

**PRISON ACT 1986****Repealed by Act. 2011-09 as from 23.9.2011****Principal Act**

<b>Act. No. 1986-17</b>	<i>Commencement</i>	2.2.1987
	<i>Assent</i>	13.11.1986

Amending enactments	Relevant current provisions	Commencement date
1984-11	ss. 2, 16 and Sch. 2.	8.11.1984
2000-06	ss. 57-65.	6.7.2000
2005-66	ss. 2, 17, Sch. 1 & 2	8.12.2005

**ARRANGEMENT OF SECTIONS.**

Section

1. Short title and commencement.
2. Interpretation.
3. Declaration relating to prison.

**Administration.**

4. Appointment of prison staff.
5. Powers.
6. Superintendent's standing orders.
7. Official quarters.

**Prison Board and Official Visitors.**

8. Establishment of Board.
9. Meetings of Board.
10. General duties of the Board.
11. Particular duties of Board.
12. Members visiting prison.
13. Record book.
14. Prison visitors.
15. Disqualification relating to contracts.
16. Annual report.
17. Right of Chief Justice, of the Supreme Court, Stipendiary Magistrate and justice of the peace to visit prison.
18. Visiting ministers.

**General Principles.**

19. Objectives of training and treatment, etc.

**Confinement of Prisoners.**

20. Place of confinement.
21. Legal custody of prisoner
22. Cells.
23. Marking of cells.
24. Certificate relating to cells.
25. Men and women.
26. Classification of prisoners.
27. Custody outside prison.
28. Special removal of prisoners.
29. Persons unlawfully at large.

**Admission of Prisoners.**

30. Receipt for prisoner.
31. Search.
32. Expenses of conveyance to prison.
33. Personal record.
34. Weighing etc.
35. Photographs fingerprints etc.
36. Register relating to religion.
37. Right of minister in respect of register.
38. Children of women prisoners.
39. Appellants.

**Health**

40. Medical attendance.
41. Directions of medical officer.
42. Examination of prisoners.
43. Medical treatment of unconvicted prisoners.
44. Removal to hospital.
45. Special illness and conditions.
46. Inspection of prison.
47. Notification of illness or death.
48. Power to discharge prisoner temporarily on account of ill health.
49. Painful tests.

**Work.**

50. Work.

**Remission.**

51. Remission of sentence.

**Parole Board and Release on Licence.**

52. Parole Board.
53. Functions of Parole Board.
54. Release on licence.
55. Provision relating to Section 165 of the Criminal Procedure Act on duration of sentence.
56. Licence.

**Sentence of death**

- 57-65. *Revoked.*

**Offences.**

- 66. Removal of visitors.
- 67. Forbidden articles.
- 68. Forbidden communication.
- 69. Escape.
- 70. Attempts to escape.
- 71. Aiding escape.
- 72. Notice of offences.

**General.**

- 73. Code of discipline.
- 74. Powers of punishment.
- 75. Regulations.
- 76. Repeal and consequential provisions.

**SCHEDULE 1.**

*Repealed*

**SCHEDULE 2.**

*Repealed*

**INTRODUCTORY.****Short title and commencement.**

1. This Act may be cited as the Prison Act, 1986 and shall come into operation on a date to be appointed by the Governor by notice in the Gazette.

**Interpretation.**

2.(1) This Act, unless the context otherwise requires-

“Board” or “Prison Board” means the Prison Board established under section 8;

“Chief Officer” means the Chief Officer appointed under section 4;

“Medical Officer” means a medical officer appointed under section 4;

“Parole Board” means the Parole Board established under section 52;

“prison” means any place declared by order under section 3 to be a prison or part of a prison, but does not include any place appointed or set apart for the detention or punishment exclusively of persons in the armed forces of Her Majesty;

“prison officer” includes the Superintendent and Chief Officer and any other officer appointed under section 4;

“standing orders” means any orders made under section 6.

