, omskrewe veiligheidsplek; (xiii)
- (xxiv) "verbeteringskool" 'n in artikel 1 van die Wet op Kindersorg, 1983, omskrewe verbeteringskool; (xvi) 35
- (xxv) "voorgeskryf" of "voorgeskrewe" voorgeskryf by regulasie of reël kragtens hierdie Wet uitgevaardig of voorgeskryf; (xv)
- (xxvi) "vrywillige pasiënt" iemand wat kragtens artikel 40 in 'n behandelingsentrum opgeneem is; (xxvi) 40
- (xxvii) "vrywilliger" iemand wat kragtens artikel 14 aangestel is. (xxvii)

Instelling en werksaamhede van Dwelmadviesraad

- 2. (1) Daar word hierby 'n raad ingestel wat die Dwelmadviesraad heet en die bevoegdhede kan uitoefen en die pligte moet verrig wat by of ingevolge hierdie Wet aan die Raad verleen of opgelê is. 45
- (2) Die Raad bestaan uit—
 - (a) 'n beampte van die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling deur daardie Departement benoem;
 - (b) 'n beampte van die Departement van Justisie deur daardie Departement benoem; 50
 - (c) 'n lid van die Suid-Afrikaanse Polisie deur die Suid-Afrikaanse Polisie benoem;
 - (d) 'n persoon wat 'n kundige op die terrein van die behandeling van die afhanklikheid van dwelms is; en
 - (e) hoogstens vyf ander lede, wat persone moet wees wat na die oordeel van die Minister oor besondere kennis of ondervinding van die vraagstuk met betrekking tot die misbruik van dwelms beskik of in staat is om 'n wesenlike bydrae tot die bestryding van dié vraagstuk te lewer, wat deur die Minister aangestel word. 55
- (3) (a) 'n Lid van die Raad word aangestel vir 'n tydperk van hoogstens vyf jaar en op die voorwaardes wat die Minister ten tyde van die aanstelling bepaal: Met 60

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

- (xi) "Minister", in relation to any provision of this Act, means the Minister to whom, or the Ministers to whom, acting in consultation with one another, the administration of that provision has been assigned by proclamation issued under section 49; (xiv)
- 5 (xii) "patient" means any person who has under this Act or any other law been committed or admitted or is deemed to have been so committed or admitted to any treatment centre or registered treatment centre, and includes any person who has been released on licence from any treatment centre or registered treatment centre or who has been
- 10 granted leave of absence therefrom, or who is still under the control or supervision of the management of any treatment centre or registered treatment centre or who is liable to be brought back thereto; (xvi)
- (xiii) "place of safety" means a place of safety as defined in section 1 of the Child Care Act, 1983; (xxiii)
- 15 (xiv) "police officer" means any member of a police force established under any law; (xvii)
- (xv) "prescribed" means prescribed by regulation or rule made or prescribed under this Act; (xxv)
- (xvi) "reform school" means a reform school as defined in section 1 of the
- 20 Child Care Act, 1983; (xxiv)
- (xvii) "registered hostel" means a hostel registered under section 11; (vii)
- (xviii) "registered treatment centre" means a treatment centre registered under section 9; (vi)
- (xix) "regulation" means any regulation made and in force under this Act;
- 25 (xx)
- (xx) "rule" means a rule prescribed by a management under any power conferred upon by regulation; (xix)
- (xxi) "school of industries" means a school as defined in section 1 of the Child Care Act, 1983; (xv)
- 30 (xxii) "social worker" means any person registered as a social worker under the Social Work Act, 1978 (Act No. 110 of 1978), or deemed to be so registered and who is in the service of a department of State under the control of the Minister or a prescribed welfare organization; (xii)
- (xxiii) "superintendent" means the head of a treatment centre; (xxi)
- 35 (xxiv) "this Act" includes the regulations; (viii)
- (xxv) "treatment centre" means a treatment centre established or deemed to have been established under section 7; (i)
- (xxvi) "voluntary patient" means any person admitted to a treatment centre under section 40; (xxvi)
- 40 (xxvii) "volunteer" means any person appointed under section 14. (xxvii)

Establishment and functions of Drug Advisory Board

2. (1) There is hereby established a board to be known as the Drug Advisory Board, which may exercise the powers and shall perform the duties conferred or imposed upon the Board by or in terms of this Act.

45 (2) The Board shall consist of—

- (a) an officer of the Department of National Health and Population Development nominated by that Department;
- (b) an officer of the Department of Justice nominated by that Department;
- 50 (c) a member of the South African Police nominated by the South African Police;
- (d) a person who is an expert in the field of the treatment of the dependency on drugs; and
- (e) not more than five other members, who shall be persons who in the opinion of the Minister have special knowledge of or experience in the
- 55 problem relating to the abuse of drugs or who are able to make a substantial contribution to the combating of such problem,

appointed by the Minister.

(3) (a) A member of the Board shall be appointed for a period not exceeding five years, and upon such conditions, as the Minister may determine at the time

60 of making the appointment: Provided that the period of office of a member may

dien verstande dat die ampstermyn van 'n lid te eniger tyd beëindig kan word indien na die oordeel van die Minister goeie redes daarvoor bestaan.

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

(4) Indien die amp van 'n lid van die Raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, moet die Minister, onderworpe aan die toepaslike bepalings van subartikel (2), 'n ander persoon aanstel om die amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.

(5) Daar kan aan 'n lid van die Raad wat nie 'n beampte in die Staatsdiens is nie, terwyl hy sake van die Raad verrig, die gelde of reis- en verblyftoeleae betaal word wat die Minister, met die instemming van die Minister van Staatsbesteding, bepaal.

(6) (a) Een van die lede van die Raad word deur die Minister as voorsitter van die Raad aangewys, en die lede van die Raad kies op die eerste vergadering van elke nuut saamgestelde Raad 'n ondervoorsitter uit hul midde.

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

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

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

(9) (a) Die Raad moet, so spoedig doenlik na sy instelling, reëls opstel ter reëling van sy kworum, die prosedure op vergaderings en, oor die algemeen, die verrigting van sy werksaamhede, en kan van tyd tot tyd sodanige reëls wysig of intrek.

(b) Sodanige reëls het geen regs-krag tensy dit deur die Minister goedgekeur is nie.

(10) (a) Die Direkteur-generaal kan 'n beampte van die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling aanwys om as Sekretaris van die Raad op te tree.

(b) Die Sekretaris verrig sy werksaamhede onder toesig van die Raad en is onderworpe aan die administratiewe beheer van die Direkteur-generaal.

(11) Die Raad moet een keer elke twee jaar en wanneer hy deur die Minister versoek word om dit te doen, 'n verslag oor sy werksaamhede opstel en aan die Minister voorleë.

(12) Die Nasionale Adviserende Raad oor Rehabilitasie-aangeleenthede ingestel kragtens artikel 16 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), word hierby afgeskaf.

Bevoegdhede en pligte van die Raad

3. Die Raad—

(a) moet die Minister adviseer oor enige aangeleentheid rakende die misbruik van dwelms wat deur die Minister na die Raad vir advies verwys word, en kan die Minister adviseer oor enige aangeleentheid waaroor die Raad dit nodig ag om die Minister te adviseer;

(b) kan maatreëls met betrekking tot die voorkoming en bestryding van die misbruik van dwelms en die behandeling van persone wat van dwelms afhanklik is, beplan, koördineer en bevorder;

(c) kan navorsing met betrekking tot dwelms of die misbruik daarvan beplan en by die Minister aanbeveel en aan ander liggame wat sodanige navorsing doen, leiding gee;

(d) kan, met die goedkeuring van die Minister, konferensies reël in verband met aangeleenthede wat op die Raad se werksaamhede betrekking het;

(e) kan die bevoegdhede uitoefen en moet die pligte verrig wat die Minister van tyd tot tyd bepaal.

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

be terminated at any time if in the opinion of the Minister there are good reasons for doing so.

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

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

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

15 (6) (a) One of the members of the Board shall be designated by the Minister as chairman of the Board, and at the first meeting of every newly constituted Board the members of the Board shall elect a vice-chairman from their number.

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

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

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

25 (9) (a) The Board shall, as soon as may be practicable after it has been established, frame rules governing its quorum, the procedure at meetings and, generally, the conduct of its functions, and may from time to time alter or revoke any such rules.

30 (b) Such rules shall have no force and effect unless they have been approved by the Minister.

(10) (a) The Director-General may designate any officer of the Department of National Health and Population Development to act as Secretary of the Board.

35 (b) The Secretary shall perform his functions under the supervision of the Board and shall be subject to the administrative control of the Director-General.

(11) The Board shall once every two years and whenever requested by the Minister to do so, prepare and submit to the Minister a report on its functions.

40 (12) The National Advisory Board on Rehabilitation Matters established under section 16 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), is hereby abolished.

Powers and duties of the Board**3. The Board—**

45 (a) shall advise the Minister on any matter affecting the abuse of drugs referred to the Board by the Minister for advice, and may advise the Minister on any matter on which the Board considers it necessary to advise the Minister;

48 (b) may plan, co-ordinate and promote measures relating to the prevention and combating of the abuse of drugs and the treatment of persons dependent on drugs;

50 (c) may plan and recommend to the Minister any research relating to drugs or the abuse thereof and may give guidance to other bodies conducting such research;

52 (d) may, with the approval of the Minister, arrange conferences relating to matters concerning the functions of the Board;

55 (e) may exercise such powers and shall perform such duties as may be determined by the Minister from time to time.

Uitvoerende komitee

4. (1) Daar is 'n uitvoerende komitee van die Raad wat bestaan uit die voorsitter van die Raad en soveel ander lede van die Raad deur die Raad bepaal en aangewys.

(2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die Raad, gedurende tydperke tussen vergaderings van die Raad al die bevoegdhede van die Raad uitoefen en al sy pligte uitvoer. 5

(3) Subartikel (2) magtig nie die uitvoerende komitee om enige besluit van die Raad tersyde te stel of te wysig nie.

(4) Enige besluit geneem of handeling verrig deur of op gesag van die uitvoerende komitee is ten volle van krag, tensy dit deur die Raad tersyde gestel of gewysig word op die eerste vergadering van die Raad wat volg op die vergadering van die uitvoerende komitee waartydens sodanige besluit geneem of sodanige handeling gemagtig is. 10

(5) Die uitvoerende komitee kan reëls maak met betrekking tot die hou van, en prosedure op, sy vergaderings. 15

Ander komitees

5. (1) Die Raad kan, onderworpe aan die goedkeuring van die Minister, van tyd tot tyd die ander komitees instel wat hy nodig ag om ondersoek in te stel na en verslag te doen aan hom oor enige aangeleentheid wat op die Raad se werksaamhede betrekking het. 20

(2) Elke sodanige komitee bestaan uit die getal persone, deur die Raad aangestel, wat die Raad bepaal, en kan persone wat nie lede van die Raad is nie, insluit.

(3) Die Raad moet 'n lid van 'n komitee, wat ook 'n lid van die Raad moet wees, as die voorsitter van daardie komitee aanwys. 25

(4) Daar kan aan 'n lid van 'n komitee wat nie 'n beampte in die Staatsdiens is nie, terwyl hy sake van die komitee verrig, die gelde of reis- en verblyftoeleae betaal word wat die Minister, met die instemming van die Minister van Staatsbesteding, bepaal. 30

(5) 'n Komitee kan reëls maak met betrekking tot die hou van, en prosedure op, sy vergaderings.

Programme ter voorkoming en behandeling van dwelmafhanklikheid

6. Die Minister kan programme instel of laat instel wat gerig is op—

- (a) die voorkoming van dwelmafhanklikheid; 35
- (b) voorligting aan die gemeenskap oor die misbruik van dwelms;
- (c) die opvoeding van die jeug met betrekking tot die misbruik van dwelms;
- (d) die waarneming en behandeling van, en toesig oor, persone wat uit 'n behandelingsentrum of geregistreerde behandelingsentrum vrygelaat is of deur 'n hof onder toesig geplaas is; 40
- (e) hulpverlening aan die gesinne van persone wat in 'n behandelingsentrum of geregistreerde behandelingsentrum aangehou word.

Stigting en afskaffing van behandelingsentrums

7. (1) Die Minister kan, met die instemming van die Minister van Staatsbesteding, uit gelde wat deur die Parlement vir die doel bewillig is, behandelingsentrums stig, in stand hou en bestuur vir die opname en behandeling, met inbegrip van enige opleiding, van sodanige persone en pasiënte as wat in artikels 21(1) en 40 bedoel word en van enige persone en pasiënte wat kragtens enige bepaling van hierdie Wet daarheen oorgeplaas of daarin opgeneem word. 45

(2) Elke rehabilitasiesentrum wat kragtens 'n deur hierdie Wet herroepe wetsbepaling gestig is of geag word daarkragtens gestig te gewees het en wat by die inwerkingtreding van hierdie Wet bestaan, word, vanaf sodanige inwerkingtreding, geag 'n behandelingsentrum te wees wat kragtens subartikel (1) gestig is. 50

(3) Die Minister kan te eniger tyd 'n behandelingsentrum afskaf.

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

Executive committee

4. (1) There shall be an executive committee of the Board consisting of the chairman of the Board and so many other members of the Board as may be determined and designated by the Board.
- 5 (2) The executive committee may, subject to the directions of the Board, during periods between meetings of the Board exercise all the powers and perform all the duties of the Board.
- (3) Subsection (2) does not empower the executive committee to set aside or amend any decision of the Board.
- 10 (4) Any decision taken or act performed by or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the Board at its first meeting following the meeting of the executive committee at which such decision was taken or such action was authorized.
- 15 (5) The executive committee may make rules in relation to the holding of, and procedure at, its meetings.

Other committees

5. (1) The Board may, subject to the approval of the Minister, from time to time establish such other committees as it may deem necessary to investigate and report to it on any matter relating to the functions of the Board.
- 20 (2) Each such committee shall consist of such number of persons, appointed by the Board, as may be determined by the Board, and may include persons who are not members of the Board.
- (3) The Board shall designate a member of a committee, who shall also be a member of the Board, as the chairman of that committee.
- 25 (4) Any member of a committee who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance, while he is engaged upon the business of the committee, as the Minister may, with the concurrence of the Minister of State Expenditure, determine.
- (5) Any committee may make rules in relation to the holding of, and
30 procedure at, its meetings.

Programmes for prevention and treatment of drug dependency

6. The Minister may establish or cause to be established programmes which are aimed at—
- 35 (a) the prevention of drug dependency;
- (b) information to the community on the abuse of drugs;
- 40 (c) the education of the youth in regard to the abuse of drugs;
- (d) the observation, treatment and supervision of persons who have been released from a treatment centre or registered treatment centre or who have been placed under supervision by a court;
- 40 (e) the rendering of assistance to the families of persons detained in a treatment centre or registered treatment centre.

Establishment and abolition of treatment centres

7. (1) The Minister may, with the concurrence of the Minister of State Expenditure, out of moneys appropriated by Parliament for the purpose,
45 establish, maintain and manage treatment centres for the reception and treatment, including any training, of such persons and patients as are referred to in sections 21(1) and 40 and of any persons and patients who are transferred or admitted thereto under any provision of this Act.
- (2) Every rehabilitation centre established or deemed to have been established under a law repealed by this Act, and which is in existence at the
50 commencement of this Act, shall, as from such commencement, be deemed to be a treatment centre established under subsection (1).
- (3) The Minister may at any time abolish a treatment centre.

