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VAN  
SUID-AFRIKA



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OF  
SOUTH AFRICA

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No. 14196

## PROKLAMASIE

*van die*

*Staatspresident*

*van die Republiek van Suid-Afrika*

**No. R. 85, 1992**

INWERKINGTREDING VAN ARTIKELS 4, 5, 6 EN 7 VAN DIE STRAFREGWYSIGINGSWET, 1991 (WET No. 135 VAN 1991)

Kragtens artikel 8 van die Strafwysigingswet, 1991 (Wet No. 135 van 1991), bepaal ek hierby **31 Julie 1992** as die datum waarop artikels 4, 5, 6 en 7 van genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die 30ste dag van Julie Eenduisend Negehoenderd Twee-en-negentig.

**F. W. DE KLERK,**

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

**H. J. COETSEE,**

Minister van die Kabinet.

## PROCLAMATION

*by the*

*State President*

*of the Republic of South Africa*

**No. R. 85, 1992**

COMMENCEMENT OF SECTIONS 4, 5, 6 AND 7 OF THE CRIMINAL LAW AMENDMENT ACT, 1991 (ACT No. 135 OF 1991)

Under section 8 of the Criminal Law Amendment Act, 1991 (Act No. 135 of 1991), I hereby fix **31 July 1992** as the date on which sections 4, 5, 6 and 7 of the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 30th day of July, One thousand Nine hundred and Ninety-two.

**F. W. DE KLERK,**

State President.

By Order of the State President-in-Cabinet:

**H. J. COETSEE,**

Minister of the Cabinet.

## GOEWERMENSKENNISGEWING

### DEPARTEMENT VAN JUSTISIE

**No. R. 2204**

**31 Julie 1992**

REGULASIES UITGEVAARDIG KRAGTENS DIE STRAFPROSESWET, 1977 (WET No. 51 VAN 1977)

Die Minister van Justisie het kragtens artikel 185A (5) van die Strafwysigingswet, 1977 (Wet No. 51 van 1977), die regulasies in die Bylae uitgevaardig.

480—A

## GOVERNMENT NOTICE

### DEPARTMENT OF JUSTICE

**No. R. 2204**

**31 July 1992**

REGULATIONS MADE UNDER THE CRIMINAL PROCEDURE ACT, 1977 (ACT No. 51 OF 1977)

The Minister of Justice has, under section 185A (5) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), made the regulations in the Schedule.

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## HOOFSTUK I: ALGEMENE BEPALINGS

### Woordomskrywing

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg, en, tensy uit die samehang anders blyk, beteken—

“**aangehoudene**” ’n persoon wat kragtens artikel 185A (2) (a) (i) van die Wet in beskermende bewaring aangehou word;

“**beskernde persoon**” ’n persoon wat kragtens artikel 185A (2) (a) (ii) van die Wet in beskermende bewaring geplaas is;

“**beveiligingsbeampte**” ’n persoon ingevolge regulasie 15 as ’n beveiligingsbeampte aangewys;

“**bevelhebber**” die persoon in beheer van die polisiekantoor of gevangenis wat ’n beskernde persoon in bewaring geplaas het of die persoon ingevolge regulasie 15 (2) (a) aangewys om ’n plasing te behartig;

“**die Wet**” die Strafproseswet, 1977 (Wet No. 51 van 1977);

“**Direkteur-generaal**” die Direkteur-generaal: Justisie of ’n beampte in die Staatsdiens in die algemeen of vir ’n bepaalde aangeleentheid deur hom aangewys;

“**geneeskundige beampte**” ’n geneeskundige beampte soos omskryf in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959);

“**lid**” ’n lid van die Mag soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), ’n lid van die Korrektiewe Dienste soos bedoel in artikel 2 (1) van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), of ’n tydelike bewaarder wat as sodanig kragtens artikel 9 (1) van die Wet op Korrektiewe Dienste, 1959, aangestel is; en

“**plek van veiligheid**” ’n plek bedoel in regulasie 7 waar ’n aangehoudende in beskermende bewaring aangehou word.

### Aansoek om en magtiging tot beskermende bewaring

2. (1) ’n Getuie of voornemende getuie bedoel in artikel 185A (1) van die Wet doen in die vorm van Vorm A in die Aanhangsel aansoek om beskermende bewaring vir homself, ’n lid van sy familie of gesin, of ’n afhanklike van hom of van so ’n lid.

(2) ’n Getuie of voornemende getuie wat kragtens subregulasie (1) vir homself om beskermende bewaring aansoek doen, of waar so ’n getuie of voornemende getuie minderjarig is, sy ouer of voog, moet in die vorm van Vorm B in die Aanhangsel magtiging verleen tot beskermende bewaring alvorens hy in beskermende bewaring aangehou of geplaas word.

(3) ’n Lid van die familie of gesin van ’n getuie of voornemende getuie, of ’n afhanklike van so ’n getuie of voornemende getuie of lid, namens wie kragtens subregulasie (1) aansoek om beskermende bewaring gedoen word, of waar so ’n lid of afhanklike minderjarig is, sy ouer of voog, moet in die vorm van Vorm C in die Aanhangsel magtiging verleen tot beskermende bewaring alvorens hy in beskermende bewaring aangehou of geplaas word.

## CHAPTER I: GENERAL PROVISIONS

### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning, and unless the context otherwise indicates—

“**commander**” means the person who is in charge of the police station or prison and who has placed a protected person in custody or the person designated in terms of regulation 15 (2) (a) to deal with a placing;

“**detainee**” means a person detained in protective custody under section 185A (2) (a) (i) of the Act;

“**Director-General**” means the Director-General: Justice or an officer in the public service designated by him in general or for a particular matter;

“**medical officer**” means a medical officer as defined in section 1 of the Correctional Services Act, 1959 (Act No. 8 of 1959);

“**member**” means a member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), a member of the Correctional Services as referred to in section 2 (1) of the Correctional Services Act, 1959 (Act No. 8 of 1959), or a temporary warder appointed as such under section 9 (1) of the Correctional Services Act, 1959;

“**place of safety**” means a place referred to in regulation 7 where a detainee is detained in protective custody;

“**protected person**” means a person placed under protective custody under section 185A (2) (a) (ii) of the Act;

“**security officer**” means a person designated a security officer in terms of regulation 15; and

“**the Act**” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

### Application and authorization for protective custody

2. (1) Any witness or prospective witness referred to in section 185A (1) of the Act shall make application in the form of Form A in the Annexure for protective custody for himself, any member of his family or household, or any dependant of his or of such member.

(2) Any witness or prospective witness who has made application under subregulation (1) for protective custody for himself, or where such witness or prospective witness is a minor his parent or guardian, shall give authorization in the form of Form B in the Annexure for protective custody before he is detained in or placed under protective custody.