(2) For the purposes of this Act the maintenance of a prisoner shall include all necessary expenses incurred in respect of the prisoner for food, clothing, custody and removal from one place to another, from the period of his committal to prison until his death or discharge from prison.

**Declaration relating to prison.**

3. The Governor may by order published in the Gazette-

- (a) declare any place, whether established as a prison before or after the coming into operation of this Act, to be a prison or part of a prison for the purposes of this Act;
- (b) declare that any such place shall cease to be a prison or a part of a prison for the purposes of this Act.

**ADMINISTRATION**

**Appointment of prison staff.**

4.(1) The Governor may from time to time appoint for the purposes of this Act a Superintendent, a Chief Officer, a matron, a chaplain, a medical officer and such other officers as he may deem necessary.

(2) The prison in which women are received shall have a sufficient number of women officers.

(3) Every person appointed as a prison officer under subsection (1) shall-

- (a) take the oath prescribed by section 6 of the Oaths Act; and
- (b) after taking such oath and before entry on his duties, take an oath of secrecy under section 7 of the Oaths Act.

**Powers.**

5. The Superintendent and all prison officers shall, while engaged in the duties of the office to which they have been appointed, have all the powers, protection and privileges of a police officer.

**Superintendent's standing orders.**

6. Subject to the orders and directions of the Governor and any code of discipline approved under section 73, the Superintendent shall exercise control and superintendence over the prison and prison officers and may, with the approval of the Governor, issue standing orders, not repugnant to this Act or any regulation or code of discipline made or approved thereunder, for the observance of prison officers in the discharge of their duties.

**Official quarters.**

7. Every prison officer shall, upon termination of his employment, quit and deliver up vacant possession of any official quarters which he or any other persons have occupied by virtue of such employment.

**PRISON BOARD AND OFFICIAL VISITORS.**

**Establishment of Board.**

8.(1) There shall be established a Prison Board which shall consist of such persons or the holders of such offices as the Governor may from time to time appoint.

(2) The Governor may likewise appoint a chairman to the Board.

(3) The chairman and every member of the Board shall hold office during pleasure.

(4) The Board shall consist of not less than five members, and three shall constitute a quorum.

(5) The Board may appoint one member to be vice-chairman of the Board and subject to subsection (3) such vice-chairman shall hold office for the remainder of the period for which the chairman was appointed.

**Meetings of Board.**

9.(1) The Board shall meet at the prison once a month or, if they resolve for reasons specified in a resolution of the Board that less frequent meetings are sufficient, not fewer than eight times in twelve months.

(2) The Board shall keep minutes of their proceedings.

**General duties of Board.**

10.(1) The Board shall—

- (a) satisfy themselves as to the state of the prison premises, the administration of the prison, and the treatment of prisoners;
- (b) inquire into and report upon any matter into which the Governor asks them to inquire;
- (c) direct the attention of the Superintendent to any matter which calls for his attention;
- (d) report to the Governor any matter which they consider it expedient to report;
- (e) inform the Governor immediately of any abuse which comes to their knowledge;
- (f) have power in any case of urgent necessity to suspend any prison officer until the decision of the Governor is known;
- (g) exercise such other powers and functions as may be prescribed.

(2) Before exercising any power under subsection (1) the Board shall consult the Superintendent in relation to any matter which may affect discipline.

**Particular duties of Board.**

11. Without prejudice to the provisions of section 10, the Board shall—

- (a) arrange for the food of prisoners to be inspected by a member at frequent intervals;
- (b) hear any complaint or request which a prisoner wishes to make to the Board;
- (c) inquire into any report made to them, whether or not by a member of the Board, that a prisoner's mental or physical health is likely to be injuriously affected by any conditions of his imprisonment;
- (d) arrange a rota whereby at least one of its members visits the prison monthly.

**Members visiting prison.**

12.(1) A member of the Board shall—

- (a) have free access at any time to every part of the prison;
- (b) have free access to every prisoner;
- (c) have free access to the records of the prison.

(2) A member of the Board may interview any prisoner out of sight and out of hearing of any prison officer, and hear any complaint or request which a prisoner wishes to make to him.