Doeleindes waarvoor persone in behandelingsentrums aangehou word

8. Die pasiënte van 'n behandelingsentrum word daarin aangehou met die doel om die behandeling, met inbegrip van enige opleiding, te ontvang of te ondergaan en die pligte te verrig wat die Direkteur-generaal in oorleg met die bestuur van tyd tot tyd óf in die algemeen óf in 'n besondere geval bepaal.

Registrasie van sekere inrigtings

9. (1) Niemand mag 'n inrigting of ander plek wat in stand gehou word hoofsaaklik vir die huisvesting en versorging van persone wat van dwelms afhanklik is of waarin sodanige persone hoofsaaklik fisieke, psigiese, geestelike of maatskaplike behandeling ontvang, behalwe 'n behandelingsentrum, bestuur nie, tensy sodanige inrigting of plek kragtens hierdie artikel geregistreer is.

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

(3) Die Direkteur-generaal kan na oorweging van so 'n aansoek en die ander inligting wat hy mag inwin en indien hy oortuig is dat dié inrigting of plek so bestuur en bedryf word of waarskynlik so bestuur en bedryf sal word dat die opname, onderhoud, behandeling en opleiding van persone en pasiënte in artikels 21(1) en 40 bedoel en die bevoegdhede wat by of ingevolge hierdie Wet aan die bestuur van 'n geregistreerde behandelingsentrum verleen word, behoorlik aan die bestuur van dié inrigting of plek toevertrou of verleen kan word en dat die inrigting of plek aan die voorgeskrewe vereistes voldoen, na goeddunke die aansoek toestaan op die voorwaardes wat hy goedvind en 'n registrasiesertifikaat waarin daardie voorwaardes vermeld word aan die aansoeker in die voorgeskrewe vorm uitreik.

(4) Indien die Direkteur-generaal na oorweging van sodanige aansoek nie aldus oortuig is nie, wys hy die aansoek van die hand of, indien hy oortuig is dat dié inrigting of plek bestuur of bedryf word of waarskynlik bestuur of bedryf sal word soos in subartikel (3) beoog, maar dat die inrigting of plek nie aan die voorgeskrewe vereistes voldoen nie, kan die Direkteur-generaal op die voorwaardes wat hy goedvind, aan die aansoeker magtiging verleen om die inrigting of plek te bestuur vir die tydperk, maar hoogstens 18 maande, wat die Direkteur-generaal bepaal en 'n tydelike registrasiesertifikaat waarin daardie voorwaardes vermeld word aan die aansoeker in die voorgeskrewe vorm vir die aldus bepaalde tydperk uitreik, en na verloop van vermelde tydperk, of na kennisgewing deur die aansoeker op die voorgeskrewe wyse dat aan die aldus vermelde voorwaardes voldoen is, watter ook al die eerste geskied, kan die Direkteur-generaal die aansoek heroorweeg.

(5) Die Direkteur-generaal kan 'n registrasiesertifikaat of tydelike registrasiesertifikaat wat kragtens subartikel (3) of (4) uitgereik is, na een maand kennisgewing van sy voorneme om dit te doen en na oorweging van enige skriftelike verhoë deur hom gedurende bedoelde maand ontvang, wysig of intrek.

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

(7) 'n Registrasiesertifikaat of tydelike registrasiesertifikaat uitgereik kragtens subartikel (3) of (4) is nie oordraagbaar nie.

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

(b) Wanneer 'n registrasiesertifikaat of tydelike registrasiesertifikaat kragtens subartikel (5) ingetrek of kragtens paragraaf (a) teruggegee word, gaan die bevoegdhede en pligte wat kragtens hierdie Wet aan die houer daarvan ten aansien van 'n pasiënt verleen of opgelê word, op die Direkteur-generaal oor.

(9) Elke geregistreerde rehabilitasiesentrum wat kragtens 'n deur hierdie Wet herroepe wetsbepaling geregistreer is en wat by die inwerkingtreding van hierdie

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

Purposes for which persons are detained in treatment centres

8. The patients of a treatment centre shall be detained therein for the purpose of receiving or undergoing such treatment, including any training, and to perform such duties as the Director-General may in consultation with the management from time to time determine, either generally or in a particular case.

Registration of certain institutions

9. (1) No person shall manage any institution or other place maintained mainly for the accommodation and care of persons who are dependent on drugs or in which such persons receive mainly physical, psychological, spiritual or social treatment, except a treatment centre, unless such institution or place is registered under this section.

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

- (3) The Director-General may, after consideration of such application and such other information as he may obtain, and if he is satisfied that such institution or place is so managed and conducted or will probably be so managed and conducted that the reception, maintenance, treatment and training of persons and patients referred to in sections 21(1) and 40 and the powers conferred by or in terms of this Act upon the management of a registered treatment centre, may properly be entrusted to or conferred upon the management of that institution or place and that the institution or place complies with the prescribed requirements, in his discretion grant the application on such conditions as he may deem fit and issue a registration certificate specifying those conditions to the applicant in the prescribed form.

- (4) If the Director-General is after consideration of such application not so satisfied, he shall refuse the application or, if he is satisfied that such institution or place is managed or conducted or will probably be managed or conducted as contemplated in subsection (3), but that such institution or place does not comply with the prescribed requirements, the Director-General may on such conditions as he may deem fit, authorize the applicant to manage such institution or place for such period, but not exceeding 18 months, as the Director-General may determine and may issue to the applicant a temporary registration certificate, specifying those conditions, in the prescribed form for the period so determined and may after expiration of the said period, or after notice by the applicant in the prescribed manner that the conditions so specified have been complied with, whichever may occur first, reconsider the application.

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

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

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

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

- (b) Whenever a registration certificate or temporary registration certificate is cancelled under subsection (5) or surrendered under paragraph (a), the powers and duties conferred or imposed under this Act on the holder thereof in respect of any patient shall devolve upon the Director-General.

- (9) Every registered rehabilitation centre registered under a law repealed by this Act, and which is in existence at the commencement of this Act, shall, as

Wet bestaan, word vanaf sodanige inwerkingtreding geag 'n geregistreerde behandelingsentrum te wees wat kragtens subartikel (3) geregistreer is.

(10) Iemand wat 'n bepaling van hierdie artikel, of 'n voorwaarde daarkragtens opgelê, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf. 5

Stigting van tehuise

10. (1) Die Minister kan, met die instemming van die Minister van Staatsbesteding, uit gelde wat deur die Parlement vir die doel bewillig is, tehuise stig, in stand hou en bestuur met die doel om tuis te verskaf aan— 10

(a) pasiënte wat ingevolge die bepalings van hierdie Wet met vergunning of verlof van afwesigheid uit 'n behandelingsentrum of geregistreerde behandelingsentrum vrygelaat is;

(b) pasiënte wat van die uitwerking van 'n bevel uitgevaardig kragtens hierdie Wet onthef is; 15

(c) persone in artikel 21 bedoel;

(d) pasiënte in artikel 40 bedoel;

(e) persone wat in 'n inrigting van 'n provinsiale administrasie behandeling vir afhanklikheid van dwelms ontvang of ondergaan of ontvang of ondergaan het of wat sodanige behandeling in 'n inrigting wat deur die Direkteur-generaal goedgekeur is, ontvang of ondergaan of ontvang of ondergaan het. 20

(2) Elke tehuis wat kragtens 'n deur hierdie Wet herroepe wetsbepaling gestig is of geag word daarkragtens gestig te gewees het en wat by die inwerkingtreding van hierdie Wet bestaan, word vanaf sodanige inwerkingtreding geag 'n tehuis te wees wat kragtens hierdie artikel gestig is. 25

Registrasie van sekere tehuise

11. (1) Niemand mag 'n inrigting of ander plek wat hoofsaaklik vir die huisvesting van persone in artikel 10(1) bedoel in stand gehou word, behalwe 'n tehuis wat deur die Staat, met inbegrip van 'n provinsiale administrasie, in stand gehou word, vir 'n doel in artikel 10 vermeld, bestuur nie, tensy sodanige inrigting of plek kragtens hierdie artikel geregistreer is. 30

(2) Die Direkteur-generaal kan op aansoek op die voorgeskrewe wyse deur 'n persoon wat so 'n inrigting of plek wil bestuur, na goeddunke die betrokke inrigting of plek registreer op die voorwaardes wat in die registrasiesertifikaat, wat in die voorgeskrewe vorm uitgereik word, vermeld word, of hy kan die aansoek van die hand wys. 35

(3) Die Direkteur-generaal kan 'n registrasiesertifikaat wat kragtens subartikel (2) uitgereik is na een maand kennisgewing van sy voorneme om dit te doen en na oorweging van enige skriftelike verhoë deur hom gedurende bedoelde maand ontvang, wysig of intrek. 40

(4) Die wysiging of intrekking van sodanige registrasiesertifikaat geskied deur middel van 'n skriftelike kennisgewing aan die houer daarvan en tree in werking op 'n datum wat in die kennisgewing bepaal word en wat nie vroeër as drie maande na die datum van die kennisgewing mag wees nie, tensy die Direkteur-generaal en die houer van die registrasiesertifikaat anders ooreengekom het. 45

(5) (a) 'n Registrasiesertifikaat uitgereik kragtens subartikel (2) is nie oordraagbaar nie.

(b) Die houer van so 'n registrasiesertifikaat kan bedoelde registrasiesertifikaat na skriftelike kennisgewing van drie maande aan die Direkteur-generaal teruggee. 50

(6) Elke geregistreerde tehuis wat kragtens 'n deur hierdie Wet herroepe wetsbepaling geregistreer is en wat by die inwerkingtreding van hierdie Wet bestaan, word vanaf sodanige inwerkingtreding geag 'n geregistreerde tehuis te wees wat kragtens subartikel (2) geregistreer is. 55

(7) Iemand wat 'n bepaling van hierdie artikel, of 'n voorwaarde daarkragtens opgelê, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

from such commencement, be deemed to be a registered treatment centre registered under subsection (3).

(10) Any person who contravenes or fails to comply with any provision of this section, or any condition imposed thereunder, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Establishment of hostels

10. (1) The Minister may, with the concurrence of the Minister of State Expenditure, out of moneys appropriated by Parliament for the purpose, establish, maintain and manage hostels for the purpose of providing homes for—

- (a) patients who have, in terms of the provisions of this Act, been released on licence from a treatment centre or registered treatment centre or have been granted leave of absence therefrom;
- (b) patients who have been discharged from the effect of an order made under this Act;
- (c) persons referred to in section 21;
- (d) patients referred to in section 40;
- (e) persons who are receiving or undergoing or have received or undergone treatment for dependency on drugs in an institution of a provincial administration or who have received or undergone such treatment in any institution approved by the Director-General.

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

Registration of certain hostels

11. (1) No person shall manage any institution or other place maintained mainly for the accommodation of persons referred to in section 10(1), except a hostel maintained by the State, including a provincial administration, for any purpose referred to in section 10, unless such institution or place is registered under this section.

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

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

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

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

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

(6) Every registered hostel registered under a law repealed by this Act, and which is in existence at the commencement of this Act, shall, as from such commencement, be deemed to be a registered hostel registered under subsection (2).

(7) Any person who contravenes or fails to comply with any provision of this section, or any condition imposed thereunder, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Inspeksie van geregistreerde behandelingsentrums, geregistreerde tehuise, inrigtings en plekke

12. (1) 'n Maatskaplike werker, mediese beampte of enige ander persoon wat deur die Direkteur-generaal daartoe gemagtig is, of 'n landdros, kan, en moet indien die Minister aldus gelas, enige geregistreerde behandelingsentrum, 5
geregistreerde tehuis of inrigting of plek bedoel in artikel 9(1) of 11(1), betree en daardie geregistreerde behandelingsentrum, geregistreerde tehuis, inrigting of plek en die boeke en dokumente wat daarop betrekking het, asook enige pasiënt of persoon wat daarin aangehou of gehuisves word, inspekteer, of sodanige pasiënt of persoon deur 'n mediese beampte of psigiater laat ondersoek. 10

(2) 'n Maatskaplike werker, mediese beampte of ander persoon aldus gemagtig, moet voorsien word van 'n sertifikaat te dien effekte deur die Direkteur-generaal onderteken, wat hy, wanneer hy kragtens subartikel (1) optree, op versoek van enigiemand wat deur die inspeksie geraak word, moet toon.

(3) Iemand wat 'n maatskaplike werker, mediese beampte of ander persoon 15
aldus gemagtig of 'n landdros, by die uitoefening van enige bevoegdheid kragtens subartikel (1) aan hom verleen, belemmer of hinder, of wat versuim om op bevel van 'n maatskaplike werker, mediese beampte of ander persoon aldus gemagtig, of 'n landdros, 'n pasiënt of persoon, boek of dokument te voorskyn te bring, is 20
aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

Personeel van behandelingsentrums en tehuise

13. (1) (a) Die Direkteur-generaal kan, onderworpe aan die wetsbepalings op die Staatsdiens, die personeel wat vir die behoorlike bestuur en beheer van 25
behandelingsentrums en tehuise nodig is, aanstel en moet vir elke behandeling-sentrum 'n maatskaplike werker, geneesheer, psigiater, kliniese sielkundige of verpleegkundige as superintendent aanstel.

(b) Die bevoegdhede en pligte van aldus aangestelde persone word voor- 30
geskryf.

(2) Die superintendent van elke behandelingsentrum word by die behandeling en opleiding van pasiënte en by die bepaling van die behandeling en opleiding wat die pasiënte of 'n bepaalde pasiënt van die behandelingsentrum moet ondergaan of die werksaamhede wat bedoelde pasiënte of pasiënt moet verrig, deur die 35
maatskaplike werker, geneesheer, psigiater, kliniese sielkundige of verpleegkun- dige wat aan die behandelingsentrum verbonde of daaraan toegewys mag wees, bygestaan.

Aanstelling en register van vrywilligers

14. (1) Die Direkteur-generaal kan iemand as 'n vrywilliger aanstel om ooreenkomstig 'n program bedoel in artikel 6 sodanige bevoegdhede uit te oefen 40
of sodanige pligte te verrig as waaromtrent met bedoelde vrywilliger skriftelik ooreengekom is.

(2) 'n Vrywilliger word nie kragtens subartikel (1) aangestel nie, tensy hy—

(a) 'n kwalifikasie besit wat na die mening van die Direkteur-generaal 45
toepaslik is; of

(b) die voorgeskrewe kursus suksesvol deurloop het; en

(c) die ooreenkoms in subartikel (1) bedoel, onderteken het.

(3) Die Direkteur-generaal oorhandig aan elke vrywilliger by aanstelling 'n aanstellingsertifikaat waarin sy bevoegdhede en pligte uiteengesit word en hou 50
daarvan 'n afskrif soos voorgeskryf.

(4) Die Direkteur-generaal hou 'n register van vrywilligers op die voorgeskrewe wyse.

Identifikasie van vrywilligers

15. (1) 'n Vrywilliger oefen nie 'n bevoegdheid uit of verrig nie 'n plig nie tensy 55
hy in besit van sy aanstellingsertifikaat is.

Inspection of registered treatment centres, registered hostels, institutions and places

12. (1) A social worker, medical officer or any other person authorized thereto by the Director-General, or any magistrate, may, and shall if so directed by the Minister, enter any registered treatment centre, registered hostel or institution or place referred to in section 9(1) or 11(1) and inspect that registered treatment centre, registered hostel, institution or place and the books and documents appertaining thereto and any patient or person detained or accommodated therein or cause such patient or person to be examined by a medical officer or psychiatrist.

(2) Any social worker, medical officer or other person so authorized shall be furnished with a certificate to that effect, signed by the Director-General, which he, when acting under subsection (1), shall produce at the request of any person affected by the inspection.