(3) Any member of the family or household of a witness or prospective witness or any dependant of such witness or prospective witness or member on behalf of whom application is made under subregulation (1) for protective custody, or where such member or dependant is a minor his parent or guardian, shall give authorization in the form of Form C in the Annexure for protective custody before he is detained in or placed under protective custody.

### Verbod op openbaarmaking van sekere inligting

3. Niemand mag enige inligting wat die strekking het dat—

- (a) die identiteit van 'n persoon wat aansoek om beskermende bewaring gedoen het of wat daartoe magtiging verleen het of wat in beskermende bewaring is of was; of
- (b) die plek waar 'n aangehoudene of beskermde persoon hom in beskermende bewaring bevind,

geopenbaar word, behalwe met toestemming van die prokureur-generaal of vir amptelike doeleindes of vir die doel van regsverrigtinge, aan 'n ander persoon verstrek nie.

### Oorplasing

4. (1) (a) 'n Aangehoudene kan te eniger tyd deur of op bevel van die persoon in beheer van die plek van veiligheid waar hy aangehou word, in oorleg met die prokureur-generaal, na 'n ander plek van veiligheid oorgeplaas word of na 'n plek oorgeplaas word om in beskermende bewaring geplaas te word.

(b) 'n Beskermde persoon kan te eniger tyd deur of op bevel van die bevelhebber, in oorleg met die prokureur-generaal, na 'n ander plek in beskermende bewaring oorgeplaas word of na 'n plek van veiligheid oorgeplaas word om in beskermende bewaring aangehou te word.

(2) (a) 'n Aangehoudene wat ingevolge subregulasie (1) (a) oorgeplaas is na 'n plek waar hy in beskermende bewaring geplaas word, word geag van al die bepalings van die regulasies wat op 'n aangehoudene van toepassing is, onthef te wees, en word *mutatis mutandis* aan die bepalings van al die regulasies wat op 'n beskermde persoon van toepassing is, onderworpe gestel asof hy in eerste instansie in beskermende bewaring geplaas was.

(b) 'n Beskermde persoon wat ingevolge subregulasie (1) (b) oorgeplaas is na 'n plek van veiligheid waar hy in beskermende bewaring aangehou word, word geag van al die bepalings van die regulasies wat op 'n beskermde persoon van toepassing is, onthef te wees, en word *mutatis mutandis* aan al die bepalings van die regulasies wat op 'n aangehoudene van toepassing is, onderworpe gestel asof hy in eerste instansie in beskermende bewaring aangehou was.

### Ontslag uit beskermende bewaring

5. Behoudens die bepalings van artikel 185A (4) bly 'n aangehoudene of beskermde persoon in beskermende bewaring totdat—

- (a) hy of, indien hy minderjarig is, sy ouer of voog 'n ontslag uit aanhouding of 'n afstanddoening van beskerming in die vorm van Vorm D in die Aanhangsel ingevul en onderteken het en dit aan die persoon in beheer van die plek van veiligheid of die bevelhebber, na gelang van die geval, voorgelê is; of
- (b) die persoon in beheer van die plek van veiligheid waar 'n aangehoudene aangehou word, of die bevelhebber ten opsigte van 'n beskermde persoon hom ontslaan op grond van die prokureur-generaal se skriftelike mededeling bedoel in artikel 185A (3) van die Wet.

### Prohibition on disclosure of certain information

3. No person shall furnish any other person with any information that has the effect that—

- (a) the identity of any person who applied for protective custody or who gave authorization thereto or who is or was in protective custody; or
- (b) the place where a detainee or protected person is in protective custody,

is disclosed, except with the permission of the attorney-general or for official purposes or for the purpose of judicial proceedings.

### Transfer

4. (1) (a) A detainee may at any time by or by order of the person in charge of the place of safety where he is being detained, in consultation with the attorney-general, be transferred to another place of safety or be transferred to a place where he is to be placed in protective custody.

(b) A protected person may at any time by or by order of the commander, in consultation with the attorney-general, be transferred to another place in protective custody or be transferred to a place of safety where he is to be detained in protective custody.

(2) (a) Any detainee transferred to a place where he is placed in protective custody in terms of subregulation (1) (a) shall be deemed to be discharged from all the provisions of the regulations applicable to a detainee, and shall *mutatis mutandis* become subject to all the provisions of the regulations applicable to a protected person, as if he had in the first instance been placed in protective custody.

(b) Any protected person transferred in terms of subregulation (1) (b) to a place of safety where he is detained in protective custody shall be deemed to be discharged from all the provisions of the regulations applicable to a protected person and shall *mutatis mutandis* become subject to all the provisions of the regulations applicable to a detainee, as if he had in the first instance been detained in protective custody.

### Discharge from protective custody

5. Subject to the provisions of section 185A (4) a detainee or protected person shall remain under protective custody until—

- (a) he, or if he is a minor his parent or guardian, has completed and signed a discharge from detention or a waiver of protection in the form of Form D in the Annexure and has submitted it to the person in charge of the place of safety or the commander, as the case may be; or
- (b) the person in charge of the place of safety where a detainee is being detained, or the commander in respect of a protected person discharges him on the grounds of the written advice of the attorney-general referred to in section 185A (3) of the Act.

**Uitgawes in verband met beskermende bewaring**

6. (1) Die Direkteur-generaal kan magtiging verleen dat enige uitgawes wat in verband met die beskermende bewaring van iemand kragtens hierdie regulasies aangegaan is, uit staatsfondse bestry word.

(2) Die Direkteur-generaal kan vir die doeleindes van hierdie regulasie ooreenkomste met enige persoon aangaan.

**HOOFSTUK II:****AANHOUDING IN BESKERMEDE BEWARING****Aanhouding in plek van veiligheid**

7. 'n Persoon wat ooreenkomstig die bepalings van regulasie 2 aansoek gedoen het om in beskermende bewaring aangehou te word en magtiging daartoe verleen het, word in 'n gevangenis soos omskryf in artikel 1 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), of 'n polisie- of -opsluitplek aangehou.

**Visentering**

8. 'n Aangehoudene kan deur 'n lid of op bevel van so 'n lid, indien sodanige lid dit nodig ag, gevisenteer word: Met dien verstande dat die visentering van 'n aangehoudene met streng behoud van welvoeglikheid en orde uitgevoer word en dat 'n man slegs deur 'n man en 'n vrou slegs deur 'n vrou gevisenteer word.

**Beslaglegging**

9. Enige voorwerp wat na die oordeel van 'n lid nie in belang van die aangehoudene se veiligheid of die veiligheid van enige ander persoon of in belang van die goeie orde in die plek van veiligheid is nie, kan deur sodanige lid op beslag gelê, in 'n register aangeteken en in veilige bewaring geplaas word.

