



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 5 June 2009

No. 4274

CONTENTS

Page

GOVERNMENT NOTICE

No. 134	Amendment of regulations relating to administration and control of Namibian Prison Service: Prisons Act, 1998	1
---------	---	---

Government Notice

MINISTRY OF SAFETY AND SECURITY

No. 134 2009

AMENDMENT OF REGULATIONS RELATING TO ADMINISTRATION AND CONTROL OF NAMIBIAN PRISON SERVICE: PRISONS ACT, 1998

Under section 124 of the Prisons Act, 1998 (Act No. 17 of 1998), I have amended the regulations set out in the Schedule.

N. IYAMBO
MINISTER OF SAFE AND SECURITY

Windhoek, 19 May 2009

SCHEDULE

Definitions

1. In these regulations the “Regulations” means the Regulations for the Administration and Control of the Namibian Prison Service published under Government Notice No. 226 of 8 November 2001 as amended by Government Notice No. 34 of 13 March 2009.

Amendment of regulation 2 of Regulations

2. Regulation 2 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

- (4) “The Commissioner determines the distribution of prison members in all prisons, offices and work places.”.

Substitution of regulation 14 of Regulations

3. The Regulations are amended by the substitution for regulation 14 of the following regulation:

“Appointment of senior and junior prison members

14. (1) The appointment of senior prison members is done in accordance with section 6(1) of the Act.

(2) The appointment of junior prison members is done in accordance with section 7(a) of the Act and with due consideration of the Recruitment Policy of the Namibian Prison Service.”.

Amendment of regulation 15 of Regulations

4. Regulation 15 of the Regulations is amended by the substitution for the heading of the following heading:

“Conditions of probation and confirmation of appointment of senior and junior prison members”

Substitution of regulation 36 of Regulations

5. The Regulations are amended by the substitution for regulation 36 of the following regulation:

“General Provision

36. Subject to regulation 37, the leave provisions contained in the Public Service Staff Rules D. I. apply with the necessary changes, to a prison member.”.

Amendment of regulation 37 of Regulations

6. Regulation 37 of the Regulations is amended by the substitution for the heading of the following heading:

“Leave application of prison members and channeling”.

Amendment of regulation 69 of Regulations

7. Regulation 69 of the Regulations is amended by the substitution for the heading of the following heading:

“Uniform at inquiry”.

Substitution of regulation 103 of Regulations

8. The Regulations are amended by the substitution for regulation 103 for the following regulation:

“Witness to testify orally

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

(2) Where a witness testifies in an inquiry contrary to what he or she previously gave in his or her statement on the matter at issue, such testimony may not be considered, unless that witness proves that, the signature appearing on the mentioned statement is not his or her signature, in which case, his or her oral evidence must be considered.

(3) If the witness whose testimony is not considered as provided for under subregulation (2) is a prison member and he or she fails to prove that the signature appearing on the statement is not his or her signature, the disciplinary board or the presiding officer may order that, that prison member be charged for committing a disciplinary offence of prevarication under section 38(i) of the Act.”.

Amendment of regulation 171 of Regulations

9. Regulation 171 of the Regulations is amended by the substitution for the heading of the following heading:

“Seizure and management of articles”.

Amendment of regulation 173 of Regulations

10. Regulation 173 of the Regulations is amended by the substitution for the heading of the following heading:

“Stripping and search of body cavity”.