(3) Any person who obstructs or hinders any social worker, medical officer or other person so authorized or any magistrate in the exercise of any power conferred upon him under subsection (1), or who fails to produce any patient or person, book or document whose production a social worker, medical officer or other person so authorized or any magistrate has demanded, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Staff of treatment centres and hostels

13. (1) (a) The Director-General may, subject to the laws governing the public service, appoint the staff necessary for the proper management and control of treatment centres and hostels and shall appoint for every treatment centre a social worker, medical practitioner, psychiatrist, clinical psychologist or nurse as superintendent.

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

(2) The superintendent of every treatment centre shall be assisted in the treatment and training of patients and in the determination of the treatment and training which patients or a particular patient of the treatment centre shall receive or undergo or the work to be performed by such patients or patient, by the social worker, medical practitioner, psychiatrist, clinical psychologist or nurse who may be attached to or assigned to the treatment centre.

Appointment and register of volunteers

14. (1) The Director-General may appoint any person as a volunteer to exercise such powers or to perform such duties in accordance with a programme referred to in section 6 as may be agreed upon in writing with the said volunteer.

(2) A volunteer shall not be appointed under subsection (1), unless he—

(a) has a qualification which in the opinion of the Director-General is appropriate; or

(b) has successfully completed the prescribed course; and

(c) has signed the agreement referred to in subsection (1).

(3) The Director-General shall deliver to each volunteer, on his appointment, a certificate of appointment setting out his powers and duties and shall keep a copy thereof as prescribed.

(4) The Director-General shall keep a register of volunteers in the prescribed manner.

Identification of volunteers

15. (1) A volunteer shall not exercise any power or perform any duty unless he is in possession of his certificate of appointment.

(2) 'n Vrywilliger moet sy aanstellingsertifikaat toon op versoek van enige persoon wat 'n wesenlike belang by die betrokke program het.

Beëindiging van aanstelling van vrywilliger en intrekking van aanstellingsertifikaat

16. Die Direkteur-generaal—

- (a) kan die aanstelling van 'n vrywilliger beëindig indien hy oortuig is dat— 5
 - (i) die vrywilliger nie sy pligte soos in sy aanstellingsertifikaat uiteengesit, nakom nie;
 - (ii) die vrywilliger 'n valse verklaring gedoen het of valse inligting verstrek het met die oog op die verkryging van sy aanstelling;
 - (iii) die dienste van die vrywilliger nie meer nodig is nie of dat 10
 - omstandighede sodanig is dat sy dienste nie meer nuttig in 'n program bedoel in artikel 6 aangewend kan word nie;
- (b) moet die aanstellingsertifikaat intrek van iemand wie se aanstelling 15
 - kragtens paragraaf (a) beëindig is of aan wie die sertifikaat verkeerdelik uitgereik is of wat oorlede is of bedank het.

Straf vir voordoening as vrywilliger

17. Iemand wat hom as 'n vrywilliger voordoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

Vergoeding van vrywilligers

18. (1) Die Minister kan na goëddunke uit gelde wat die Parlement vir die doel bewillig aan 'n vrywilliger die voorgeskrewe toelaes betaal, en kan daarbenewens behoudens die bepalings van subartikel (3) uit sodanige gelde hom gedeeltelik of ten volle vergoed vir uitgawes wat hy noodsaaklikerwys aangegaan het om dienste uit hoofde van hierdie Wet te lewer. 25

(2) 'n Vrywilliger moet sy eis om vergoeding van uitgawes bedoel in subartikel (1) binne drie maande nadat sodanige uitgawes aangegaan is op die voorgeskrewe wyse by die Direkteur-generaal indien.

(3) 'n Vrywilliger is nie geregtig op vergoeding van uitgawes kragtens subartikel (1) nie— 30

- (a) tensy hy vooraf deur die Direkteur-generaal gemagtig is om sodanige uitgawes aan te gaan;
- (b) indien hy reeds uit 'n ander bron voldoende vir sodanige uitgawes vergoed is.

Valse verklarings betreffende uitgawes

19. 'n Vrywilliger wat by die indiening van 'n eis ingevolge artikel 18 'n valse verklaring aflê betreffende uitgawes in genoemde artikel bedoel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf. 40

Aanspreeklikheid vir vermoenskade voortspruitend uit verrigting van diens deur vrywilligers

20. (1) Behoudens die bepalings van subartikel (3) kan vermoenskade wat op 'n vrywilliger verhaal kan word uit hoofde van 'n onregmatige daad deur hom gepleeg by die verrigting van sy werksaamhede ingevolge hierdie Wet, op die Staat verhaal word. 45

(2) Subartikel (1) word nie uitgelê as sou dit die Staat belet om skadeloosstelling teen sy aanspreeklikheid ingevolge genoemde subartikel by wyse van versekering of andersins te verkry nie.

(3) Vermoenskade wat ingevolge subartikel (1) op die Staat verhaal kan word, 50 word verminder met die bedrag wat die benadeelde op iemand anders as die vrywilliger sou kon verhaal op grond van dieselfde eisoorzaak.

(4) Vir sover die Staat 'n betaling gedoen het uit hoofde van 'n verhaalsreg

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

(2) A volunteer shall produce his certificate of appointment at the request of any person having a material interest in the programme in question.

Termination of appointment of volunteer and withdrawal of certificate of appointment

5 16. The Director-General—

- (a) may terminate the appointment of a volunteer if he is satisfied that—
- (i) the volunteer does not perform his duties as set out in his certificate of appointment;
 - (ii) the volunteer has made a false statement or has given false information with a view to obtaining his appointment;
 - (iii) the services of the volunteer are no longer required or that circumstances are such that his services can no longer be usefully employed in a programme referred to in section 6;
- (b) shall withdraw the certificate of appointment of a person whose appointment has been terminated under paragraph (a) or to whom the certificate has wrongly been issued or who has died or who has resigned.

Penalty for pretence as volunteer

17. A person who pretends to be a volunteer shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Remuneration of volunteers

18. (1) The Minister may in his discretion out of moneys appropriated by Parliament for the purpose pay a volunteer the prescribed allowances, and may in addition, subject to the provisions of subsection (3), out of such moneys compensate him in part or in full for expenses necessarily incurred by him in order to render services by virtue of this Act.

- (2) A volunteer shall in the prescribed manner submit his claim for reimbursement of expenses referred to in subsection (1) to the Director-General within three months after such expenses have been incurred.

- (3) A volunteer shall not be entitled to reimbursement of expenses under subsection (1)—

- (a) unless he has been authorized in advance by the Director-General to incur such expenses;
- (b) if he has already been adequately compensated from another source for such expenses.

False statements regarding expenses

19. A volunteer who makes a false statement regarding expenses referred to in section 18 when submitting a claim in terms of the said section, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Liability for patrimonial loss arising from performance of service by volunteers

20. (1) Subject to the provisions of subsection (3), patrimonial loss which may be recovered from a volunteer by virtue of a delict committed by him in the performance of his functions in terms of this Act, may be recovered from the State.

- (2) Subsection (1) shall not be construed as precluding the State from obtaining indemnification against its liability in terms of the said subsection by means of insurance or otherwise.

- (3) Patrimonial loss which may be recovered from the State in terms of subsection (1) shall be reduced by the amount which the harmed person could recover from some person other than the volunteer by reason of the same cause of action.

- (4) In so far as the State has made a payment by virtue of a right of recovery

ingevolge subartikel (1), gaan al die betrokke regte en regsmeddele van die benadeelde teenoor die vrywilliger op die Staat oor.

(5) Indien iemand as gevolg van die verrigting van diens deur 'n vrywilliger ingevolge hierdie Wet vermoënskade gely het wat nie ingevolge subartikel (1) op die Staat verhaal kan word nie, kan die Direkteur-generaal die bedrag wat hy redelik ag, met die instemming van die Departement van Staatsbesteding, *ex gratia* aan daardie persoon betaal.

Prosedure waarvolgens persone wat in 'n behandelingsentrum of geregistreerde behandelingsentrum opgeneem kan word, voor 'n landdros gebring kan word

21. (1) Wanneer iemand, met inbegrip van 'n maatskaplike werker, 'n skriftelike beëdigde verklaring by 'n staatsaanklaer indien of voor hom aflê, en daar in daardie verklaring beweer word dat 'n ander persoon wat hom binne die regsgebied bevind van die landdroshof waaraan daardie aanklaer verbonde is, iemand is wat van dwelms afhanklik is en as gevolg daarvan sy vermoë verkwis of sy gesondheid benadeel of die vrede in gevaar bring of op enige ander manier sy eie welsyn of die welsyn van sy gesin benadeel of in gebreke bly om vir sy eie onderhoud of vir dié van 'n afhanklike vir wie se onderhoud hy regtens verantwoordelik is, te sorg, moet die klerk van die hof, op versoek van die staatsaanklaer, 'n dagvaarding wat aan so iemand beteken moet word en waarby hy aangesê word om op 'n daarin bepaalde tyd en plek voor 'n landdros binne sodanige gebied te verskyn, uitreik en aan 'n polisiebeampte afgee, of as die staatsaanklaer nie die uitreiking van so 'n dagvaarding aanvra nie, kan 'n landdros van die betrokke hof, op aansoek van die staatsaanklaer, 'n lasbrief uitreik waarin beveel word dat so iemand in hegtenis geneem en so spoedig doenlik daarna voor 'n landdros binne sodanige gebied gebring word.

(2) 'n Staatsaanklaer mag nie ingevolge subartikel (1) 'n klerk van die hof versoek om 'n dagvaarding ten opsigte van enigiemand uit te reik nie of by 'n landdros aansoek doen om 'n lasbrief uit te reik nie, tensy hy van 'n maatskaplike werker 'n verslag oor die maatskaplike omstandighede van die betrokke persoon en enige ander tersaaklike aangeleentheid met betrekking tot hom, verkry het.

(3) Al die bepalings van die Strafproseswet, 1977 (Wet No. 51 van 1977), met betrekking tot die vorm en manier van uitvoering van lasbriewe vir inhegtenisneming, die betekening van dagvaardings in strafsake in laer howe, die inhegtenisneming, aanhouding, deursoeking en ander behandeling wat nodig is om persone genoem in lasbriewe vir inhegtenisneming in bedwang te hou, die tydperk wat aan 'n gedagvaarde persoon toegestaan moet word om te verskyn en die manier waarop met persone wat gedagvaar is om te verskyn, handel kan word as hulle versuim om te verskyn of om teenwoordig te bly soos vereis, is *mutatis mutandis* van toepassing ten opsigte van lasbriewe vir inhegtenisneming en dagvaardings kragtens hierdie artikel uitgereik.

Verwysing van persone na behandelingsentrum of geregistreerde behandelingsentrum na ondersoek

22. (1) (a) Behoudens die bepalings van hierdie artikel moet 'n landdros voor wie iemand ingevolge artikel 21(1) gebring word, in die aanwesigheid van daardie persoon ondersoek instel na die vraag of hy iemand is wat in daardie artikel bedoel word.

(b) 'n Staatsaanklaer, of 'n ander geskikte en bevoegde persoon deur die betrokke landdros aangewys, verskyn by die ondersoek en sodanige aanklaer of ander persoon kan getuies oproep en getuies wat by die ondersoek getuienis aflê, onder kruisverhoor neem.

(c) Die persoon ten opsigte van wie die ondersoek gehou word, is geregtig om deur 'n advokaat of prokureur verteenwoordig te word en hy of sy regsverteenvoordiger is geregtig om enige getuie onder kruisverhoor te neem en getuies op te roep en hy kan self getuienis aflê en hy of sy regsverteenvoordiger kan redes aanvoer waarom 'n bevel nie kragtens subartikel (6) ten opsigte van hom uitgereik moet word nie.

(2) Behoudens andersluidende bepalings van hierdie Wet is die wetsbepalings aangaande strafverhore in landdroshowe *mutatis mutandis* van toepassing ten opsigte van die oproeping van getuies by bedoelde ondersoek, die ondervraging

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

in terms of subsection (1), all the relevant rights and legal remedies of the harmed person against the volunteer shall pass to the State.

- (5) If any person as a result of the performance of services by a volunteer in terms of this Act has suffered patrimonial loss which cannot be recovered from the State in terms of subsection (1), the Director-General may, with the concurrence of the Department of State Expenditure, *ex gratia* pay that person such amount as the Director-General may deem reasonable.

Procedure for bringing persons eligible for admission to a treatment centre or registered treatment centre, before a magistrate

21. (1) Whenever there is lodged with or made before a public prosecutor a sworn declaration in writing by any person, including any social worker, alleging that any other person who is within the area of jurisdiction of the magistrate's court to which such prosecutor is attached, is a person who is dependent on drugs and in consequence thereof squanders his means or injures his health or endangers the peace or in any other manner does harm to his own welfare or the welfare of his family or fails to provide for his own support or for that of any dependant whom he is legally liable to maintain, the clerk of the court shall, at the request of the public prosecutor, issue and deliver to a police officer a summons to be served on such person calling on him to appear before a magistrate within such area at a time and place stated therein, or if the public prosecutor does not request the issue of such a summons, a magistrate of the court in question may, on the application of the public prosecutor, issue a warrant directing that such person be arrested and as soon thereafter as practicable be brought before a magistrate within such area.
- (2) A public prosecutor shall not in terms of subsection (1) request a clerk of the court to issue a summons in respect of any person or request a magistrate to issue a warrant of arrest, unless he has obtained from a social worker a report as to the social circumstances of the person concerned and any other relevant matter affecting him.
- (3) All the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), relating to the form and manner of execution of warrants of arrest, the service of summonses in criminal cases in inferior courts, the arrest, detention, searching and other treatment necessary for the control of persons named in warrants of arrest, the time to be allowed for appearance in the case of any person summoned and the manner in which persons summoned to appear may be dealt with on failure to appear or to remain in attendance as required, shall *mutatis mutandis* apply in respect of warrants of arrest and summonses issued under this section.

Committal of persons to treatment centre or registered treatment centre after enquiry

22. (1) (a) Subject to the provisions of this section, a magistrate before whom any person is brought in terms of section 21(1) shall, in the presence of that person, enquire whether he is such a person as is described in that section.
- (b) A public prosecutor, or some other fit and proper person designated by the magistrate concerned, shall appear at the enquiry, and such prosecutor or other person may call witnesses and cross-examine witnesses who give evidence at the enquiry.
- (c) The person in respect of whom the enquiry is being held shall be entitled to be represented by an advocate or attorney and he or his legal representative shall be entitled to cross-examine any witness and to call witnesses and he may give evidence himself and he or his legal representative may show cause why an order should not be made under subsection (6) in respect of him.
- (2) Save as is otherwise provided in this Act, the laws governing criminal trials in magistrates' courts shall *mutatis mutandis* apply in respect of securing the attendance of witnesses at such enquiry, the examination of witnesses, the

van getuies, die afneem van getuienis, die betaling van toelaes aan getuies en die oorlegging van boeke, dokumente en sake.

(3) (a) Geen persoon wie se aanwesigheid nie nodig is nie, is by die ondersoek aanwesig nie, behalwe met die toestemming van die landdros.

(b) Die bepalings van artikel 159(1) van die Strafproseswet, 1977 (Wet No. 51 van 1977), vir sover hulle betrekking het op die hou van 'n strafverhoor in die afwesigheid van 'n beskuldigde persoon, is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek wat ingevolge hierdie artikel gehou word.