**Beskikking oor private eiendom van 'n aangehoudene**

10. (1) Die private eiendom van 'n aangehoudene wat in besit of onder beheer van die persoon in beheer van 'n plek van veiligheid is, moet—

- (a) by ontslag aan die aangehoudene oorhandig word; of
- (b) aan die aangehoudene se vrou, kind of naasbestaande oorhandig word indien die aangehoudene ontvlug het en nie binne 60 dae opgespoor kan word nie of te sterwe gekom het.

(2) Indien 'n aangehoudene se vrou, kind of naasbestaande nie opgespoor kan word nie of onwillig is om die eiendom bedoel in subregulasie (1) in besit te neem, word die eiendom na ses maande per veiling verkoop en die opbrengs van die veiling in die Staatsinkomstefonds gestort.

(3) Die Tesourie kan toestemming verleen dat die bedrag of 'n gedeelte daarvan wat kragtens subregulasie (2) in die Staatsinkomstefonds inbetaal is, aan die aangehoudene of sy vrou, kind of naasbestaande betaal word.

**Expenses in connection with protective custody**

6. (1) The Director-General may authorize that any expenses incurred under these regulations in connection with the protective custody of any person be defrayed from public funds.

(2) The Director-General may, for the purposes of this regulation, enter into an agreement with any person.

**CHAPTER II:****DETENTION IN PROTECTIVE CUSTODY****Detention in place of safety**

7. Any person who has applied in accordance with regulation 2 to be detained in protective custody and has given authorization thereto shall be detained in a prison as defined in section 1 of the Correctional Services Act, 1959 (Act No. 8 of 1959), or a police cell or lock-up.

**Search**

8. A detainee may be searched by any member or at the direction of such member, if such member deems it necessary: Provided that the searching of any detainee shall be conducted with strict regard to decency and order and that a man shall be searched by a man only and a woman shall be searched by a woman only.

**Seizure**

9. Any object which, in the opinion of any member, is not in the interest of the detainee's safety or the safety of any other person or in the interest of good order in the place of safety may be seized by such member, noted in a register and taken into safe-keeping.

**Disposal of private property of detainee**

10. (1) The private property of a detainee which is in the possession of or under the control of the person in charge of the place of safety shall—

- (a) be handed to the detainee on discharge; or
- (b) be handed to the detainee's wife, child or next-of-kin if the detainee has escaped and cannot be traced within 60 days or has died.

(2) If a detainee's wife, child or next-of-kin cannot be traced or is unwilling to take possession of the property referred to in subregulation (1), the property shall, after six months, be sold by auction and the proceeds of the auction shall be paid into the State Revenue Fund.

(3) The Treasury may give permission for the amount which has been deposited in the State Revenue Fund under subregulation (2) or a part thereof to be paid to the detainee or his wife, child or next-of-kin.

**Opdragte aan aangehoudene**

**11.** 'n Lid kan die opdragte wat hy in die omstandighede redelik en nodig ag, aan 'n aangehoudene gee ten einde dissipline en orde te handhaaf en die beskerming of veiligheid van die aangehoudene of enige ander persoon te verseker.

**Pligte van persoon in beheer van plek van veiligheid**

**12.** Die persoon in beheer van 'n plek van veiligheid moet toesien dat—

- (a) 'n aangehoudene so min moontlik aan die publiek blootgestel word;
- (b) al die nodige maatreëls getref word om 'n aangehoudene se veiligheid te verseker;
- (c) al die nodige maatreëls getref word om 'n aangehoudene te beskerm teen openbaarmaking van sy identiteit, wederregtelike aanvalle en intimidasie;
- (d) 'n aangehoudene daaglik besoek word en dat aandag aan die akkommodasie en enige klagte of versoek van hom geskenk word;
- (e) die plek waar die aangehoudene aangehou word, mintens twee keer per week op ongereelde tye gedurende die nag besoek word om te verseker dat alles in orde is;
- (f) 'n siek of beseerde aangehoudene so dikwels as wat nodig is, deur 'n geneeskundige beampte besoek word en dat enige aangehoudene wat kla dat hy siek of beseer is, deur 'n geneeskundige beampte ondersoek en behandel word en dat die opdragte van die geneeskundige beampte met betrekking tot so 'n aangehoudene nagekom word;
- (g) 'n aangehoudene deur 'n privaat geneesheer ooreenkomstig paragraaf (f) ondersoek en behandel word indien die aangehoudene aldus versoek en in staat is om die koste verbonde aan sodanige ondersoek en behandeling te betaal, en volle aanspreeklikheid vir die betaling van sodanige koste aanvaar;
- (h) 'n aangehoudene so kort moontlik voor sy ontslag te woord gestaan word;
- (i) so ver moontlik in die liggaamlike en geestelike behoeftes van 'n aangehoudene voorsien word; en
- (j) enige aangeleentheid wat 'n aangehoudene onder die aandag van die prokureur-generaal wens te bring, onverwyld onder die aandag van die prokureur-generaal gebring word.

**Toegang tot aangehoudene**

**13.** (1) Niemand behalwe 'n balju, 'n regter van die Hooggeregshof van Suid-Afrika, 'n beampte in diens van die Staat wat in sy amptelike hoedanigheid handel, of 'n regspraktisyn en 'n privaat geneesheer op versoek van 'n aangehoudene, het toegang tot die aangehoudene nie.

**Orders to detainee**

**11.** A member may give such orders to a detainee as he may deem reasonable and necessary in the circumstances in order to maintain discipline and order and to ensure the protection or safety of the detainee or any other person.

**Duties of person in charge of place of safety**

**12.** The person in charge of a place of safety shall see to it that—

- (a) a detainee is exposed to the public as little as possible;
- (b) all necessary measures are taken to ensure a detainee's safety;
- (c) all necessary measures are taken to protect a detainee against the disclosure of his identity, unlawful attacks and intimidation;
- (d) a detainee is visited daily and that his accommodation and any complaint or request of his receive attention;
- (e) the place where the detainee is detained is visited at least twice a week at irregular times during the night to ensure that everything is in order;
- (f) an ill or injured detainee is visited as often as is necessary by a medical officer and that any detainee who complains that he is ill or injured is examined and treated by a medical officer and that the orders of the medical officer in relation to such detainee are complied with;
- (g) a detainee is examined and treated in accordance with paragraph (f) by a private medical practitioner if so requested by the detainee and if he is able to pay the costs of such examination and treatment and accepts full liability for the payment of such costs;
- (h) a detainee is interviewed as close to his discharge as possible;
- (i) a detainee's physical and mental needs are satisfied as far as possible; and
- (j) any matter which a detainee wishes to bring to the attention of the attorney-general is conveyed to the attorney-general forthwith.

**Access to detainee**

**13.** (1) No person except a sheriff, a judge of the Supreme Court of South Africa, an officer in the service of the State who acts in his official capacity, or a legal practitioner and a private medical practitioner at the request of a detainee shall have access to the detainee.