**Record book.**

13.(1) A member of the Board shall record, in a book to be provided and kept by the Superintendent for that purpose, any remark which he may think fit to make in regard to the condition of the prison or of any prisoner or inmate thereof.

(2) It shall be the duty of the Superintendent to make the book provided and kept under subsection (1) available for perusal—

- (a) by every member of the Board who visits the prison;
- (b) at every meeting of the Board.

**Prison visitors.**



14. The Board may, with the approval of the Governor-

- (a) appoint persons other than members of the Board to be Prison Visitors;
- (b) may frame rules for their guidance and direction.

**Disqualification relating to contracts.**

15. No member of the Board, and no Prison Visitor, may be in any way concerned with any contract for supplies for use in the prison.

**Annual report.**

16.(1) The Board shall make an annual report to the Governor at the end of each year concerning the prison and its administration, and shall include in such report any advice and suggestions they consider appropriate.

(2) Every such report shall be laid before the Parliament.

**Right of Chief Justice, Judge of the Supreme Court, Stipendiary Magistrate and justice of the peace to visit prison.**

17.(1) The Chief Justice, a Judge of the Supreme Court, the Stipendiary Magistrate and any justice of the peace may at any time-

- (a) visit the prison and examine the condition of the prison and of prisoners;
- (b) enter in the record book kept by the Superintendent under section 13 any observations on the condition of the prison or any abuses.

(2) Nothing in subsection (1) shall authorise the Chief Justice, a Judge, the Stipendiary Magistrate or any justice of the peace to communicate with any prisoner, except on the subject of the treatment of such prisoner in the prison.

(3) The Superintendent shall bring to the attention of the Board at its meeting any entry made in the record book under subsection (1)(a).

**Visiting ministers.**

18. Subject to the provisions of this Act and to any conditions that may be prescribed, the Governor may authorise a minister of any religious denomination to visit any prisoner belonging to the same denomination who

shall consent to such visit, and to celebrate religious services in the presence of such prisoner.

**GENERAL PRINCIPLES.**

**Objectives of training and treatment, etc.**

19. In the administration of this Act and of any subsidiary legislation made thereunder the following principles and policies shall be observed:

- (a) the purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life;
- (b) order and discipline shall be maintained with firmness, but with no more restriction than is required for the safe custody of and the maintenance of a well-ordered community life for prisoners;
- (c) in the control of prisoners, prison officers shall seek to influence them through their own example and leadership, and to enlist their willing cooperation;
- (d) at all time, the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility;
- (e) special attention shall be paid to the maintenance of such relations between a prisoner and his family as are desirable in the best interests of both;
- (f) every prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may most properly promote the interest of his family and his own social rehabilitation;
- (g) from the beginning of a prisoner's sentence consideration shall be given, in consultation with any appropriate after-care organisation, to the prisoner's future and the assistance to be given or available to him on and after his release;
- (h) due regard shall be given to the spiritual welfare of prisoners;
- (i) every prisoner able to profit from educational facilities provided at the prison shall be encouraged to do so.

**CONFINEMENT OF PRISONERS.**

**Place of confinement.**

20. A prisoner, whether sentenced to imprisonment or committed to prison or remand or pending trial or otherwise, may be lawfully confined in any prison.

**Legal custody of prisoner.**

21.(1) Every prisoner shall be deemed to be in the legal custody of the Superintendent.

(2) A prisoner shall be deemed to be in legal custody-

- (a) while he is confined in or is being taken to or from prison;
- (b) while he is working, or is for any other reason outside the prison in the custody or under the control of a prison officer.

(3) A prisoner required to be taken in custody anywhere outside a prison shall be kept in the custody of a prison officer or a police officer.

**Cells.**

22.(1) The Governor shall satisfy himself from time to time that sufficient accommodation is provided for all prisoners.

(2) So far as is practicable, a separate cell shall be provided for each prisoner.

(3) Every cell shall be provided with a separate bed for each prisoner and separate bedding adequate for warmth and comfort.