(c) Die bepalings van artikel 108 van die Wet op Landdroshoue, 1944 (Wet No. 32 van 1944), is *mutatis mutandis* van toepassing ten opsigte van verrigtings in verband met 'n ondersoek wat ingevolge hierdie artikel gehou word asof daardie verrigtings die verrigtings was van 'n hof in bedoelde artikel 108 beoog.

(d) Iemand wat by so 'n ondersoek vals getuienis aflê, met die wete dat dit vals is of terwyl hy nie weet of glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meened voorgeskryf is.

(4) Die landdros wat die ondersoek hou—

(a) moet, voordat hy 'n bevel kragtens subartikel (6) uitreik, die staatsaanklaer of ander persoon wat ingevolge subartikel (1)(b) by die ondersoek verskyn, gelas om aan hom die verslag wat van 'n maatskaplike werker ingevolge artikel 21(2) verkry is, voor te lê; en

(b) kan gelas dat die persoon ten opsigte van wie die ondersoek gehou word deur 'n mediese beampte, psigiater of kliniese sielkundige deur die landdros aangewys, ondersoek word en alle stappe laat doen (met inbegrip van die gebruik van dwang) wat nodig is om sodanige ondersoek uit te voer en kan die mediese beampte, psigiater of kliniese sielkundige aansê om aan hom 'n verslag te verstrek aangaande die uitslag van die ondersoek.

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

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

(a) dat die betrokke persoon iemand is wat in artikel 21(1) bedoel word; en

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

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

kan hy, behoudens die bepalings van artikel 23, beveel dat die betrokke persoon in 'n behandelingsentrum of geregistreerde behandelingsentrum deur die Direkteur-generaal aangewys, aangehou word.

(7) Die landdros wat 'n bevel kragtens subartikel (6) gee dat iemand in 'n behandelingsentrum of geregistreerde behandelingsentrum, na gelang van die geval, aangehou word, kan ook beveel dat so 'n persoon in bewaring aangehou of op borgtog of waarskuwing vrygelaat word soos in artikel 24(1) bepaal word tot tyd en wyl aan die bevel wat die hof uitgereik het, gevolg gegee kan word.

Uitstel van bevel

23. (1) As dit by 'n ondersoek kragtens artikel 22 aan 'n landdros blyk dat die persoon ten opsigte van wie die ondersoek gehou word 'n persoon is wat in subartikel (6) van daardie artikel bedoel word, kan die landdros, na goeddunke, 'n bevel uitreik waarby hy die uitreiking van 'n bevel ingevolge daardie subartikel vir 'n tydperk van hoogstens drie jaar uitstel, en die betrokke persoon vrylaat op voorwaarde—

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

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

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

recording of evidence, the payment of allowances to witnesses and the production of books, documents and things.

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

5 (b) The provisions of section 159(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in so far as they relate to the holding of a criminal trial in the absence of an accused person, shall *mutatis mutandis* apply in respect of an enquiry held in terms of this section.

(c) The provisions of section 108 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall *mutatis mutandis* apply in respect of proceedings in connection with an enquiry held in terms of this section as if those proceedings were proceedings in a court contemplated in the said section 108.

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

(4) The magistrate holding the enquiry—

(a) shall, before he makes any order under subsection (6), direct the public prosecutor or other person appearing at the enquiry in terms of subsection (1)(b), to submit to him the report obtained from a social
20 worker in terms of section 21(2); and

(b) may direct that the person in respect of whom the enquiry is being held be examined by a medical officer, psychiatrist or clinical psychologist designated by the magistrate and cause all steps (including the use of force) which may be necessary for the carrying out of such examination
25 to be taken and may call upon the medical officer, psychiatrist or clinical psychologist to furnish him with a report showing the results of the examination.

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

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

(a) that the person concerned is such a person as is described in section
35 21(1); and

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

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

he may, subject to the provisions of section 23, order that the person concerned be detained in a treatment centre or registered treatment centre designated by
45 the Director-General.

(7) The magistrate who makes an order under subsection (6) that a person shall be detained in a treatment centre or registered treatment centre, as the case may be, may also order that such person be detained in custody or released on bail or warning as provided in section 24(1) until such time as effect can be given
50 to the order the court has made.

Postponement of order

23. (1) If it appears to a magistrate at an enquiry under section 22 that the person in respect of whom the enquiry is being held is such a person as is referred to in subsection (6) of that section, the magistrate may, in his discretion, make
55 an order postponing for a period not exceeding three years the making of an order in terms of that subsection and release the person concerned on condition—

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

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

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

(2) Die Direkteur-generaal kan, na oorweging van 'n verslag van 'n maatskaplike werker, te eniger tyd 'n persoon ten opsigte van wie die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, onvoorwaardelik ontslaan.

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

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

(5) (a) Indien 'n persoon ten opsigte van wie die uitreiking van 'n bevel ingevolge hierdie artikel uitgestel is, versuim om te voldoen aan enige van die voorwaardes onderworpe waaraan hy vrygelaat is, kan hy, op bevel van 'n landdros, sonder lasbrief in hegtenis geneem word deur enige polisiebeampte of maatskaplike werker, en enige landdros kan dan 'n bevel ingevolge artikel 22(6) uitreik asof die uitreiking van so 'n bevel nooit uitgestel was nie.

(b) Enige persoon wat ingevolge paragraaf (a) in hegtenis geneem is, kan in bewaring aangehou word in enige plek bedoel in artikel 24(1)(a) totdat hy voor 'n landdros gebring kan word.

(c) Die bepaling van artikel 24(2) is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge paragraaf (b) in 'n plek bedoel in genoemde artikel in bewaring aangehou word.

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

Tydlike bewaring van persone hangende ondersoek of verwydering na behandelingsentrum of geregistreerde behandelingsentrum

24. (1) (a) 'n Landdros wat 'n ondersoek kragtens artikel 22 hou, kan, indien hy dit nodig of dienstig ag, die ondersoek uitstel of verdaag vir tydperke wat die landdros met inagneming van die omstandighede van die geval bepaal, en kan, na goedgevondenheid, beveel dat die betrokke persoon, gedurende die uitstel of verdaging, in bewaring aangehou word in 'n behandelingsentrum, geregistreerde behandelingsentrum, tehuis, geregistreerde tehuis, gevangenis, polisieplek of -opsluitplek of ander plek wat die landdros geskik ag, of, indien die betrokke persoon onder die ouderdom van 18 jaar is, in 'n veiligheidsplek of dat hy op borgtog of waarskuwing vrygelaat word *mutatis mutandis* asof hy iemand was wie se verhoor op 'n strafregtelike aanklag in 'n landdroshof uitgestel of verdaag is.

(b) Niemand mag kragtens hierdie subartikel vir 'n ononderbroke tydperk van langer as 28 dae in bewaring aangehou word nie.

(2) Die Minister kan, met die instemming van die Minister van Staatsbesteding, uit gelde wat deur die Parlement vir die doel bewillig is, bydra tot die onderhoud van enigiemand wat ingevolge subartikel (1) in 'n behandelingsentrum, geregistreerde behandelingsentrum, geregistreerde tehuis, kindersentrum of enige ander plek wat nie deur die Staat in stand gehou word nie, aangehou word.

Appelle teen en hersiening van sekere bevels

25. Die wetsbepalinge met betrekking tot appelle en enige vorm van hersiening in strafsake is *mutatis mutandis* van toepassing ten opsigte van enige bevel uitgereik kragtens artikel 22, 23 of 24, asof so 'n bevel 'n vonnis is deur 'n landdroshof in 'n strafsake gevel.

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

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

(2) The Director-General may, after consideration of a report by a social worker, at any time unconditionally discharge any person in respect of whom the making of an order has been postponed in terms of this section.

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

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

(5) (a) If a person in respect of whom the making of an order has been postponed in terms of this section fails to comply with any of the conditions subject to which he was released, he may, upon the order of any magistrate, be arrested without warrant by any police officer or social worker, and any magistrate may then make an order in terms of section 22(6) as if the making of such an order had never been postponed.

(b) Any person arrested in terms of paragraph (a) may be detained in custody in any place referred to in section 24(1)(a) until he can be brought before a magistrate.

(c) The provisions of section 24(2) shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said section in terms of paragraph (b).

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

Temporary custody of persons pending enquiry or removal to treatment centre or registered treatment centre

24. (1) (a) A magistrate holding an enquiry under section 22 may, if he deems it necessary or expedient, postpone or adjourn the enquiry for periods determined by him having regard to the circumstances of the case, and may, in his discretion, order that, during the postponement or adjournment, the person concerned be detained in custody in a treatment centre, registered treatment centre, hostel, registered hostel, prison, police cell or lock-up or other place regarded by the magistrate as suitable, or, if the person concerned is under the age of 18 years, in a place of safety or be released on bail or warning *mutatis mutandis* as if he were a person whose trial on a criminal charge in a magistrate's court had been postponed or adjourned.

(b) No person shall under this subsection be detained in custody for a continuous period of longer than 28 days.

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

55 Appeals against and review of certain orders

25. The law relating to appeals and any form of review in criminal cases shall *mutatis mutandis* apply in respect of any order made under section 22, 23 or 24 as if such order were a sentence passed by a magistrate's court in a criminal case.

Aanhouding in behandelingsentrum of geregistreerde behandelingsentrum

26. (1) Iemand wie se aanhouding in 'n behandelingsentrum of geregistreerde behandelingsentrum kragtens artikel 22 beveel is of wat ingevolge die bepalings van hierdie Wet na 'n behandelingsentrum of geregistreerde behandelingsentrum oorgeplaas is, word in die betrokke behandelingsentrum of geregistreerde behandelingsentrum aangehou totdat hy ingevolge die een of ander bepaling van hierdie Wet daaruit met vergunning vrygelaat of ontslaan is of na 'n ander inrigting oorgeplaas of teruggeplaas is. 5
- (2) Die superintendent van 'n behandelingsentrum of die bestuur van 'n geregistreerde behandelingsentrum moet— 10
- (a) die Direkteur-generaal in kennis stel wanneer 'n pasiënt ingevolge die bepalings van hierdie Wet met vergunning vrygelaat word en van die besonderhede van sodanige vrylating; 15
- (b) indien 'n pasiënt na die verstryking van 'n tydperk van 12 maande na die uitvaardiging van 'n bevel bedoel in artikel 22(6) nog nie uit die betrokke behandelingsentrum of geregistreerde behandelingsentrum ontslaan is nie, volledig aan die Direkteur-generaal verslag doen en redes aanvoer waarom sodanige pasiënt nie aldus ontslaan behoort te word nie en moet elke ses maande daarna, indien sodanige pasiënt nog nie aldus ontslaan is nie, verdere redes aanvoer waarom hy nie aldus ontslaan behoort te word nie. 20
- (3) Die Direkteur-generaal kan, indien hy dit in die belang van 'n pasiënt ag, te eniger tyd by skriftelike bevel daardie pasiënt onthef van die uitwerking van 'n bevel uitgevaardig kragtens hierdie Wet. 25
- (4) Die ontheffing van 'n pasiënt van die uitwerking van 'n bevel uitgevaardig kragtens hierdie Wet verhinder nie die latere verwysing of oorplasing van die betrokke persoon na 'n behandelingsentrum of geregistreerde behandelingsentrum nie. 30
- (5) Indien 'n persoon onder die ouderdom van 18 jaar ingevolge die bepalings van hierdie Wet in 'n behandelingsentrum of geregistreerde behandelingsentrum aangehou moet word, kan die Direkteur-generaal gelas dat hy in 'n veiligheidsplek aangehou word, en, indien hy aldus aangehou word, word sodanige veiligheidsplek met betrekking tot so 'n persoon geag 'n behandelingsentrum of 'n geregistreerde behandelingsentrum vir die doeleindes van hierdie Wet te wees. 35

Oorplasing van pasiënte van en na behandelingsentrums en geregistreerde behandelingsentrums

27. (1) Behoudens die bepalings van subartikel (2) kan die Direkteur-generaal te eniger tyd, na oorlegpleging met die betrokke besture—
- (a) 'n ander pasiënt as 'n vrywillige pasiënt van een behandelingsentrum na 'n ander behandelingsentrum oorplaas; of 40
- (b) 'n ander pasiënt as 'n vrywillige pasiënt van 'n behandelingsentrum na 'n geregistreerde behandelingsentrum, en andersom, oorplaas; of
- (c) 'n ander pasiënt as 'n vrywillige pasiënt van een geregistreerde behandelingsentrum na 'n ander geregistreerde behandelingsentrum oorplaas, 45
- indien die betrokke pasiënt na sy oordeel, by die behandeling of opleiding wat by die behandelingsentrum of geregistreerde behandelingsentrum waarheen hy aldus oorgeplaas word, baat sal vind of waarskynlik sal vind.
- (2) Niemand wat ingevolge artikel 28 na 'n behandelingsentrum oorgeplaas is, word ingevolge hierdie artikel na 'n geregistreerde behandelingsentrum oorgeplaas nie. 50

Oorplasing van persone van gevangenis na behandelingsentrum

28. (1) Ondanks andersluidende bepalings van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), of van enige ander wet kan die Minister van Korrektiewe Dienste, in oorleg met die Minister, by skriftelike bevel iemand wat 'n tydperk van gevangenisstraf uitdien in 'n gevangenis waarop vermeldde Wet betrekking het, na 'n behandelingsentrum deur die Minister aangewys, oorplaas, indien na sy oordeel— 55

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

Detention in treatment centre or registered treatment centre

26. (1) Any person who has been ordered to be detained in a treatment centre or registered treatment centre under section 22 or who has been transferred to a treatment centre or registered treatment centre in terms of the provisions of this Act, shall be detained in the treatment centre or registered treatment centre concerned until he is released on licence or discharged or transferred or returned to any other institution in terms of any provision of this Act.

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

- (a) notify the Director-General when a patient is released on licence in terms of the provisions of this Act and of the particulars of such release;
- (b) if a patient has, after the expiration of a period of 12 months after the making of an order referred to in section 22(6), not yet been discharged from the treatment centre or registered treatment centre concerned, report fully to the Director-General and advance reasons why such patient shall not be so discharged and shall, every six months thereafter, if such patient has not been so discharged, advance further reasons why he should not be discharged.

(3) The Director-General may, if he deems it in the interest of any patient, at any time by order in writing discharge that patient from the effect of any order made under this Act.

(4) The discharge of a patient from the effect of any order made under this Act shall not preclude the subsequent committal or transfer of the person concerned to a treatment centre or registered treatment centre.

(5) If any person under the age of 18 years is, in terms of the provisions of this Act, to be detained in a treatment centre or registered treatment centre, the Director-General may direct that he be detained in a place of safety, and, if he is so detained, such place of safety shall in relation to such person be deemed to be a treatment centre or registered treatment centre for the purposes of this Act.

30 Transfer of patients from and to treatment centres and registered treatment centres

27. (1) Subject to the provisions of subsection (2), the Director-General may at any time after consultation with the managements concerned—

- (a) transfer a patient, other than a voluntary patient, from one treatment centre to another treatment centre; or
 - (b) transfer a patient, other than a voluntary patient, from a treatment centre to a registered treatment centre and *vice versa*; or
 - (c) transfer a patient, other than a voluntary patient, from one registered treatment centre to another registered treatment centre,
- if the patient concerned will in his opinion benefit or probably benefit by the treatment or training provided at the treatment centre or registered treatment centre to which he is so transferred.

(2) No person transferred to a treatment centre in terms of section 28 shall be transferred under this section to a registered treatment centre.