(2) Die persoon in beheer van 'n plek van veiligheid kan, indien die aangehoudene 'n besoek wil ontvang, aan enige persoon toestemming verleen om die aangehoudene vir enige spesiale of algemene doel te besoek, tensy die prokureur-generaal, met inagneming van die veiligheid van die aangehoudene of enige ander persoon, in die algemeen of in 'n bepaalde geval anders gelas en onderworpe aan die voorskrifte van die prokureur-generaal.

#### **Betaling van toelaes aan aangehoudene**

**14.** (1) 'n Aangehoudene is vir die tydperk wat hy in beskermende bewaring aangehou word, geregtig op 'n toelae van R10 per dag, minus enige bedrag wat hy as getuiegeld mag ontvang, indien hy as gevolg van die feit dat hy in beskermende bewaring is, geen inkomste ontvang nie.

(2) Die Direkteur-generaal kan, na voorlegging van bevredigende bewys dat 'n aangehoudene inkomste verbeur het as gevolg van die feit dat hy in beskermende bewaring aangehou is of was, gelas dat 'n toelae gelyk aan die werklike bedrag aan inkomste aldus verbeur, minus die dagtoelae betaalbaar ingevolge subregulasie (1) en enige getuiegeld aan hom betaalbaar, tot 'n maksimum bedrag van R400 per dag aan die aangehoudene betaal word.

(3) Die Direkteur-generaal kan magtiging verleen dat die by subregulasie (2) voorgeskrewe tarief oorskry mag word indien hy oortuig is dat die toepassing van daardie subregulasie vir 'n aangehoudene of sy afhanklikes of familie finansiële ontbering tot gevolg het.

(4) Geskikte kleding en ander noodsaaklike benodigdhede tot 'n maksimum aankoopbedrag van R400 kan aan 'n aangehoudene verskaf word indien hy na die oordeel van die persoon in beheer van die plek van veiligheid ondienlike kleding of geen kleding het nie en nie in staat is om geskikte kleding of ander noodsaaklike benodigdhede uit sy eie fondse, waarby die toelaes bedoel in subregulasies (1) tot (3) en getuigelde ingesluit is, aan te koop nie: Met dien verstande dat indien die persoon in beheer van die plek van veiligheid oortuig is dat bedoelde bedrag onvoldoende is, hy magtiging van die Direkteur-generaal kan verkry om daardie bedrag te oorskry.

(5) Enige uitgawe wat die Staat ingevolge subregulasie (4), of om 'n aangehoudene medies te versorg, met betrekking tot 'n bepaalde aangehoudene aangegaan het, kan in verrekening gebring word voordat 'n toelae ingevolge hierdie regulasie aan die aangehoudene uitbetaal word.

### **HOOFSTUK III:**

#### **PLASING IN BESKERMENDE BEWARING**

##### **Plasing in beskermende bewaring**

**15.** (1) Die persoon in beheer van die polisiekantoor of gevangenis waar 'n getuie of voornemende getuie om plasing in beskermende bewaring ooreenkomstig die bepaling van regulasie 2 aansoek gedoen het, bepaal na oorleg met die getuie of voornemende getuie wat beskerming verlang, die plek waar sodanige getuie of voornemende getuie geplaas moet word, en hy wys een of meer persone as beveiligingsbeamptes aan om ooreenkomstig die voorskrifte deur hom uitgereik, na die veiligheid van die getuie of voornemende getuie om te sien.

(2) The person in charge of a place of safety may, if the detainee wishes to receive a visit, unless the attorney-general, having regard to the safety of the detainee or any other person, in general or in a particular case orders otherwise, and subject to the instructions of the attorney-general, give permission to any person to visit the detainee for any special or general purpose.

#### **Payment of allowances to detainee**

**14.** (1) A detainee shall, for the period during which he is detained in protective custody, be entitled to an allowance of R10 per day minus any amount which he may receive as witness fees, if he does not receive any income as a result of the fact that he is in protective custody.

(2) The Director-General may, on satisfactory proof having been produced that a detainee has forfeited income as a result of the fact that he is or was detained in protective custody, order that an allowance equal to the actual amount of income so forfeited, minus the daily allowance payable to him in terms of subregulation (1) and any witness fees payable to him, up to a maximum amount of R400 per day, be paid to the detainee.

(3) The Director-General may authorize that the tariff prescribed by subregulation (2) may be exceeded if he is satisfied that the application of that subregulation is causing a detainee or his dependants or family financial hardship.

(4) A detainee may be provided with suitable clothing and other necessary requirements to a maximum purchase amount of R400 if he, in the opinion of the person in charge of the place of safety, has unserviceable clothing or no clothing and is not able to purchase suitable clothing or other necessary requirements from his own funds, including the allowances referred to in subregulations (1) to (3) and any witness fees: Provided that if the person in charge of the place of safety is satisfied that the said amount is insufficient, he may obtain authorization from the Director-General to exceed that amount.

(5) Any expenses incurred by the State in terms of subregulation (4) in respect of a specific detainee, or to render medical care to a detainee may be brought into account before an allowance is paid to the detainee in terms of this regulation.

### **CHAPTER III:**

#### **PLACING UNDER PROTECTIVE CUSTODY**

##### **Placing under protective custody**

**15.** (1) The person in charge of the police station or prison where a witness or prospective witness applies, in accordance with the provisions of regulation 2, to be placed under protective custody shall, after consultation with the witness or prospective witness who desires protection, determine the place where such witness or prospective witness shall be placed and he shall designate one or more persons as security officers to take care of the safety of the witness or prospective witness in accordance with the instructions issued by him.

(2) (a) Indien die persoon in beheer van die polisie-kantoor of gevangenis bedoel in subregulasie (1) nie in staat is nie om 'n plek van plasing te bepaal of 'n beveiligingsbeampte aan te wys vir die getuie of voornemende getuie wat beskerming verlang, lê hy die aansoek om en magtiging tot beskermende bewaring van die betrokke getuie of voornemende getuie voor aan 'n persoon deur die Kommissaris van die Suid-Afrikaanse Polisie of die Kommissaris van Korrektiewe Dienste in die algemeen of spesifiek vir dié doel aangewys.

(b) Die persoon ingevolge paragraaf (a) aangewys, bepaal na oorleg met die getuie of voornemende getuie die plek waar sodanige getuie of voornemende getuie geplaas moet word en hy wys een of meer beveiligingsbeamptes aan om ooreenkomstig die voorskrifte deur hom uitgereik, na die veiligheid van die getuie of voornemende getuie om te sien.

(3) Die bevelhebber kan na gelang van die omstandighede ander beveiligingsbeamptes ten opsigte van 'n bepaalde beskermde persoon aanwys en kan die voorskrifte in subregulasie (1) of (2) (b) bedoel, wysig.