(4) Special cells shall be provided for the temporary confinement of refractory or violent prisoners.

**Marking of cells.**

23. Every cell shall be clearly marked by a number or mark placed in a conspicuous position, and such number or mark shall not be changed without the consent of the Governor.

**Certificate relating to cells.**

24.(1) No cell shall be used for the confinement of a prisoner unless it is certified by the Director of Medical and Health Services-

- (a) that its size, lighting, heating, ventilation and fittings are adequate for health; and

- (b) that it allows the prisoner to communicate at any time with a prison officer.

(2) A certificate given under subsection (1) in respect of any cell may limit-

- (a) the period for which a prisoner may be separately confined in a cell; and
- (b) the number of hours a day during which a prisoner may be employed therein.

(3) When a certificate has been given under subsection (1) in respect of any cell and the number or mark of such cell is changed without the consent required by section 23, the certificate shall cease to have effect.

(4) The Director of Medical and Health Services may withdraw a certificate given under subsection (1) in respect of any cell if in his opinion the conditions of the cell are no longer those stated in the certificate.

**Men and women.**

25.(1) Women prisoners shall be kept entirely separate from men prisoners.

(2) When the prison is used for both men and women, a separate building or part of a building shall be used for women.

**Classification of prisoners.**

26.(1) So far as accommodation in prison renders it practicable, the following classes of prisoners of each sex shall be separated from one another namely-

- (a) prisoners under the age of seventeen years from prisoners over that age;
- (b) unconvicted prisoners from convicted prisoners;

and any such class may be separated into such groups or divisions as may, subject to the provisions of this section, be prescribed.

(2) Any separation made under subsection (1) shall have regard to the age, temperament and record of each prisoner, and shall be made with a view to maintaining good order and in the case of convicted prisoners, to facilitating their training and treatment in order to encourage and assist them to lead a good and useful life.

(3) Nothing in this section shall require a prisoner to be deprived unduly of the society of other persons.

**Custody outside prison.**

27.(1) A prisoner being taken to or from the prison in custody shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult.

(2) A prisoner required to be taken in custody to any court shall wear his own clothing, or clothing different from the dress worn in the prison.

**Special removal of prisoners.**

28.(1) Subject to the provisions of this Act, a prisoner shall not be removed from prison before he becomes lawfully entitled to release, save in the following cases-

- (a) in pursuance of any order or process of a court of justice;
- (b) in case of fire or sudden or urgent necessity;
- (c) for the purpose of work or recreation;
- (d) in any case in which the medical officer or, in cases of emergency and in the absence of the medical officer, the Superintendent, may direct his removal to a hospital for the purposes of examination or treatment.

(2) The Governor may order the removal of a prisoner to such other place of confinement as may be specified in the order-

- (a) for the purpose of enabling the prison to be altered, enlarged, repaired or rebuilt;
- (b) in the case of a contagious or infectious disease breaking out in the prison;
- (c) for the prisoner to appear before a court for examination, trial or as a witness; or
- (d) for any other reasonable cause,

and may at any time order that any such prisoner be returned to the prison.

(3) A prisoner who has been removed from the prison in pursuance of the provisions of this section shall, notwithstanding such removal, be deemed for the purposes of this Act to be confined within the prison.

**Persons unlawfully at large.**

29.(1) Any person who, having been sentenced to imprisonment, or having been committed to a prison, is unlawfully at large, may be arrested by a police officer without warrant and taken to the place in which he is required in accordance with law to be detained.

(2) Where any person sentenced to imprisonment is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence, then, unless the Governor otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of any time during which he is absent from the prison.

(3) The provisions of subsection (2) shall apply to a person who is detained in custody in default of payment of any sum of money as if he were sentenced to imprisonment.

**ADMISSION OF PRISONERS.**

**Receipt for prisoner.**

30. The Chief Officer shall, upon receiving a prisoner into custody, give to the police officer or other person delivering the prisoner a receipt setting forth the condition of the prisoner when delivered by such officer or person to the Chief Officer; and a copy of such receipt shall be kept in the records of the prison.