45 Transfer of persons from prison to treatment centre

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

- (a) dit wenslik is dat so iemand behandeling of opleiding in 'n behandeling-sentrum moet ontvang of ondergaan voordat hy weer op vrye voet gestel word; en
- (b) so iemand 'n persoon is wat by die besondere soort behandeling en opleiding wat in 'n behandelingsentrum voorsien word, baat sal vind of waarskynlik sal vind. 5
- (2) Iemand wat ingevolge subartikel (1) na 'n behandelingsentrum oorgeplaas is, word geag van die bepalings van die Wet op Korrektiewe Dienste, 1959, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na 'n behandelingsentrum verwys was. 10

Heroorplasing van behandelingsentrum na gevangenis

29. (1) Die Minister kan, in oorleg met die Minister van Korrektiewe Dienste, iemand wat kragtens artikel 28 na 'n behandelingsentrum oorgeplaas is, heroorplaas na die gevangenis vanwaar hy oorspronklik oorgeplaas was, of na enige ander gevangenis deur die Kommissaris van Korrektiewe Dienste aangewys. 15
- (2) 'n Pasiënt wat ingevolge subartikel (1) na 'n gevangenis heroorgeplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die bepalings van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), en die regulasies daarkragtens uitgevaardig. 20
- (3) By die berekening van die tydperk waarvoor iemand wat ingevolge subartikel (1) na 'n gevangenis heroorgeplaas is, kragtens die vonnis oor hom gevel daarin aangehou moet word, word die tydperk tussen die datum van sy oorplasing na 'n behandelingsentrum en die datum van sy heroorplasing na daardie gevangenis geag deel van sy vonnis uit te maak. 25

Oorplasing van persone van kinderhuis, nywerheidskool of verbeteringskool na behandelingsentrum of geregistreerde behandelingsentrum

30. (1) Ondanks andersluidende bepalings van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), of van enige ander wet kan 'n ander Minister as die Minister, indien sodanige ander Minister belas is met die administrasie of registrasie van 'n kinderhuis, nywerheidskool of verbeteringskool, in oorleg met die Minister, en kan die Minister, indien hy belas is met die administrasie of registrasie van 'n kinderhuis, nywerheidskool of verbeteringskool, iemand wat 'n tydperk van aanhouding in bedoelde kinderhuis, nywerheidskool of verbeteringskool uittien, by skriftelike bevel na 'n behandelingsentrum of geregistreerde behandelingsentrum deur die Minister aangewys, oorplaas, indien na sy oor-deel— 30
- (a) dit wenslik is dat so iemand behandeling of opleiding in 'n behandeling-sentrum of geregistreerde behandelingsentrum moet ontvang of ondergaan voordat hy weer op vrye voet gestel word; en 40
- (b) so iemand 'n persoon is wat by die besondere soort behandeling en opleiding wat in die betrokke behandelingsentrum of geregistreerde behandelingsentrum voorsien word, baat sal vind of waarskynlik sal vind. 45
- (2) Iemand wat ingevolge subartikel (1) na 'n behandelingsentrum of geregistreerde behandelingsentrum oorgeplaas is, word geag van die bepalings van die Wet op Kindersorg, 1983, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na die behandelingsentrum of geregistreerde behandeling-sentrum, na gelang van die geval, verwys was. 50

Heroorplasing van behandelingsentrum of geregistreerde behandelingsentrum na kinderhuis, nywerheidskool of verbeteringskool

31. (1) Die Minister kan, in oorleg met die ander betrokke Minister, iemand wat kragtens artikel 30 na 'n behandelingsentrum of geregistreerde behandelingsentrum oorgeplaas is, heroorplaas na die kinderhuis, nywerheidskool of verbeteringskool vanwaar hy oorspronklik oorgeplaas is, of na enige ander kinderhuis, 55

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

- (a) it is desirable that such person should, before he is returned to the community, receive or undergo treatment or training in a treatment centre; and
- (b) such person is a person who will or will probably benefit by the particular kind of treatment and training provided in a treatment centre.
- (2) A person transferred to a treatment centre in terms of subsection (1) shall be deemed to be discharged from the provisions of the Correctional Services Act, 1959, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to a treatment centre under this Act.

Retransfer from treatment centre to prison

29. (1) The Minister may, in consultation with the Minister of Correctional Services, retransfer to the prison from which he was originally transferred, or to any other prison designated by the Commissioner of Correctional Services, any person transferred to a treatment centre under section 28.

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

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

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

30. (1) Notwithstanding anything to the contrary contained in the Child Care Act, 1983 (Act No. 74 of 1983), or in any other law, a Minister other than the Minister, if such other Minister is entrusted with the administration or registration of a children's home, school of industries or reform school, may, in consultation with the Minister, and the Minister may, if he is entrusted with the administration or registration of a children's home, school of industries or reform school, by order in writing transfer to a treatment centre or registered treatment centre designated by the Minister, any person who is undergoing a period of detention in that children's home, school of industries or reform school, if, in his opinion—

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

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

(2) A person transferred to a treatment centre or registered treatment centre in terms of subsection (1), shall be deemed to be discharged from the provisions of the Child Care Act, 1983, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to such treatment centre or registered treatment centre, as the case may be, under this Act.

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

31. (1) The Minister may, in consultation with the other Minister concerned, retransfer to the children's home, school of industries or reform school from which he was originally transferred, or to any other children's home, school of industries or reform school designated by the Minister concerned, any person

nywerheidskool of verbeteringskool deur die betrokke Minister aangewys, indien die Minister van mening is, op grond van vermoë deur die Direkteur-generaal tot hom gerig, dat so iemand geblyk het ongeskik te wees vir die soort behandeling en opleiding wat in die behandelingsentrum of geregistreerde behandelingsentrum, na gelang van die geval, voorsien word of dat hy waarskynlik nie daarby sal baat vind nie. 5

(2) 'n Pasiënt wat ingevolge subartikel (1) na 'n kinderhuis, nywerheidskool of verbeteringskool heroorgeplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die wetsbepalings wat op die kinderhuis, nywerheidskool of verbeteringskool waarna hy heroorgeplaas is, van toepassing is. 10

(3) Iemand wat ingevolge subartikel (1) na 'n kinderhuis, nywerheidskool of verbeteringskool heroorgeplaas is, mag nie in 'n kinderhuis, nywerheidskool of verbeteringskool aangehou word nie na die verstryking van die tydperk waarvoor hy, ingevolge die bevel van die hof waardeur sy aanhouding gemagtig is, in 'n kinderhuis, nywerheidskool of verbeteringskool aangehou kon geword het as hy nie oorgeplaas was nie. 15

Oorplasing van persone van inrigting na behandelingsentrum of geregistreerde behandelingsentrum

32. (1) Ondanks andersluidende bepalings van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of van enige ander wet kan 'n ander Minister as die Minister, indien sodanige ander Minister belas is met die opnemings, aanhouding en behandeling van persone in 'n inrigting, in oorleg met die Minister, en kan die Minister, indien hy belas is met die opnemings, aanhouding en behandeling van persone in 'n inrigting, iemand wat in bedoelde inrigting aangehou word by skriftelike bevel na 'n behandelingsentrum of geregistreerde behandelingsentrum deur die Minister aangewys, oorgeplaas, indien na sy oordeel so iemand 'n persoon is wat by die besondere soort behandeling en opleiding wat in die betrokke behandelingsentrum of geregistreerde behandelingsentrum voorsien word, baat sal vind of waarskynlik sal vind. 20 25 30

(2) Iemand wat ingevolge subartikel (1) na 'n behandelingsentrum of geregistreerde behandelingsentrum oorgeplaas is, word geag van die bepalings van die Wet op Geestesgesondheid, 1973, onthef te wees, en word *mutatis mutandis* aan al die bepalings van hierdie Wet onderworpe gestel asof hy in die eerste instansie kragtens hierdie Wet na die behandelingsentrum of geregistreerde behandelingsentrum, na gelang van die geval, verwys was. 35

Heroorplasing van behandelingsentrum of geregistreerde behandelingsentrum na inrigting

33. (1) Die Minister kan, in oorleg met die ander betrokke Minister, iemand wat kragtens artikel 32 na 'n behandelingsentrum of geregistreerde behandelingsentrum oorgeplaas is, heroorgeplaas na die inrigting vanwaar hy oorspronklik oorgeplaas is, of na enige ander inrigting deur die betrokke Minister aangewys, indien die Minister van mening is, op grond van vermoë deur die Direkteur-generaal tot hom gerig, dat so iemand geblyk het ongeskik te wees vir die soort behandeling en opleiding wat in die behandelingsentrum of geregistreerde behandelingsentrum, na gelang van die geval, voorsien word of dat hy waarskynlik nie daarby sal baat vind nie. 40 45

(2) 'n Pasiënt wat ingevolge subartikel (1) na 'n inrigting heroorgeplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word daarna weer onderworpe gestel aan die wetsbepalings wat op die inrigting waarna hy heroorgeplaas is, van toepassing is. 50

Oorplasing van pasiënte van behandelingsentrum of geregistreerde behandelingsentrum na inrigting

34. (1) Die Minister kan, in oorleg met die Minister wat belas is met die opnemings, aanhouding en behandeling van persone in 'n inrigting, by skriftelike bevel 'n pasiënt van 'n behandelingsentrum of geregistreerde behandelingsentrum na 'n inrigting deur die betrokke Minister aangewys, oorgeplaas, indien na sy 55

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

transferred to a treatment centre or registered treatment centre under section 30 if in the opinion of the Minister, on representations made to him by the Director-General, such person has proved to be unsuited to or is not likely to benefit by the kind of treatment and training provided in the treatment centre or

5 registered treatment centre, as the case may be.

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

10 has been retransferred.

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

15 have been detained in a children's home, school of industries or reform school had he not been transferred.

Transfer of persons from institution to treatment centre or registered treatment centre

32. (1) Notwithstanding anything to the contrary contained in the Mental

20 Health Act, 1973 (Act No. 18 of 1973), or in any other law, a Minister other than the Minister, if such other Minister is entrusted with the reception, detention and treatment of persons in an institution, may, in consultation with the Minister, and the Minister may, if he is entrusted with the reception, detention and treatment of persons in an institution, by order in writing transfer to a

25 treatment centre or registered treatment centre designated by the Minister, any person detained in that institution, if in his opinion such person is a person who will or will probably benefit by the particular kind of treatment and training provided in the treatment centre or registered treatment centre in question.

(2) A person transferred to a treatment centre or registered treatment centre

30 in terms of subsection (1) shall be deemed to be discharged from the provisions of the Mental Health Act, 1973, and shall become subject, *mutatis mutandis*, to all the provisions of this Act as if he had in the first instance been committed to such treatment centre or registered treatment centre, as the case may be, under this Act.

35 Retransfer from treatment centre or registered treatment centre to institution

33. (1) The Minister may, in consultation with the other Minister concerned, retransfer to the institution from which he was originally transferred, or to any other institution designated by the Minister concerned, any person transferred to a treatment centre or registered treatment centre under section 32 if in the

40 opinion of the Minister, on representations made to him by the Director-General, such person has proved to be unsuited to or is not likely to benefit by the kind of treatment and training provided in the treatment centre or registered treatment centre, as the case may be.

(2) Any patient retransferred to an institution in terms of subsection (1) shall

45 be deemed to be discharged from the provisions of this Act, and shall thereafter again become subject to the law governing the institution to which he has been transferred.

Transfer of patients from treatment centre or registered treatment centre to institution

34. (1) The Minister may, in consultation with the Minister entrusted with the reception, detention and treatment of persons in an institution, by order in writing transfer to an institution designated by the Minister concerned,

50 any person from a treatment centre or registered treatment centre if the

oordeel die betrokke pasiënt by so 'n oorplasing baat sal vind of waarskynlik sal vind.

(2) 'n Pasiënt wat ingevolge subartikel (1) na 'n inrigting oorgeplaas is, word geag van die bepalings van hierdie Wet onthef te wees, en word *mutatis mutandis* aan al die bepalings van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), onderworpe gestel asof hy in die eerste instansie kragtens die Wet op Geestesgesondheid, 1973, na die inrigting verwys was.

Heroorplasing van inrigting na behandelingsentrum of geregistreerde behandelingsentrum

35. (1) Ondanks andersluidende bepalings van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of van enige ander wet kan 'n ander Minister as die Minister, indien sodanige ander Minister belas is met die opneming, aanhouding en behandeling van persone in 'n inrigting, in oorleg met die Minister, en kan die Minister, indien hy belas is met die opneming, aanhouding en behandeling van persone in 'n inrigting, iemand wat kragtens artikel 34 na 'n inrigting oorgeplaas is, heroorplaas na die behandelingsentrum of geregistreerde behandelingsentrum vanwaar hy oorspronklik oorgeplaas is, of na enige ander behandelingsentrum of geregistreerde behandelingsentrum deur die Minister aangewys, indien so 'n persoon geblyk het nie by sy oorplasing na die inrigting baat te gevind het nie.

(2) Iemand wat ingevolge subartikel (1) na 'n behandelingsentrum of geregistreerde behandelingsentrum heroorgeplaas is, word geag van die bepalings van die Wet op Geestesgesondheid, 1973, onthef te wees, en word daarna weer onderworpe gestel aan die bepalings van hierdie Wet.

Afwesigheidsverlof uit behandelingsentrum of geregistreerde behandelingsentrum

36. Die bestuur van 'n behandelingsentrum of geregistreerde behandelingsentrum kan, en moet indien die Direkteur-generaal aldus gelas, aan 'n pasiënt afwesigheidsverlof daaruit toestaan vir die tydperke en op die voorwaardes wat voorgeskryf word, en kan sodanige verlof te eniger tyd intrek en die pasiënt gelas om na die behandelingsentrum of geregistreerde behandelingsentrum, na gelang van die geval, terug te keer.

Pasiënt van behandelingsentrum of geregistreerde behandelingsentrum kan met vergunning vrygelaat word

37. (1) Die bestuur van 'n behandelingsentrum of geregistreerde behandelingsentrum kan, met die goedkeuring van die Direkteur-generaal, en moet, indien die Direkteur-generaal aldus gelas, 'n pasiënt met vergunning daaruit vrylaat, onderworpe aan die bepalings van subartikel (2) en aan die voorwaardes wat bedoelde bestuur stel, en kan te eniger tyd die voorwaardes van sodanige vergunning wysig.

(2) 'n Pasiënt wat met vergunning vrygelaat is, bly, ooreenkomstig die regulasies, onder toesig van 'n maatskaplike werker of 'n persoon deur die Direkteur-generaal goedgekeur totdat sodanige vergunning verstryk of ingevolge hierdie Wet ingetrek word of totdat hy ingevolge die een of ander bepaling van hierdie Wet ontslaan word: Met dien verstande dat die Direkteur-generaal 'n pasiënt van die uitwerking van 'n bevel uitgevaardig kragtens hierdie Wet kan onthef te eniger tyd voor die verstryking van die tydperk waarvoor hy met vergunning vrygelaat is.

Intrekking van vergunning

38. (1) (a) As 'n pasiënt wat met vergunning vrygelaat is, versuim om enige voorwaarde van sy vrylating met vergunning na te kom, of as hy, na die mening van die bestuur van die betrokke behandelingsentrum of geregistreerde behandelingsentrum, nie in staat was om hom behoorlik by die normale gemeenskapslewe aan te pas nie, kan die pasiënt se vergunning deur sodanige bestuur ingetrek word en kan hy na die betrokke behandelingsentrum of geregistreerde behandelingsentrum teruggeroep word: Met dien verstande dat waar die noodsaaklikheid om 'n pasiënt terug te roep so dringend is dat dit nie uitgestel behoort te word

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

patient concerned will in his opinion benefit or probably benefit by such a transfer.