(4) In hierdie regulasie beteken "getuie" ook 'n lid van sy familie of gesin of 'n afhanklike van hom of van so 'n lid.

#### Visentering

16. 'n Beskermde persoon kan, indien die beveiligingsbeampte dit nodig ag, gevisenteer word: Met dien verstande dat die visentering van 'n beskermde persoon met streng behoud van welvoeglikheid en orde uitgevoer word en dat 'n man slegs deur 'n man en 'n vrou slegs deur 'n vrou gevisenteer word.

#### Beslaglegging

17. Enige voorwerp wat na die oordeel van die beveiligingsbeampte nie in belang van die beskermde persoon se veiligheid of die veiligheid van enige ander persoon of in belang van die goeie orde in die plek waar die beskermde persoon beskerm word, is nie, kan deur sodanige beampte op beslag gelê, in 'n register aangeteken en in veilige bewaring geplaas word.

#### Opdragte aan beskermde persoon

18. 'n Beveiligingsbeampte kan die opdragte wat hy in die omstandighede redelik en nodig ag, aan 'n beskermde persoon gee ten einde doeltreffende beveiliging na te streef of wat kan bydra tot die veiligheid van die beveiligingsbeampte, die beskermde persoon of enige ander persoon.

#### Pligte van bevelhebber

19. Die bevelhebber moet toesien dat—

- (a) alle nodige maatreëls getref word vir die voortdurende veiligheid van 'n beskermde persoon en verdere opdragte in dié verband aan die betrokke beveiligingsbeampte gee of laat gee;
- (b) maatreëls getref word vir die veilige bewaring van alle geld of kosbaarhede of enige ander artikel in besit van 'n beskermde persoon, indien laasgenoemde dit versoek en dit nodig of wenslik gegag word;

(2) (a) If the person in charge of the police station or prison referred to in subregulation (1) is not able to determine a place for placing or to designate a security officer for the witness or prospective witness who desires protection, he shall submit the application and authorization for protective custody of the witness or prospective witness concerned to a person designated generally or specifically for that purpose by the Commissioner of the South African Police or the Commissioner of Correctional Services.

(b) The person designated in terms of paragraph (a) shall determine, after consultation with the witness or prospective witness, the place where such witness or prospective witness shall be placed, and he shall designate one or more persons as security officers to take care of the safety of the witness or prospective witness in accordance with the instructions issued by him.

(3) The commander may according to circumstances designate other security officers in respect of a particular protected person and may amend the instructions referred to in subregulation (1) or (2) (b).

(4) In this regulation "witness" includes any member of his family or household or any dependant of his or of such member.

#### Search

16. A protected person may be searched if the security officer deems it necessary: Provided that the searching of any protected person shall be conducted with strict regard to decency and order and that a man shall be searched by a man only and a woman shall be searched by a woman only.

#### Seizure

17. Any object which, in the opinion of the security officer, is not in the interest of the protected person's safety or the safety of any other person or in the interest of good order in the place where the protected person is being protected, may be seized by such officer, noted in a register and taken into safe-keeping.

#### Orders to protected person

18. A security officer may give such orders to a protected person as he may deem reasonable and necessary in the circumstances in order to achieve efficient security or such orders as may contribute to the safety of the security officer, the protected person or any other person.

#### Duties of commander

19. The commander shall see to it that—

- (a) all necessary measures are taken for the continuous safety of a protected person and give or cause to be given further orders in this regard to the relevant security officer;
- (b) measures are taken for the safe-keeping of all moneys or valuables or any other article in the possession of a protected person, if the latter so requests and it is deemed necessary or desirable;



- (c) 'n siek of beseerde beskermd persoon so dikwels as wat nodig is, deur 'n geneeskundige beamppte besoek word en dat enige beskermd persoon wat kla dat hy siek of beseer is, ondersoek en behandel word en dat die opdragte van die geneeskundige beamppte met betrekking tot so 'n persoon nagekom word;
- (d) 'n beskermd persoon deur 'n privaat geneesheer ooreenkomstig paragraaf (c) ondersoek en behandel word indien die beskermd persoon aldus versoek en in staat is om die koste verbonde aan sodanige ondersoek en behandeling te betaal, en volle aanspreeklikheid vir die betaling van sodanige koste aanvaar;
- (e) so ver moontlik in die liggaamlike en geestelike behoeftes van 'n beskermd persoon voorsien word; en
- (f) enige aangeleentheid wat 'n beskermd persoon onder die aandag van die prokureur-generaal wens te bring, onverwyld aan die prokureur-generaal meegedeel word.

#### Klagtes of versoeke deur beskermd persoon

**20.** 'n Beveiligingsbeamppte moet aandag skenk aan elke klagte of versoek van 'n beskermd persoon en dit onverwyld onder die aandag van die bevelhebber of iemand deur hom aangewys, bring.

#### Toegang tot beskermd persoon

**21.** (1) Niemand behalwe 'n balju, 'n regter van die Hooggeregshof van Suid-Afrika, 'n beamppte in diens van die Staat wat in amptelike hoedanigheid handel, of 'n regspraktisyn en 'n privaat geneesheer op versoek van 'n beskermd persoon, het toegang tot die beskermd persoon nie.

(2) Die beveiligingsbeamppte kan, indien die beskermd persoon 'n besoek wil ontvang, en tensy die prokureur-generaal, met inagneming van die veiligheid van die beskermd persoon of enige ander persoon, in die algemeen of in 'n bepaalde geval anders gelas en onderworpe aan sy voorskrifte, aan enige persoon toestemming verleen om die beskermd persoon vir enige spesiale of algemene doel te besoek.

#### Betaling van toelaes aan beskermd persoon

**22.** (1) 'n Beskermd persoon is vir die tydperk wat hy in beskermd bewaring geplaas is, geregtig op 'n toelae van R10 per dag, minus enige bedrag wat hy as getuiegeld mag ontvang, indien hy as gevolg van die feit dat hy onder beskerming is, geen inkomste ontvang nie.

(2) Die Direkteur-generaal kan, na voorlegging van bevredigende bewys dat 'n beskermd persoon inkomste verbeur het as gevolg van die feit dat hy in beskermd bewaring geplaas is of was, gelas dat 'n toelae gelyk aan die werklike bedrag aan inkomste aldus verbeur, minus die dagtoelae betaalbaar ingevolge subregulasie (1) en enige getuiegeld aan hom betaalbaar, tot 'n maksimum bedrag van R400 per dag aan die beskermd persoon betaal word.

(3) Die Direkteur-generaal kan magtiging verleen dat die by subregulasie (2) voorgeskrewe tarief oorskry mag word indien hy oortuig is dat die toepassing van daardie subregulasie vir 'n beskermd persoon of sy afhanklikes of familie finansiële ontbering tot gevolg het.