**Search.**

31.(1) Every prisoner shall be searched on reception into prison, when taken into custody by a prison officer, and at such subsequent times as the Superintendent may order, and all unauthorised articles shall be taken from him.

(2) A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No prisoner shall be stripped and searched in the presence of another prisoner.

(4) A prisoner shall be searched only by prison officers of the same sex as the prisoner.

**Expenses of conveyance to prison.**

32. A prisoner shall not in any case be liable to pay the cost of his conveyance to prison.

**Personal record.**

33. A personal record of each prisoner shall be prepared and maintained during the duration of his sentence.

**Weighing etc.**

34. On the admission to prison of any prisoner, he shall be weighed and his personal particulars recorded.

**Photographs, fingerprints etc.**

35.(1) Convicted prisoners may be photographed, and prints may be taken of their hands and feet.

(2) No copy of any photograph taken under subsection (1) shall be given to any person not authorised to receive it.

**Register relating to religion.**

36.(1) The Superintendent shall keep a register in which he shall record the religious denomination of prisoners admitted to the prison.

(2) A prisoner may, on admission to the prison, declare himself to belong to any religious denomination, and the Superintendent shall make a record of such fact in the register kept under subsection (1).

(3) A prisoner shall be treated as being of the religious denomination stated in the register kept under subsection (1), but the Superintendent may, after due enquiry, amend such register in relation to such prisoner, as may be appropriate.

**Right of minister in respect of register.**

37. On the request of any minister authorised under section 18 to visit prisoners, the Superintendent shall supply such minister with a list of the prisoners declared to belong to the religious denomination of that minister.

**Children of women prisoners.**

38.(1) The child of a woman prisoner may be admitted into the prison with its mother if the court which committed the prisoner shall have authorised such admission; and such child shall not be taken from its mother unless the medical officer of the prison shall so direct.

(2) No child shall be received into or detained in prison after it has attained the age of twelve months unless-

- (a) the medical officer of the prison shall certify such detention as highly desirable; or
- (b) there is no suitable person who is willing and able to care for the child.

(3) Any child detained in prison under this section shall, if necessary, be fed and clothed at the public expense.

(4) The medical officer of the prison may make such recommendations regarding the diet of such child as he may think fit.

**Appellants.**

39.(1) Immediately on admission every convicted prisoner shall, if he has a right of appeal, be informed thereof and of conditions governing such appeal.

(2) Any prisoner who properly notifies the Superintendent of his intention to appeal shall be given all necessary facilities for prosecuting such appeal.

**HEALTH.**

**Medical attendance.**

40.(1) The medical officer of the prison shall have the care of the health, mental and physical, of all prisoners.

(2) Every request by a prisoner to see the medical officer shall be recorded by the officer to whom it is made and promptly passed on to the medical officer.

(3) The medical officer may call another medical practitioner into consultation, at his discretion.

**Directions of medical officer.**

41. The medical officer shall make known to the Superintendent any circumstances connected with the prison or the treatment of prisoners which at any time appears to him to require consideration on medical grounds, and the Superintendent shall put into effect any directions which the medical officer may give for preventing injury to health.

**Examination of prisoners.**

42. The medical officer shall examine every prisoner as soon as possible after admission and immediately prior to discharge and on such other



occasions and for such other purposes as may be prescribed, and shall record the results of such examination in the appropriate record.

**Medical treatment of unconvicted prisoner.**

43. If an unconvicted prisoner desires the attendance of a registered medical practitioner or dentist, and will pay any expense incurred, the Superintendent shall, if he is satisfied that there are reasonable grounds for the request and unless the Governor otherwise directs, allow him to be visited and treated by that practitioner or dentist in consultation with the medical officer.

**Removal to hospital.**

44.(1) A prisoner may, by the direction of the medical officer or, in an urgent case, of the Superintendent, be removed to any hospital approved by the Governor.