(2) Any patient transferred to an institution in terms of subsection (1) shall be deemed to be discharged from the provisions of this Act, and shall become subject, *mutatis mutandis*, to all the provisions of the Mental Health Act, 1973 (Act No. 18 of 1973), as if he had in the first instance been committed to the institution under the Mental Health Act, 1973.

Retransfer from institution to treatment centre or registered treatment centre

35. (1) Notwithstanding anything to the contrary contained in the Mental Health Act, 1973 (Act No. 18 of 1973), or in any other law, a Minister, other than the Minister, if such other Minister is entrusted with the reception, detention and treatment of persons in an institution, may, in consultation with the Minister, and the Minister may, if he is entrusted with the reception, detention and treatment of persons in an institution, retransfer to the treatment centre or registered treatment centre from which he was originally transferred, or to any other treatment centre or registered treatment centre designated by the Minister, any person transferred to an institution under section 34 if such person has proved not to have benefitted from his transfer to the institution.

(2) A person retransferred to a treatment centre or registered treatment centre in terms of subsection (1) shall be deemed to be discharged from the provisions of the Mental Health Act, 1973, and shall thereafter again become subject to the provisions of this Act.

Leave of absence from treatment centre or registered treatment centre

36. The management of a treatment centre or registered treatment centre may, and shall if so directed by the Director-General, grant to any patient leave of absence therefrom for such periods and on such conditions as may be prescribed, and may at any time revoke such leave and direct the patient to return to the treatment centre or registered treatment centre, as the case may be.

Patient of treatment centre or registered treatment centre may be released on licence

37. (1) The management of a treatment centre or registered treatment centre may with the approval of the Director-General, and shall, if so directed by the Director-General, release a patient on licence therefrom, subject to the provisions of subsection (2) and to any conditions which it may stipulate, and may at any time vary the conditions of such licence.

(2) A patient who has been released on licence shall, in accordance with the regulations, remain under the supervision of a social worker or a person approved by the Director-General, until such licence expires or is cancelled in terms of this Act or he is discharged in terms of a provision of this Act: Provided that the Director-General may discharge a patient from the effect of any order made under this Act at any time prior to the expiration of the period for which he was released on licence.

Revocation of licence

38. (1) (a) If a patient who has been released on licence fails to comply with any condition of his release on licence, or if, in the opinion of the management of the treatment centre or registered treatment centre concerned, he has not proved capable of adjusting himself properly to the normal life of the community, the patient's licence may be revoked by such management and he may be recalled to the treatment centre or registered treatment centre in question: Provided that where the need for recalling a patient is so urgent that it ought not to be deferred until the management has dealt with the matter, the superinten-

totdat die bestuur met die aangeleentheid handel het nie, die superintendent, of die voorsitter van die bestuur van die geregistreerde behandelingsentrum, al die bevoegdhede van die bestuur kragtens hierdie subartikel kan uitoefen.

(b) 'n Pasiënt wat ingevolge paragraaf (a) na 'n behandelingsentrum of geregistreerde behandelingsentrum teruggeroep is en wat nie onverwyld daarheen terugkeer nie, kan deur enige polisiebeampte, maatskaplike werker of deur die Direkteur-generaal daartoe gemagtigde lid van die personeel van enige behandelingsentrum of geregistreerde behandelingsentrum sonder lasbrief in hegtenis geneem word en na die behandelingsentrum of geregistreerde behandelingsentrum waaruit hy met vergunning vrygelaat is, teruggeneem of teruggestuur word.

(c) Enige persoon wat ingevolge paragraaf (b) in hegtenis geneem is, kan in bewaring aangehou word in enige plek bedoel in artikel 24(1)(a) totdat hy na die betrokke behandelingsentrum of geregistreerde behandelingsentrum teruggeneem of teruggestuur kan word.

(d) Die bepalinge van artikel 24(2) is *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge paragraaf (c) in 'n plek bedoel in genoemde subartikel in bewaring aangehou word.

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

Hoe met weglopers uit behandelingsentrum of geregistreerde behandelingsentrum gehandel word

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

(2) (a) 'n Pasiënt wat uit 'n behandelingsentrum of geregistreerde behandelingsentrum weggeloop het, kan deur enige polisiebeampte, maatskaplike werker of deur 'n deur die Direkteur-generaal daartoe gemagtigde lid van die personeel van enige behandelingsentrum of geregistreerde behandelingsentrum sonder lasbrief in hegtenis geneem word, en moet so spoedig doenlik voor 'n landdros van die distrik waarin hy in hegtenis geneem is, gebring word.

(b) Iemand wat 'n polisiebeampte, maatskaplike werker of gemagtigde lid bedoel in paragraaf (a) by die uitoefening van enige bevoegdheid kragtens paragraaf (a) aan hom verleen, belemmer of hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

(c) Enige persoon wat ingevolge paragraaf (a) in hegtenis geneem is, kan in bewaring aangehou word in enige plek bedoel in artikel 24(1)(a) totdat hy voor bedoelde landdros gebring kan word.

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

(a) teruggestuur word na die behandelingsentrum, geregistreerde behandelingsentrum of hospitaal waaruit hy weggeloop het; of

(b) in bewaring aangehou word in enige plek bedoel in artikel 24(1)(a) deur die landdros aangewys, hangende die beslissing van die Direkteur-generaal,

en moet in elke geval die Direkteur-generaal onverwyld in kennis stel van die uitslag van sy ondersoek, en van enige bevel wat hy kragtens hierdie subartikel uitgereik het.

(4) Na oorweging van die landdros se verslag en na enige verdere ondersoek wat

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

dent, or the chairman of the management of the registered treatment centre, may exercise all the powers of the management under this subsection.

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

10 (c) Any person arrested in terms of paragraph (b) may be detained in custody in any place referred to in section 24(1)(a) until he can be taken back or returned to the treatment centre or registered treatment centre in question.

(d) The provisions of section 24(2) shall *mutatis mutandis* apply in respect of
15 in the said subsection.

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

20 Method of dealing with absconders from treatment centre or registered treatment centre

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

(2) (a) A patient who has absconded from a treatment centre or registered treatment centre may be arrested without warrant by any police officer, social worker or member of the staff of any treatment centre or registered treatment
35 centre authorized thereto by the Director-General, and shall as soon as possible be brought before a magistrate of the district in which he was arrested.

(b) Any person who obstructs or hinders a police officer, social worker or authorized member referred to in paragraph (a) in the exercise of any power conferred upon him under paragraph (a) shall be guilty of an offence and liable
40 on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(c) Any person arrested in terms of paragraph (a) may be detained in custody in any place referred to in section 24(1)(a) until he can be brought before the
45 said magistrate.

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

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

(b) be detained in custody, pending the decision of the Director-General,
50 in any place referred to in section 24(1)(a) designated by the magistrate,

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

(4) On consideration of the magistrate's report and after any further enquiry

hy nodig ag, moet die Direkteur-generaal, as die landdros beveel het dat die pasiënt in bewaring aangehou word, hangende die Direkteur-generaal se beslissing—

- (a) gelas dat die pasiënt teruggestuur word na die behandelingsentrum, geregistreerde behandelingsentrum of hospitaal waaruit hy weggehoop het; of 5
- (b) met hom handel kragtens artikel 27(1); of
- (c) gelas dat die pasiënt ingevolge artikel 37 met vergunning vrygelaat word; of
- (d) gelas dat hy onthef word van die uitwerking van enige bevel uitgevaardig kragtens hierdie Wet. 10

(5) Die bepalings van artikel 24(2) is *mutatis mutandis* van toepassing ten opsigte van iemand wat in 'n plek in genoemde artikel bedoel in bewaring aangehou word ingevolge subartikel (2)(c) of uit hoofde van 'n bevel kragtens subartikel (3)(b) uitgereik. 15

Opname van vrywillige pasiënt in behandelingsentrum

40. (1) Enigiemand kan óf self óf deur bemiddeling van iemand anders wat namens hom optree, of 'n ouer of voog kan ten behoeve van 'n minderjarige waarvan hy die ouer of voog is, op die voorgeskrewe wyse by 'n superintendent aansoek doen dat hyself of so 'n minderjarige, na gelang van die geval, as 'n vrywillige pasiënt in 'n behandelingsentrum opgeneem word. 20

(2) (a) Die aansoek moet vergesel gaan van 'n verslag deur 'n maatskaplike werker met betrekking tot die aansoeker of minderjarige se maatskaplike omstandighede, en ook van enige geneeskundige of psigiatriese verslag wat die superintendent nodig ag. 25

(b) Indien dit volgens die oordeel van die superintendent onredelike ontbering sou veroorsaak as die aansoeker die koste aangegaan by die verkryging van 'n verslag bedoel in paragraaf (a) moet betaal, kan hy gelas dat sodanige koste uit gelde wat die Parlement vir die doel bewillig, betaal word. 30

(3) Indien die superintendent aan wie die aansoek gerig is, na oorweging van die aansoek en die stukke wat dit vergesel, van oordeel is dat die persoon of minderjarige vir wie se opneming in 'n behandelingsentrum aansoek gedoen word (hieronder in hierdie artikel die pasiënt genoem) waarskynlik 'n persoon bedoel in artikel 21(1) is, en hy bereid is om die pasiënt in sy behandelingsentrum op te neem, deel hy die pasiënt aldus mee, en stuur hy die aansoek en bedoelde stukke en 'n verslag bedoel in artikel 21(2) oor die pasiënt aan die Direkteur-generaal. 35

(4) Indien die Direkteur-generaal te eniger tyd nadat die pasiënt aldus in 'n behandelingsentrum opgeneem is en na sodanige ondersoek as wat hy goedvind, oortuig is dat die pasiënt nie iemand is wat in artikel 21(1) bedoel word nie of dat hy waarskynlik nie baat sal vind by die behandeling en opleiding wat in 'n behandelingsentrum voorsien word nie of dat sy opneming in 'n behandelingsentrum deur bedrog verkry is, kan hy gelas dat die pasiënt uit die behandelingsentrum waarin hy aangehou word, vrygelaat word. 40

(5) Iemand wat ingevolge subartikel (3) in 'n behandelingsentrum opgeneem is, word as 'n pasiënt aangehou vir die tydperk, maar hoogstens ses maande, wat die betrokke bestuur bepaal. 45

(6) Terwyl so iemand 'n pasiënt bly, is hy aan al die toepaslike bepalings van hierdie Wet, met die uitsondering van artikel 39, onderworpe.

Betaling van toelaes aan pasiënte van behandelingsentrums

41. (1) Behoudens die bepalings van subartikel (2) kan die Minister, met die instemming van die Minister van Staatsbesteding, uit gelde wat deur die Parlement vir die doel bewillig is, toelaes aan pasiënte in rehabilitasiesentrums betaal. 50

(2) Die skale van sodanige toelaes, die klasse pasiënte aan wie die toelaes betaalbaar is en enige ander voorwaardes verbonde aan die betaling van sodanige toelaes, word voorgeskryf. 55

Pasiënte moet toegang hê tot bestuur en andersom

42. Onderworpe aan die voorgeskrewe voorwaardes het die pasiënte in 'n behandelingsentrum of geregistreerde behandelingsentrum die reg van persoon-

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

which he may deem necessary, the Director-General shall, if the magistrate has ordered that the patient be detained in custody pending the decision of the Director-General—

- (a) direct that the patient be returned to the treatment centre, registered treatment centre or hospital from which he absconded; or
 - (b) deal with him under section 27(1); or
 - (c) direct that the patient be released on licence in terms of section 37; or
 - (d) direct that he be discharged from the effect of an order made under this Act.
- 10 (5) The provisions of section 24(2) shall *mutatis mutandis* apply in respect of any person detained in custody in a place referred to in the said section in terms of subsection (2)(c) or in pursuance of an order made under subsection.

Admission of voluntary patient to treatment centre

40. (1) Any person may, either himself or through any other person acting on his behalf, or a parent or guardian may on behalf of a minor child of which he is the parent or guardian, apply to a superintendent in the prescribed manner that he or such minor child, as the case may be, be admitted to a treatment centre as a voluntary patient.

(2) (a) The application shall be accompanied by a report by a social worker regarding the applicant's or minor's social circumstances, including any medical or psychiatric report which the superintendent may deem necessary.

(b) If in the opinion of the superintendent it would cause undue hardship if the applicant were to be required to pay the expenses incurred in obtaining any report referred to in paragraph (a), he may direct that such expenses be met from moneys appropriated by Parliament for the purpose.

(3) If the superintendent to whom the application is made is of the opinion, after considering the application and the documents accompanying it, that the person or minor for whose admission to a treatment centre application is being made (hereinafter in this section referred to as the patient) is probably such a person as is referred to in section 21(1), and if he is prepared to admit the patient to his treatment centre, he shall notify the patient accordingly, and transmit the application and the said documents and a report as is contemplated in section 21(2) on the patient to the Director-General.

(4) If the Director-General is, at any time after the patient has been so admitted to a treatment centre and after such enquiry as he may deem fit, satisfied that the patient is not such a person as is contemplated in section 21(1) or that he will probably not benefit by the treatment and training provided in a treatment centre or that his admission to a treatment centre has been obtained fraudulently, he may direct that the patient be discharged from the treatment centre in which he is being detained.

(5) Any person admitted under subsection (3) to a treatment centre shall be detained therein as a patient for such period, not exceeding six months, as the management concerned may determine.

(6) Any such person shall, while he remains a patient, be subject to all the applicable provisions of this Act, with the exception of section 39.

Payment of allowances to patients of treatment centres

41. (1) Subject to the provisions of subsection (2), the Minister may, with the concurrence of the Minister of State Expenditure, out of moneys appropriated by Parliament for the purpose, pay allowances to patients of treatment centres.

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

Patients to have access to management and vice versa

42. The patients of a treatment centre or registered treatment centre shall, subject to the prescribed conditions, have the right of personal access to the

like toegang tot die bestuur van daardie behandelingsentrum of geregistreerde behandelingsentrum, en die betrokke bestuur het op sy beurt 'n dergelike reg van toegang tot die pasiënte.

Handhawing van dissipline in behandelingsentrums en geregistreerde behandelingsentrums

5

43. (1) As 'n pasiënt in 'n behandelingsentrum of geregistreerde behandeling-sentrum enige regulasie of reël oortree, kan die superintendent of 'n persoon deur die bestuur aangewys, na die hou van 'n voorgeskrewe ondersoek die voorgeskrewe dissiplinêre stappe teen daardie pasiënt doen ooreenkomstig die voorgeskrewe prosedure, en kan hy die pasiënt enige straf wat deur die regulasies vir 'n oortreding daarvan of van bedoelde reëls voorgeskryf word, oplê.

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

15

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

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(3) As dit vir die landdros blyk dat daar met die skuldigbevinding en straf behoorlik reg geskied het, teken hy sy sertifikaat te dien effekte op die notule aan, en stuur hy die notule onverwyld aan die betrokke superintendent of aangewese persoon terug.

25

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

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Skatting van ouderdom van persoon

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

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

40

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

Getuies uit behandelingsentrum of geregistreerde behandelingsentrum

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45. Die bepalings van artikel 87 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), betreffende gevangenes is *mutatis mutandis* van toepassing met betrekking tot 'n pasiënt in 'n behandelingsentrum of geregistreerde behandelingsentrum.