- (c) an ill or injured protected person is visited as often as is necessary by a medical officer and that any protected person who complains that he is ill or injured is examined and treated by a medical officer and that the orders of the medical officer in relation to such person are complied with;
- (d) a protected person is examined and treated in accordance with paragraph (c) by a private medical practitioner if so requested by the protected person and if he is able to pay the costs of such examination and treatment and accepts full liability for the payment of such costs;
- (e) a protected person's physical and mental needs are satisfied as far as possible; and
- (f) any matter which a protected person wishes to bring to the attention of the attorney-general is conveyed to the attorney-general forthwith.

#### Complaints or requests by protected person

**20.** A security officer shall give attention to each complaint or request of a protected person and bring it forthwith to the attention of the commander or any person designated by him.

#### Access to protected person

**21.** (1) No person except a sheriff, a judge of the Supreme Court of South Africa, an officer in the service of the State who acts in his official capacity, or a legal practitioner and a private medical practitioner at the request of a protected person shall have access to the protected person.

(2) The security officer may, if the protected person wishes to receive a visit, unless the attorney-general, having regard to the safety of the protected person or any other person, in general or in a particular case orders otherwise, and subject to the instructions of the attorney-general, give permission to any person to visit the protected person for any special or general purpose.

#### Payment of allowances to protected person

**22.** (1) A protected person shall, for the period during which he is placed under protective custody, be entitled to an allowance of R10 per day minus any amount which he may receive as witness fees, if he does not receive any income as a result of the fact that he is in protective custody.

(2) The Director-General may, on satisfactory proof having been produced that a protected person has forfeited income as a result of the fact that he is or was placed under protective custody, order that an allowance equal to the actual amount of income so forfeited, minus the daily allowance payable to him in terms of subregulation (1) and any witness fees payable to him, up to a maximum amount of R400 per day, be paid to the protected person.

(3) The Director-General may authorize that the tariff prescribed by subregulation (2) may be exceeded if he is satisfied that the application of that subregulation is causing a protected person or his dependants or family financial hardship.

(4) Geskikte kleding en ander noodsaaklike benodigdhede tot 'n maksimum aankoopbedrag van R400 kan aan 'n beskermde persoon verskaf word indien hy na die oordeel van die bevelhebber ondienlike kleding of geen kleding het nie en nie in staat is om geskikte kleding of ander noodsaaklike benodigdhede uit sy eie fondse, whereby die toelaes bedoel in subregulasies (1) tot (3) en getuiegelde ingesluit is, aan te koop nie: Met dien verstande dat indien die bevelhebber oortuig is dat bedoelde bedrag onvoldoende is, hy magtiging van die Direkteur-generaal kan verkry om daardie bedrag te oorskry.

(5) Enige uitgawe wat die Staat ingevolge subregulasie (4), of om 'n beskermde persoon medies te versorg, met betrekking tot 'n bepaalde beskermde persoon aangegaan het, kan in verrekening gebring word voordat 'n toelae ingevolge hierdie regulasie aan die beskermde persoon uitbetaal word.

#### HOOFSTUK IV:

#### MISDRYWE EN STRAWWE

##### Misdrywe en strawwe

**23.** (1) 'n Persoon in beskermende bewaring wat weier of versuim om 'n opdrag kragtens regulasie 11 of 18 te gehoorsaam, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) 'n Persoon wat 'n bepaling van regulasie 3 oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(3) 'n Persoon wat strydig met die bepalings van regulasies 13 of 21 toegang tot 'n persoon in beskermende bewaring verkry of bewerkstellig of poog om dit te verkry of te bewerkstellig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(4) A protected person may be provided with suitable clothing and other necessary requirements to a maximum purchase amount of R400 if he, in the opinion of the commander, has unserviceable clothing or no clothing and is not able to purchase suitable clothing or other necessary requirements from his own funds, including the allowances referred to in subregulations (1) to (3) and any witness fees. Provided that if the commander is satisfied that the said amount is insufficient, he may obtain authorization from the Director-General to exceed that amount.

(5) Any expenses incurred by the State in terms of subregulation (4) in respect of a specific protected person or to render medical care to a protected person may be brought into account before an allowance is paid to the protected person in terms of this regulation.

#### CHAPTER IV:

#### OFFENCES AND PENALTIES

##### Offences and penalties

**23.** (1) Any person in protective custody who refuses or fails to comply with an order under regulations 11 or 18 shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

(2) Any person who contravenes any provision of regulation 3 shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

(3) Any person who gains or causes access or attempts to gain or to cause access to a person in protective custody contrary to the provisions of regulations 13 or 21 shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

AANHANGSEL

VORM A

AANSOEK OM IN BESKERMENDE BEWARING AANGEHOU OF GEPLAAS TE WORD DEUR GETUIE OF VOORNEMENDE GETUIE

[Artikel 185A (1) van die Strafproseswet, 1977 (Wet No. 51 van 1977)]

1. Ek, ..... a)
doen hiermee aansoek dat—

\*(i) ek
\*en

\*(ii) ..... b)

my ..... c)

in beskermende bewaring aangehou of geplaas word aangesien ek rede het om te vermoed dat \*my veiligheid/\*en \*die veiligheid van bovermelde \*persoon/personne bedreig word deur ..... d)

deurdat ..... e)

2. Ek—

\*(i) het of gaan op ..... f)
te ..... g) getuig;

of

\*(ii) sal moontlik op ..... f)
te ..... g) getuig;

of

\*(iii) beskik oor wesenlike inligting en is bereid om in 'n strafhof te getuig, in die saak teen ..... h)
met betrekking tot die misdryf ..... i)

3. Die aard van die getuienis wat ek \*kan/gaan aflê, is soos volg:

Ek, .....
verklaar hiermee dat bostaande inligting na my beste wete waar, volledig en korrek is en dat ek bewus is dat dit 'n misdryf is indien ek opsetlik inligting verstrek of 'n verklaring doen wat vals of misleidend is.

(Handtekening/merk/duimafdruk van verklaarder)

4. Ek, ..... ,  
sertifiseer hiermee dat ek getrou en na my beste vermoë korrek getolk het met betrekking tot die inhoud van hierdie  
verklaring asook enige vraag deur die lid aan die verklaarder gestel.

.....  
(Handtekening van tolk)

.....  
(Volle naam)

.....  
[Amp (Rang)]  
.....  
.....  
.....

.....  
(Werksadres)

5. Ek, ..... ,  
sertifiseer hiermee dat voordat die verklaarder \*sy/haar merk, duimafdruk of handtekening op hierdie vorm aange-  
bring het, ek die verklaring aan \*hom/haar voorgelees het en \*hom/haar ingelig het dat dit 'n misdryf is om opsetlik  
inligting te verstrek of 'n verklaring te doen wat vals of misleidend is.

.....  
(Handtekening van beampte)

.....  
(Volle naam)

.....  
[Amp (Rang)]  
.....  
.....  
.....

.....  
(Werksadres)

**Opmerkings:**

- a) Meld naam en van van getuie/voornemende getuie.
- b) Meld naam en van van familieledede/gesinslede ten opsigte van wie beskermende bewaring verlang word.
- c) Dui verwantskap aan.
- d) Meld besonderhede van die persoon/persone wat die veiligheid bedreig van die persoon/persone ten opsigte van wie beskermende bewaring verlang word (indien bekend).
- e) Meld die omstandighede as gevolg waarvan beskerming verlang word (bv. gedreig met dood).
- f) Meld datum van verhoor (indien bekend).
- g) Meld plek van verhoor (indien bekend).
- h) Meld naam van persoon wat oortreding gepleeg het (indien bekend).
- i) Meld misdryf bedoel in Bylae 1 van die Strafproseswet, 1977, of die misdryf omkoperij, afpersing, regsver- ydeling of meineed.
- \* Skrap wat nie van toepassing is nie.

VORM B

**MAGTIGING VAN GETUIE OF VOORNEMENDE GETUIE OM IN BESKERMENDE BEWARING AANGEHOU OF GEPLAAS TE WORD**

1. Ek, .....  
\*getuie/voornemende getuie, verleen hiermee magtiging dat ek—

\* (i) in beskermende bewaring aangehou word;

*of*

\* (ii) in beskermende bewaring geplaas word.

2. Ek het die volgende liggaamlike beserings:

.....  
.....  
.....  
..... a)

3. Ek, .....  
verklaar hiermee dat bostaande inligting na my beste wete waar, volledig en korrek is en dat ek bewus is dat dit 'n misdryf is indien ek opsetlik inligting verstrek of 'n verklaring doen wat vals of misleidend is.

.....  
(Handtekening/merk/duimafdruk van verklaarder)

4. Ek, .....  
\*ouer/voog van bovermelde getuie, verleen hiermee magtiging dat bogenoemde persoon aldus beskerm kan word.

.....  
(Handtekening/merk/duimafdruk van ouer/voog)

5. Ek, .....  
sertifiseer hiermee dat ek getrou en na my beste vermoë korrek getolk het met betrekking tot die inhoud van hierdie verklaring asook enige vraag deur die lid aan die verklaarder gestel.

.....  
(Handtekening van tolk)

.....  
(Volle naam)

.....  
[Amp (Rang)]

.....  
.....  
.....  
.....  
.....  
(Werksadres)

6. Ek, ..... ,  
sertifiseer hiermee dat voordat die verklaarder \*sy/haar merk, duimafdruk of handtekening op hierdie vorm aangebring het, ek die verklaring aan \*hom/haar voorgelees het en \*hom/haar ingelig het dat dit 'n misdryf is om opsetlik inligting te verstrek of 'n verklaring te doen wat vals of misleidend is.

.....  
(Handtekening van afnemer)

.....  
(Volle naam)

.....  
[Amp (Rang)]

.....  
.....  
.....  
.....  
(Werksadres)

**Opmerkings:**

- a) Heg mediese sertifikate aan (indien beskikbaar).
- \* Skrap wat nie van toepassing is nie.

**VORM C**

**MAGTIGING VAN 'N LID VAN DIE FAMILIE OF GESIN OF 'N AFHANKLIKE VAN DIE GETUIE OF VOORNEMENDE GETUIE OF VAN SO 'N LID OM IN BESKERMENDE BEWARING AANGEHOU OF GEPLAAS TE WORD**

1. Ek, ..... a)  
'n ..... b)  
van ..... c)  
verleen hiermee magtiging dat ek—

\* (i) in beskermende bewaring aangehou word;

**of**

\* (ii) in beskermende bewaring geplaas word.

2. Ek het die volgende liggaamlike beserings:  
.....  
.....  
..... d)

3. Ek, ..... ,  
verklaar hiermee dat bostaande inligting na my beste wete waar, volledig en korrek is en dat ek bewus is dat dit 'n misdryf is indien ek opsetlik inligting verstrek of 'n verklaring doen wat vals of misleidend is.

.....  
(Handtekening/merk/duimafdruk van verklaarder)

4. Ek, ..... ,  
\*ouer/voog van bovermelde persoon, verleen hiermee magtiging dat bogenoemde persoon aldus beskerm kan word.

.....  
(Handtekening/merk/duimafdruk van ouer/voog)

5. Ek, .....  
 ertifiseer hiermee dat ek getrou en na my beste vermoë korrek getolk het met betrekking tot die inhoud van hierdie  
 verklaring asook enige vraag deur die lid aan die verklaarder gestel.

.....  
 (Handtekening van tolk)

.....  
 (Volle naam)

.....  
 [Amp (Rang)]

.....  
 (Werksadres)

6. Ek, .....  
 ertifiseer hiermee dat voordat die verklaarder \*sy/haar merk, duimafdruk of handtekening op hierdie vorm aange-  
 bring het, ek die verklaring aan \*hom/haar voorglees het en \*hom/haar ingelig het dat dit 'n misdryf is om opsetlik  
 inligting te verstrek of 'n verklaring te doen wat vals of misleidend is.

.....  
 (Handtekening van afnemer)

.....  
 (Volle naam)

.....  
 [Amp (Rang)]

.....  
 (Werksadres)

**Opmerkings:**

- a) Meld naam van die lid van die familie of gesin van die getuie of voornemende getuie wat beskerming verlang.
- b) Meld verwantskap aan getuie of voornemende getuie.
- c) Meld naam van getuie of voornemende getuie.
- d) Heg mediese sertifikate aan (indien beskikbaar).
- \* Skrap wat nie van toepassing is nie.

**VORM D**

**AANSOEK OM UIT AANHOUDING ONTSLAAN TE WORD/VAN BESKERMENDE BEWARING ONTHEF TE WORD**

Nademaal ek, ..... a)  
 op ..... 19..... b) te ..... c)  
 magtiging verleen het dat ek in beskermende bewaring \*aangehou word/\*geplaas word, doen ek hiermee aansoek dat ek \*uit  
 beskermende bewaring ontslaan word/\*van beskermende bewaring onthef word.

.....  
 (Handtekening/merk/duimafdruk)

.....  
 (Handtekening/merk/duimafdruk van ouer/voog van bovermelde  
 persoon)

**Opmerkings:**

- a) Meld naam en van van aangehoudene/beskermd persoon.
- b) Meld datum waarop magtiging vir beskermende bewaring verleen is.
- c) Meld plek waar die magtiging verleen is.
- \* Skrap wat nie van toepassing is nie.