Opname in behandelingsentrum of geregistreerde behandelingsentrum van persone uit gebiede buite die Republiek

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46. (1) (a) Die Regering van die Republiek, deur die Minister verteenwoordig, kan 'n ooreenkoms aangaan met die regering van enige land vir die opname en die aanhouding in 'n behandelingsentrum of geregistreerde behandelingsentrum in die Republiek, van enigiemand wie se aanhouding in 'n inrigting vir die behandeling van persone wat afhanklik is van dwelms vir 'n tydperk van minstens

55

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

management of that treatment centre or registered treatment centre, and the management concerned shall likewise have a similar right of access to the patients.

Maintenance of discipline in treatment centres and registered treatment centres

5 43. (1) If a patient of a treatment centre or registered treatment centre contravenes any regulation or any rule, the superintendent or a person designated by the management may, after holding a prescribed inquiry, take the prescribed disciplinary steps against that patient in accordance with the prescribed procedure and may impose upon the patient any punishment prescribed
10 by the regulations for a contravention thereof or of such rules.

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

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

(3) If it appears to the magistrate that the conviction and punishment are in accordance with justice, he shall endorse his certificate to that effect upon the record and forthwith return the record to the superintendent or designated
25 person concerned.

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

30 Estimating of age of person

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

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

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

Witnesses from treatment centre or registered treatment centre

45 45. The provisions of section 87 of the Correctional Services Act, 1959 (Act No. 8 of 1959), relating to prisoners shall *mutatis mutandis* apply with reference to a patient of any treatment centre or registered treatment centre.

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

46. (1) (a) The Government of the Republic, represented by the Minister, may
50 enter into an agreement with the government of any country for the admission to and the detention in any treatment centre or registered treatment centre in the Republic, of any person whose detention in any institution for the treatment of persons dependent upon drugs for a period of not less than one year has been

een jaar deur 'n bevoegde hof of beampte van bedoelde gebied volgens die daarin geldende wetsbepalings gelas is.

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

(2) Die Minister kan, met behoorlike inagneming van die bepalinge van artikel 22(6), opdrag gee vir die opname en aanhouding in 'n behandelingsentrum of geregistreerde behandelingsentrum van iemand wie se aanhouding in 'n inrigting vir die behandeling van persone wat afhanklik is van dwelms vir 'n tydperk van minstens een jaar gelas is deur 'n bevoegde hof of beampte van 'n gebied met die regering waarvan die Regering van die Republiek 'n ooreenkoms bedoel in subartikel (1) aangeaan het.

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

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

- (a) die betrokke bestuur nie sonder die goedkeuring van die Direkteur-generaal aan so iemand kragtens artikel 36 afwesigheidsverlof mag toestaan nie;
- (b) onderworpe aan die bepalinge van die ooreenkoms (as daar is) uit hoofde waarvan so iemand in die betrokke behandelingsentrum of geregistreerde behandelingsentrum opgeneem is, so iemand daaruit ontslaan kan word slegs indien die Minister sy ontslag goedkeur.

Delegering van Direkteur-generaal se bevoegdhede

47. Die Direkteur-generaal kan enige van die bevoegdhede wat hierdie Wet aan hom verleen aan enige ander senior beampte deleger.

Regulasies

48. (1) Die Minister kan regulasies uitvaardig met betrekking tot—
- (a) die vorm van 'n aansoek, magtiging, kennisgewing, bevel, register, prosesstuk of getuiedagvaarding, sertifikaat, toestemming of vergunning wat ingevolge hierdie Wet gedoen, verleen, gegee, uitgereik, geplaas of gehou moet of kan word, en enige ander vorm wat by die uitvoering van die bepalinge van hierdie Wet nodig is;
 - (b) die boeke, rekenings, registers of aantekeninge wat gehou moet word deur die bestuur van 'n geregistreerde behandelingsentrum of geregistreerde tehuis;
 - (c) die stigting, instandhouding, bestuur en beheer van behandelingsentrums en tehuise, en die afskaffing van behandelingsentrums en tehuise;
 - (d) die samestelling, prosedure, bevoegdhede en pligte van die bestuur van 'n behandelingsentrum of tehuis, die aanstelling, bedanking en ontslag van lede van sodanige bestuur wat nie beamptes in die Staatsdiens is nie en die betaling aan hulle van toelaes en van redelike klein uitgawes;
 - (e) die bevoegdhede en pligte van die lede van die personeel van behandelingsentrums, tehuise, geregistreerde behandelingsentrums en geregistreerde tehuise;
 - (f) die registrasie van die inrigtings of plekke bedoel in artikel 9(1) of 11(1), die samestelling, prosedure, bevoegdhede en pligte van die besture van geregistreerde behandelingsentrums en geregistreerde tehuise, die opgawes en verslae wat deur sodanige besture verstrek moet word, en die intrekking of teruggewe van sertifikate wat ten opsigte van sodanige

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

ordered by a competent court or officer of the said territory according to the law in force therein.

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

(2) The Minister may, with due regard to the provisions of section 22(6), order the admission to and detention in a treatment centre or registered treatment centre of any person whose detention in an institution for the treatment of persons dependent upon drugs for a period of not less than one year has been ordered by a competent court or officer of a territory with the government of which the Government of the Republic has entered into an agreement referred to in subsection (1).

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

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

(a) the management concerned shall not grant to such person leave of absence under section 36 without the approval of the Director-General;

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

Delegation of Director-General's powers

47. The Director-General may delegate to any other senior officer any of the powers conferred upon him by this Act.

Regulations

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

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

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

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

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

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

(f) the registration of the institutions or places referred to in section 9(1) or 11(1), the constitution, procedure, powers and duties of the managements of registered treatment centres and registered hostels, the returns and reports to be furnished by such managements and the

- geregistreeerde behandelingsentrums of geregistreeerde tehuise verleen is;
- (g) die verwysing van persone na en hul opname in behandelingsentrums of geregistreeerde behandelingsentrums;
- (h) die voorwaardes waarop en die tydperke waarvoor afwesigheidsverlof aan pasiënte in behandelingsentrums of geregistreeerde behandelingsentrums toegestaan kan word, en die intrekking van sodanige afwesigheidsverlof; 5
- (i) die voorskrifte en voorwaardes onderworpe waaraan pasiënte met vergunning vrygelaat kan word, die manier waarop oor sodanige pasiënte toesig gehou word, en die intrekking van sodanige vergunnings; 10
- (j) die oorplasing en heroorplasing van pasiënte kragtens artikels 27 tot en met 35;
- (k) die aangeleenthede met betrekking waartoe die bestuur van 'n behandelingsentrum, tehuis, geregistreeerde behandelingsentrum of geregistreeerde tehuis van tyd tot tyd reëls kan voorskryf vir die behoorlike huishoudelike administrasie en beheer daarvan;
- (l) die handhawing van goeie orde en dissipline in behandelingsentrums, tehuise, geregistreeerde behandelingsentrums en geregistreeerde tehuise, en die behandeling, opleiding, versorging en in bedwang hou van die pasiënte van behandelingsentrums, tehuise, geregistreeerde behandelingsentrums en geregistreeerde tehuise of van persone wat tydelik ingevolge enige bepaling van hierdie Wet daarin aangehou word; 20
- (m) die instaatstelling van pasiënte om hul godsdienst te beoefen en van die leraars van hul onderskeie gelowe om toegang tot hulle te hê; 25
- (n) die voorwaardes waarop pasiënte die reg van toegang tot die bestuur het, en andersom;
- (o) die ontheffing van pasiënte van 'n behandelingsentrum of geregistreeerde behandelingsentrum van die bepalings van hierdie Wet;
- (p) die pligte wat verrig moet word deur die pasiënte van 'n behandeling-sentrum of geregistreeerde behandelingsentrum tydens hul aanhouding daarin, en die ure en voorwaardes van sodanige pligte; 30
- (q) die voorwaardes waarop vrywillige pasiënte in 'n behandelingsentrum opgeneem kan word, hulle vervoer daarheen en hulle vervoer daarvan-daar na hulle tuistes, die gelde wat ten opsigte van hulle vervoer, onderhoud of ander dienste aan hulle gelewer, betaalbaar is en die omstandighede waaronder sodanige pasiënte van die verpligting om enige sodanige gelde te betaal, onthef kan word; 35
- (r) die beskikking, deur verkoping of andersins, oor enige eiendom wat in besit is van die bestuur van 'n behandelingsentrum of geregistreeerde behandelingsentrum en wat behoort aan 'n pasiënt wat weggeloop het of ingevolge artikel 39(1) geag word weg te geloop het, of wat gesterf het of versuim het om sodanige eiendom op te eis of in ontvangs te neem, en in die geval van die verkoop van die eiendom, die beskikking oor die opbrengs van die verkoping; 40
- (s) die vereistes bedoel in artikel 23(1)(c);
- (t) enige aangeleentheid wat ingevolge een of ander bepaling van hierdie Wet by regulasie voorgeskryf moet of kan word;
- (u) in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik. 45
- (2) Regulasies wat op enige finansiële aangeleentheid of 'n aangeleentheid wat daarmee in verband staan, betrekking het, word met die instemming van die Minister van Staatsbesteding uitgevaardig.
- (3) (a) Regulasies kragtens subartikel (1) uitgevaardig, kan strawwe voorskryf vir 'n oortreding daarvan of van enige reëls deur die bestuur van 'n behandeling-sentrum of geregistreeerde behandelingsentrum kragtens die by regulasie aan hom verleende bevoegdhede voorgeskryf. 50
- (b) Vir sover hulle betrekking het op persone wat nie pasiënte is nie, mag sodanige strawwe 'n boete van R200 nie te bowe gaan nie, en vir sover hulle op pasiënte betrekking het, kan hulle een of meer van die ondervermelde vorms aanneem— 60
- (i) verbeuring van een of meer bepaalde voorregte vir 'n bepaalde tydperk;
- (ii) verbeuring van toelaes, geheel of ten dele, vir 'n bepaalde tydperk;

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

- withdrawal or surrender of certificates granted in respect of such registered treatment centres or registered hostels;
- (g) the committal and admission of persons to treatment centres or registered treatment centres;
- 5 (h) the conditions subject to which and the periods for which leave of absence may be granted to patients of treatment centres or registered treatment centres, and the revocation of such leave of absence;
- (i) the terms and conditions subject to which patients may be released on licence, the method of supervision of such patients and the revocation
- 10 of such licences;
- (j) the transfer and retransfer of patients under sections 27 to 35 inclusive;
- (k) the matters with regard to which the management of a treatment centre, hostel, registered treatment centre or registered hostel may from time to time prescribe rules for the proper domestic administra-
- 15 tion and control thereof;
- (l) the maintenance of good order and discipline in treatment centres, hostels, registered treatment centres and registered hostels, and the treatment, training, care and control of the patients of treatment centres, hostels, registered treatment centres and registered hostels or
- 20 of persons who are detained temporarily therein in terms of any provision of this Act;
- (m) enabling patients to practise their religion and the ministers of their respective denominations to have access to them;
- (n) the conditions subject to which patients shall have the right of access to the management, and *vice versa*;
- 25 (o) the discharge of patients of a treatment centre or registered treatment centre from the provisions of this Act;
- (p) the duties to be performed by the patients of a treatment centre or registered treatment centre during their detention therein, and the
- 30 hours and conditions of such duties;
- (q) the conditions subject to which voluntary patients may be admitted to any treatment centre, their transport thereto and their transport therefrom to their homes, the fees payable in respect of their transport, maintenance or other services rendered to them and the circumstances
- 35 in which such patients may be exempted from the obligation to pay any such fees;
- (r) the disposal by sale or otherwise of any property in the possession of the management of any treatment centre or registered treatment centre and belonging to any patient who has absconded or is in terms of
- 40 section 39(1) deemed to have absconded, or has died or has failed to claim or receive such property and, where the property has been sold, the disposal of the proceeds of the sale;
- (s) the requirements referred to in section 23(1)(c);
- (t) any matter which, in terms of any provision of this Act, shall or may be
- 45 prescribed by regulation;
- (u) generally, all matters which he considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- (2) Regulations relating to any financial matter or any matter connected therewith, shall be made with the concurrence of the Minister of State
- 50 Expenditure.
- (3) (a) Regulations made under subsection (1) may prescribe penalties for any contravention thereof or of any rules prescribed by the management of a treatment centre or registered treatment centre under powers conferred upon it by regulation.
- 55 (b) Such penalties shall, in so far as they relate to persons who are not patients, not exceed a fine of R200, and in so far as they relate to patients, may take any one or more of the following forms—
- (i) forfeiture of one or more specified privileges for a specified period;
- (ii) forfeiture of allowances, wholly or in part, for a specified period;

(iii) verlenging van gewone arbeidsure met hoogstens een uur per dag vir 'n tydperk van hoogstens twee dae.

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

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

Uitvoering van Wet

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

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

Vervanging van artikel 255 van Wet 51 van 1977

50. Artikel 255 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

“Hof kan ondersoek gelas kragtens die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992

255. (1) (a) Indien dit gedurende die verhoor in 'n hof van 'n persoon wat aangekla word van 'n ander misdryf as 'n misdryf ten opsigte waarvan die doodvonnis opgelê kan word, aan die regter of regterlike amptenaar wat by die verhoor voorsit, blyk dat bedoelde persoon waarskynlik iemand is soos beskryf in artikel [29(1)] 21(1) van die Wet op die [Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971] Voorkoming en Behandeling van Dwelmafhanklikheid, 1992 (in hierdie artikel die bedoelde Wet genoem), kan die regter of regterlike amptenaar, met instemming van die aanklaer wat gegee word na oorleg met 'n [volkswelsynbeampte] maatskaplike werker soos omskryf in artikel 1 van bedoelde Wet, die verhoor staak en gelas dat 'n ondersoek ingevolge artikel [30] 22 van bedoelde Wet ten opsigte van die betrokke persoon gehou word deur 'n landdros soos in artikel 1 van bedoelde Wet omskryf en in die lasgewing aangedui.

(b) Die aanklaer verleen nie sy instemming ingevolge paragraaf (a) nie indien die betrokke persoon iemand is ten opsigte van wie die oplegging van gevangenisstraf [behalwe die in subparagraaf (iii) of (iv) van artikel 2 van bedoelde Wet genoemde gevangenisstraf] verpligtend sou wees indien hy by bedoelde verhoor skuldig bevind sou word.

(2) (a) Indien die betrokke persoon in bewaring is, word hy vir alle

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

- (iii) increase of normal hours of labour by not more than one hour per day for a period not exceeding two days.
- (c) If any form of punishment referred to in subparagraph (iii) of paragraph (b) is prescribed, the regulations shall specifically provide that no such form of punishment may be imposed unless the medical officer responsible for the medical care of the patient concerned has certified that such punishment will, in his opinion, not be harmful to the health of that patient.
- (4) Different regulations may be made under subsection (1) in respect of different treatment centres, hostels, registered treatment centres or registered hostels or different categories of treatment centres, hostels, registered treatment centres or registered hostels, and the Minister may also in such regulations differentiate in any manner he may deem fit between different groups of patients in treatment centres, hostels, registered treatment centres or registered hostels generally or in any particular treatment centre, hostel, registered treatment centre or registered hostel.