ANNEXURE

FORM A

APPLICATION BY WITNESS OR PROSPECTIVE WITNESS TO BE DETAINED IN OR PLACED UNDER PROTECTIVE CUSTODY

[Section 185A (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)]

1. I, ..... a)  
hereby make application that—

\* (i) I .....  
\*and

\* (ii) ..... b)

my ..... c)

be detained in or placed under protective custody seeing that I have reason to believe that \*my safety/\* and \*the safety of the above-mentioned \*person/persons is being threatened by ..... d)

in that ..... e)

2. I—  
\* (i) gave or shall give evidence on ..... f)  
at ..... g),

or

\* (ii) shall possibly give evidence on ..... f)  
at ..... g),

or

\* (iii) have material information at my disposal and am willing to testify in a criminal court, ..... h)  
in the case against .....  
with regard to the offence of ..... i)

3. The nature of the evidence that I \*may/shall give is as follows:  
.....  
.....  
.....  
.....

I, .....  
hereby declare that the above-mentioned information is, to the best of my knowledge, true, complete and correct and that I am aware of the fact that it is an offence if I wilfully furnish information or make a statement which is false or misleading.

.....  
(Signature/mark/thumbprint of deponent)



4. I, .....,  
hereby certify that I have interpreted truly and to the best of my abilities correctly in relation to the contents of this statement and any question put to the deponent by the member.

.....  
(Signature of interpreter)

.....  
(Full name)

.....  
[Designation (Rank)]  
.....  
.....  
.....

.....  
(Address of employment)

5. I, .....,  
hereby certify that before the deponent affixed \*his/her mark, thumbprint or signature to this form, I read the statement to \*him/her and informed \*him/her that it is an offence wilfully to furnish information or make a statement which is false or misleading.

.....  
(Signature of official)

.....  
(Full name)

.....  
[Designation (Rank)]  
.....  
.....  
.....

.....  
(Address of employment)

**Remarks:**

- a) State name and surname of witness/prospective witness.
- b) State name and surname of members of the family/household in respect of whom protective custody is required.
- c) State relationship.
- d) State particulars of the person/persons who threatens/threaten the safety of the person/persons in respect of whom protective custody is required (if known).
- e) State the circumstances as a result of which protective custody is required (e.g. death threat).
- f) State date of trial (if known).
- g) State place of trial (if known).
- h) State name of person who committed the offence (if known).
- i) State offence referred to in Schedule 1 to the Criminal Procedure Act, 1977, or the offence of bribery, extortion, defeating the ends of justice or perjury.
- \* Delete whichever is not applicable.

FORM B

**AUTHORIZATION BY WITNESS OR PROSPECTIVE WITNESS TO BE DETAINED IN OR PLACED UNDER PROTECTIVE CUSTODY**

1. I, .....  
\*witness/prospective witness, hereby give authorization that I—

\* (i) be detained in protective custody;

**or**

\* (ii) be placed under protective custody.

2. I have the following physical injuries:

.....  
.....  
.....  
..... a)

3. I, .....  
hereby declare that the above-mentioned information is, to the best of my knowledge, true, complete and correct and that I am aware of the fact that it is an offence if I wilfully furnish information or make a statement which is false or misleading.

.....  
(Signature/mark/thumbprint of deponent)

4. I, .....  
\*parent/guardian of the above-mentioned witness, hereby give authorization for the above-mentioned person to be so protected.

.....  
(Signature/mark/thumbprint of parent/guardian)

5. I, .....  
hereby certify that I have interpreted truly and to the best of my abilities correctly in relation to the contents of this statement and any question put to the deponent by the member.

.....  
(Signature of interpreter)

.....  
(Full name)

.....  
[Designation (Rank)]

.....  
.....  
.....  
.....  
(Address of employment)

6. I, .....  
hereby certify that before the deponent affixed \*his/her mark, thumbprint or signature to this form, I read the statement to \*him/her and informed \*him/her that it is an offence wilfully to furnish information or make a statement which is false or misleading

.....  
(Signature of official)

.....  
(Full name)

.....  
[Designation (Rank)]

.....  
.....  
.....  
.....  
(Address of employment)

- Remarks:**  
a) Attach medical certificate (if available).  
\* Delete whichever is not applicable.

FORM C

**AUTHORIZATION BY A MEMBER OF THE FAMILY OR HOUSEHOLD OR A DEFENDANT OF A WITNESS OR PROSPECTIVE WITNESS OR OF SUCH A MEMBER TO BE DETAINED IN OR PLACED UNDER PROTECTIVE CUSTODY**

1. I, ..... a)  
a ..... b)  
of ..... c)  
hereby give authorization that I—

\* (i) be detained in protective custody;

or

\* (ii) be placed under protective custody.

2. I have the following physical injuries:  
.....  
.....  
.....  
..... d)

3. I, .....  
hereby declare that the above-mentioned information is, to the best of my knowledge, true, complete and correct and that I am aware of the fact that it is an offence if I wilfully furnish information or make a statement which is false or misleading.

.....  
(Signature/mark/thumbprint of deponent)

4. I, .....  
\*parent/guardian of the above-mentioned person hereby give authorization for the above-mentioned person to be so protected.

.....  
(Signature/mark/thumbprint of parent/guardian)

5. I, ..... hereby certify that I have interpreted truly and to the best of my abilities correctly in relation to the contents of this statement and any question put to the deponent by the member.

.....  
(Signature of interpreter)

.....  
(Full name)

.....  
[Designation (Rank)]

.....  
.....  
.....

.....  
(Address of employment)

6. I, ..... hereby certify that before the deponent affixed \*his/her mark, thumbprint or signature to this form, I read the statement to \*him/her and informed \*him/her that it is an offence wilfully to furnish information or make a statement which is false or misleading.

.....  
(Signature of officer)

.....  
(Full name)

.....  
[Designation (Rank)]

.....  
.....  
.....

.....  
(Address of employment)

**Remarks:**

- a) State name of the member of the family or household of the witness or prospective witness who requires protection.
- b) State relationship to witness or prospective witness.
- c) State name of witness or prospective witness.
- d) Attach medical certificate (if available).
- \* Delete whichever is not applicable.

**FORM D**

**APPLICATION FOR DISCHARGE FROM DETENTION/WAIVER OF PROTECTION**

Whereas I, ..... a)  
gave authorization on ..... 19..... b) at ..... c)  
that I be \*detained in/\*place under protective custody, I now make application to be \*discharged from detention/\*released from protective custody.

.....  
(Signature/mark/thumbprint)

.....  
(Signature/mark/thumbprint of parent/guardian of above-mentioned person)

**Remarks:**

- a) State name and surname of detainee/protected person.
- b) State date of authorization for protective custody.
- c) State place where the authorization was given.
- \* Delete whichever is not applicable.

# Hou Suid-Afrika Skoon



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