Administration of Act

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

Substitution of section 255 of Act 51 of 1977

50. The following section is hereby substituted for section 255 of the Criminal Procedure Act, 1977:

“Court may order enquiry under Prevention and Treatment of Drug Dependency Act, 1992

255. (1) (a) If in any court during the trial of a person who is charged with an offence other than an offence in respect of which the sentence of death may be passed, it appears to the judge or judicial officer presiding at the trial that such person is probably a person as is described in section **[29(1)] 21(1)** of the **[Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971]** Prevention and Treatment of Drug Dependency Act, 1992 (in this section referred to as the said Act), the judge or judicial officer may, with the consent of the prosecutor given after consultation with a social **[welfare officer]** worker as defined in section 1 of the said Act, stop the trial and order that an enquiry be held in terms of section **[30] 22** of the said Act in respect of the person concerned by a magistrate as defined in section 1 of the said Act and indicated in the order.
- (b) The prosecutor shall not give his consent in terms of paragraph (a) if the person concerned is a person in respect of whom the imposition of punishment of imprisonment **[except the punishment referred to in subparagraph (iii) or (iv) of section 2 of the said Act]** would be compulsory if he were convicted at such trial.
- (2) (a) If the person concerned is in custody he shall for all

doeleindes geag ooreenkomstig 'n lasbrief in hegtenis geneem te gewees het wat ingevolge artikel **[29(1)] 21(1)** van bedoelde Wet uitgereik is en word hy so spoedig doenlik voor bedoelde landdros gebring.

(b) Indien die betrokke persoon nie in bewaring is nie, bepaal bedoelde regter of regterlike amptenaar die tyd wanneer en plek waar die betrokke persoon voor bedoelde landdros moet verskyn, en hy word daarna vir alle doeleindes geag ooreenkomstig artikel **[29(1)] 21(1)** van bedoelde Wet gedagvaar te gewees het om op die aldus bepaalde tyd en plek voor bedoelde landdros te verskyn.

(3) So spoedig moontlik nadat 'n lasgewing ingevolge subartikel (1) van hierdie artikel uitgereik is, verkry 'n aanklaer wat aan die hof van bedoelde landdros verbonde is 'n verslag soos in artikel **[29(2)] 21(2)** van bedoelde Wet vermeld.

(4) Die bepalinge van bedoelde Wet is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat voor 'n landdros, soos in artikel 1 van bedoelde Wet omskryf, ingevolge 'n lasgewing verskyn wat ooreenkomstig subartikel (1) van hierdie artikel uitgereik is, asof hy iemand is wat ooreenkomstig artikel **[29(1)] 21(1)** van bedoelde Wet voor bedoelde landdros gebring is en asof die verslag ooreenkomstig subartikel (3) van hierdie artikel verkry, 'n verslag is wat ooreenkomstig artikel **[29(2)] 21(2)** van bedoelde Wet verkry is.

(5) Indien 'n lasgewing ingevolge subartikel (1) gedurende die loop van 'n verhoor, hetsy voor of na skuldigbevinding, uitgereik word en 'n landdros ooreenkomstig bedoelde Wet beveel dat die betrokke persoon in 'n **[rehabilitasiesentrum]** behandelingsentrum of geregistreerde **[rehabilitasiesentrum]** behandelingsentrum aangehou word, is die verrigtinge by die verhoor nietig vir sover dit die betrokke persoon betref.

(6) 'n Afskrif van die oorkonde van die verrigtinge by die verhoor wat deur die griffier of klerk van die hof of ander beampte belas met die bewaring van die oorkonde van bedoelde verrigtinge of deur die adjunk van bedoelde griffier, klerk of ander beampte of, in die geval waar die verrigtinge in snelskrif of op meganiese wyse afgeneem is, deur die persoon wat die verrigtinge getranskribeer het, as 'n juiste afskrif gewaarmerk is of voorgee gewaarmerk te wees, kan by bedoelde ondersoek as getuienis voorgelê word.

[(7) By die toepassing van die bepalinge van hierdie artikel met betrekking tot 'n Kleurling soos omskryf in die Wet op Rehabilitasiesentrums vir Kleurlinge, 1971, van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika (Wet 1 van 1971), word 'n verwysing—

(a) na 'n bepaling van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, behalwe in die geval van subartikel (1)(b), uitgelê as 'n verwysing na 'n ooreenstemmende bepaling van bedoelde Wet op Rehabilitasiesentrums vir Kleurlinge, 1971;

(b) na 'n 'volkswelsynbeampte' en 'n 'landdros' uitgelê as 'n verwysing onderskeidelik na 'n 'maatskaplike werker' en 'n 'landdros' soos in bedoelde Wet op Rehabilitasiesentrums vir Kleurlinge, 1971, omskryf.]'

Vervanging van artikel 296 van Wet 51 van 1977, soos gewysig deur artikel 15 van Wet 56 van 1979, artikel 7 van Wet 64 van 1982, artikel 11 van Wet 26 van 1987 en artikel 46 van Wet 122 van 1991

51. Artikel 296 van die Strafproseswet, 1977, word hierby deur die volgende artikel vervang:

“Verwysing na behandelingsentrum

296. (1) 'n Hof wat iemand aan enige misdryf skuldig bevind, kan, benewens of in plaas van 'n vonnis ten opsigte van daardie misdryf,

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

purposes be deemed to have been arrested in terms of a warrant issued under section **[29(1)] 21(1)** of the said Act and shall as soon as practicable be brought before the said magistrate.

5 (b) If the person concerned is not in custody the said judge or judicial officer shall determine the time when and the place where the person concerned shall appear before the said magistrate, and he shall thereafter for all purposes be deemed to have been summoned in terms of section **[29(1)] 21(1)** of the said Act to appear before the said magistrate at the time and place so determined.

10 (3) As soon as possible after an order has been made under subsection (1) of this section, a prosecutor attached to the court of the said magistrate shall obtain a report as is mentioned in section **[29(2)] 21(2)** of the said Act.

15 (4) The provisions of the said Act shall *mutatis mutandis* apply in respect of a person who appears before a magistrate, as defined in section 1 of the said Act, in pursuance of an order made under subsection (1) of this section as if he were a person brought before the said magistrate in terms of section **[29(1)] 21(1)** of the said Act and as if the report obtained in terms of subsection (3) of this section were a report obtained in terms of section **[29(2)] 21(2)** of the said Act.

20 (5) If an order is made under subsection (1) in the course of a trial, whether before or after conviction, and a magistrate under the said Act orders that the person concerned be detained in a **[rehabilitation] treatment centre** or registered **[rehabilitation] treatment centre**, the proceedings at the trial shall be null and void in so far as such person is concerned.

25 (6) A copy of the record of the proceedings at the trial, certified or purporting to be certified by the registrar or clerk of the court or other officer having custody of the record of such proceedings or by the deputy of such registrar, clerk or other officer or, in the case where the proceedings were taken down in shorthand or by mechanical means, by the person who transcribed the proceedings, as a true copy of such record, may be produced at the said enquiry as evidence.

30 **[(7) In applying the provisions of this section with reference to a Coloured person as defined in the Coloured Persons Rehabilitation Centres Law, 1971, of the Coloured Persons Representative Council of the Republic of South Africa (Law 1 of 1971), any reference—**

40 (a) to a provision of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, shall, except in the case of subsection (1)(b), be construed as a reference to a corresponding provision of the said Coloured Persons Rehabilitation Centres Law, 1971;

45 (b) to a 'social welfare officer' and a 'magistrate' shall be construed as a reference to a 'social worker' and a 'magistrate', respectively, as defined in the said Coloured Persons Rehabilitation Centres Law, 1971.]'

50 **Substitution of section 296 of Act 51 of 1977, as amended by section 15 of Act 56 of 1979, section 7 of Act 64 of 1982, section 11 of Act 26 of 1987 and section 46 of Act 122 of 1991**

51. The following section is hereby substituted for section 296 of the Criminal Procedure Act, 1977:

"Committal to treatment centre

55 **296.** (1) A court convicting any person of any offence may, in addition to or in lieu of any sentence in respect of such offence, order

beveel dat die persoon aangehou word by 'n **[rehabilitasiesentrum]** behandelingsentrum ingestel kragtens die Wet op die **[Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet 41 van 1971)] Voorkoming en Behandeling van Dwelmafhanklikheid, 1992**, indien die hof uit die getuienis of enige ander inligting 5 voor hom geplaas, wat in elk van bedoelde gevalle die verslag van 'n proefbeampte moet insluit, oortuig is dat so 'n persoon iemand is soos beskryf in artikel **[29(1)] 21(1)** van genoemde Wet, en bedoelde bevel word by die toepassing van genoemde Wet geag ingevolge artikel **[30]** 10 22 daarvan gegee te gewees het: Met dien verstande dat bedoelde bevel nie benewens 'n vonnis van gevangenisstraf (hetsy regstreeks of as alternatief vir 'n boete) gegee word nie tensy die tenuitvoerlegging van die geheel van bedoelde vonnis opgeskort word.

[(2) By die toepassing van die bepalings van hierdie artikel met betrekking tot 'n Kleurling soos omskryf in die Wet op Rehabilitasiesentrums vir Kleurlinge, 1971, van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika (Wet 1 van 1971), word 'n verwysing na 'n bepaling van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971, uitgelê as 'n verwysing na 'n ooreenstemmende bepaling van bedoelde Wet op Rehabilitasiesentrums vir Kleurlinge, 1971. 15

(3) [(2) (a) Waar 'n hof iemand kragtens subartikel (1) na 'n [rehabilitasiesentrum] behandelingsentrum verwys het en so iemand later bevind word nie geskik te wees vir behandeling in sodanige [rehabilitasiesentrum] behandelingsentrum nie, kan daar met so 25 iemand mutatis mutandis ooreenkomstig die bepalings van artikel 276A(4) gehandel word.

(b) By die toepassing van die bepalings van paragraaf (a) word die uitdrukking 'n proefbeampte of die Kommissaris' in artikel 276A(4) 30 uitgelê as die persoon aan die hoof van die [rehabilitasiesentrum] behandelingsentrum of sy gemagtigde."

Herroeping van wette, en voorbehoude

52. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom van die Bylae uiteengesit. 35

(2) Enige proklamasie, regulasie, reël, kennisgewing, bevel, aanstelling, magtiging, afwesigheidsverlof, vergunning, ooreenkoms, betaling of sertifikaat uitgereik, uitgevaardig, voorgeskryf, gemaak, verleen, toegestaan of aangegaan en enige ander handeling wat gedoen is kragtens 'n bepaling van 'n wetsbepaling wat by subartikel (1) herroep word, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, voorgeskryf, gemaak, verleen, 40 toegestaan, aangegaan of gedoen te gewees het.

Kort titel en inwerkingtreeding

53. Hierdie Wet heet die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal, en verskillende datums kan aldus 45 ten opsigte van verskillende bepalings daarvan bepaal word.

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

that the person be detained at a **[rehabilitation]** treatment centre established under the **[Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971)]** Prevention and Treatment of Drug Dependency Act, 1992, if the court is satisfied from the evidence or from any other information placed before it, which shall in either of the said cases include the report of a probation officer, that such person is a person as is described in section **[29(1)]** 21(1) of the said Act, and such order shall for the purposes of the said Act be deemed to have been made under section **[30]** 22 thereof: Provided that such order shall not be made in addition to any sentence of imprisonment (whether direct or as an alternative to a fine) unless the operation of the whole of such sentence is suspended.

[(2) In applying the provisions of this section with reference to a Coloured person as defined in the Coloured Persons Rehabilitation Centres Law, 1971, of the Coloured Persons Representative Council of the Republic of South Africa (Law 1 of 1971), any reference to a provision of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971, shall be construed as a reference to a corresponding provision of the said Coloured Persons Rehabilitation Centres Law, 1971.]

(3) [(2) (a)] Where a court has referred a person to a **[rehabilitation]** treatment centre under subsection (1) and such person is later found not to be fit for treatment in such **[rehabilitation]** treatment centre, such person may be dealt with *mutatis mutandis* in accordance with the provisions of section 276A(4).

(b) For the purposes of the provisions of paragraph (a) the expression 'a probation officer or the Commissioner' in section 276A(4) shall be construed as the person at the head of the **[rehabilitation]** treatment centre or a person authorized by him."

Repeal of laws, and savings

52. (1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Any proclamation, regulation, rule, notice, order, appointment, authorization, leave of absence, licence, agreement, payment or certificate issued, made, prescribed, given, granted or entered into and any other action taken under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, prescribed, given, granted, entered into or taken under the corresponding provision of this Act.

Short title and commencement

53. This Act shall be called the Prevention and Treatment of Drug Dependency Act, 1992, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, and different dates may be so fixed in respect of different provisions thereof.

Wet No. 20, 1992

WET OP DIE VOORKOMING EN BEHANDELING
VAN DWELMAFHANKLIKHEID, 1992

Bylae

WETTE HERROEP

No. en jaar van Wet	Kort titel	Omvang van herroeping
Wet No. 86 van 1963	Wet op Toevlugte en Rehabilitasiesentrums, 1963	Soveel as wat nie herroep is nie.
Wet No. 41 van 1971	Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971	Die geheel, behalwe Hoofstuk 1 en die Bylae.
Wet No. 80 van 1973	Wysigingswet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1973	Artikels 1, 6, 7, 8 en 9.
Wet No. 14 van 1977	Wysigingswet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1977	Artikels 1 en 3.
Wet No. 36 van 1982	Wet op die Toepassing van Wette van die Verteenwoordigende Kleurlingraad, 1982	Artikel 1.
Wet No. 1 van 1971 (Verteenwoordigende Kleurlingraad)	Wet op Rehabilitasiesentrums vir Kleurlinge, 1971	Die geheel.
Wet No. 1 van 1972 (Verteenwoordigende Kleurlingraad)	Wysigingswet op Rehabilitasiesentrums vir Kleurlinge, 1972	Die geheel.
Wet No. 1 van 1977 (Verteenwoordigende Kleurlingraad)	Wysigingswet op Rehabilitasiesentrums vir Kleurlinge, 1977	Die geheel.

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY ACT, 1992

Act No. 20, 1992

Schedule**LAWS REPEALED**

No. and year of Act	Short title	Extent of repeal
Act No. 86 of 1963	Retreats and Rehabilitation Centres Act, 1963	So much as is unrepealed.
Act No. 41 of 1971	Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971	The whole, except Chapter 1 and the Schedule.
Act No. 80 of 1973	Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1973	Sections 1, 6, 7, 8 and 9.
Act No. 14 of 1977	Abuse of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1977	Sections 1 and 3.
Act No. 36 of 1982	Laws of the Coloured Persons Representative Council Application Act, 1982	Section 1.
Law No. 1 of 1971 (Coloured Persons Representative Council)	Coloured Persons Rehabilitation Centres Law, 1971	The whole.
Law No. 1 of 1972 (Coloured Persons Representative Council)	Coloured Persons Rehabilitation Centres Amendment Law, 1972	The whole.
Law No. 1 of 1977 (Coloured Persons Representative Council)	Coloured Persons Rehabilitation Centres Amendment Law, 1977	The whole.

Schedule

LAW REPEALED

Act and year of Act	Short title	Extent of repeal
Act No. 28 of 1963	Repealing and Revocation of Dependent Acts, 1963	So much as is repealed
Act No. 11 of 1951	Act of Dependence-producing Substances and Rehabilitation Centres Act, 1951	The whole except Chapter and the Schedule
Act No. 30 of 1953	Act of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1953	Sections 1, 2, 3 and 4
Act No. 14 of 1957	Act of Dependence-producing Substances and Rehabilitation Centres Amendment Act, 1957	Sections 1 and 2
Act No. 35 of 1960	Law of the Colonial Prisoners Representation Council Amendment Act, 1960	Section 1
Law No. 1 of 1951 (Colonial Prisoners Representation Council)	Colonial Prisoners Representation Council Law, 1951	The whole
Law No. 1 of 1953 (Colonial Prisoners Representation Council)	Colonial Prisoners Representation Council Law, 1953	The whole
Law No. 1 of 1955 (Colonial Prisoners Representation Council)	Colonial Prisoners Representation Council Amendment Law, 1955	The whole