(2) Save as otherwise expressly provided, a prisoner shall be deemed for all purposes to be in prison custody while he is in or proceeding to or from hospital: Provided that a prison guard need not be provided unless the Superintendent thinks necessary.

(3) A prisoner shall be returned from the hospital to the prison when the medical officer certifies that he is fit to return.

**Special illnesses and conditions.**

45.(1) The medical officer shall report to the Superintendent on the case of any prisoner whose health is likely to be injuriously affected by continued imprisonment or any conditions of imprisonment and the Superintendent shall send the report to the Governor without delay, together with his own recommendations thereon.

(2) The medical officer shall pay special attention to any prisoner whose mental condition appears to require it, and make special arrangements which appear necessary for his supervision or care.

(3) The medical officer shall inform the Superintendent if he suspects any prisoner of having suicidal intentions, and the prisoner shall be placed under special observation.

**Inspection of prison.**

46. The Chief Environmental Health Officer, or an officer appointed by him, shall at intervals of not less than once a fortnight-

- (a) inspect the prison for the purposes of public health and hygiene; and
- (b) in particular, inspect the drains, lavatories, washing facilities, cooking facilities, food, bedding and sleeping accommodation.

**Notification of illness or death.**

47.(1) If a prisoner dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the Superintendent shall, if he knows his or her address, at once inform the prisoner's spouse or next of kin, and also any person who the prisoner may reasonably have asked should be informed.

(2) If a prisoner dies, the Superintendent shall-

- (a) give immediate notice thereof to the Governor;
- (b) immediately inform the Coroner, pursuant to section 4 of the Coroner Act, that such person has died.

**Power to discharge prisoner temporarily on account of ill health.**

48.(1) If the Governor is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Governor may, if he thinks fit, having regard to all the circumstances of the case by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.

(2) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.

(3) Any prisoner discharged under this section-

- (a) shall comply with any conditions stated in the order of temporary discharge; and
- (b) shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Governor,

and if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.

(4) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter day shall not be reckoned as part of the sentence.

(5) Nothing in this section shall affect the duties of the medical officer of a prison in respect of a prisoner whom the Governor does not think fit to discharge under this section.

**Painful tests.**

49. The medical officer of the prison shall not apply any painful tests to a prisoner for the purpose of detecting malingering or for any other purpose, except with the permission of the Board.

**WORK.**

**Work.**

50.(1) All men prisoners over the age of seventeen years and under the age of sixty years who are undergoing sentence of imprisonment shall, subject to the provisions of this section, be required to work inside or outside the prison, on such work and at such times and in such manner as may, subject to the approval of the Governor, be prescribed by regulations or standing orders.

(2) Provision shall be made for the technical training of suitable inmates in skilled trades.

(3) The medical officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to do work which is not of a class for which he has been passed by the medical officer as being fit.

(4) No prisoner shall work in the service of another prisoner or a prison officer, or for the private benefit of any person, without the authority of the Governor.

(5) An unconvicted prisoner shall be permitted, if he wishes, to work as if he were a convicted prisoner.

(6) Prisoners may be paid for their work at rates approved by the Governor, either generally or in relation to particular cases, or as may be prescribed and may spend money on such articles and subject to such conditions as the Governor may direct.

**REMISSION.**

**Remission of sentence.**

51.(1) A person serving a sentence of imprisonment for such term as may be prescribed may be granted remission of such part of his sentence as may be so prescribed on the ground of his industry and good conduct.

(2) On the discharge of a person from prison in pursuance of any remission granted under this section, his sentence shall thereupon expire.

**PAROLE BOARD AND RELEASE ON LICENCE.**

**Parole Board.**

52.(1) There shall be established a Parole Board which shall consist of such members, not being less than three, as may be appointed by the Governor, and one of such members shall be so appointed as chairman.

(2) If a member appointed under subsection (1) is for any reason unable to discharge the functions of his office the Governor may appoint a temporary member of the Parole Board.

(3) A quorum of the Parole Board shall consist of three members.

(4) Subject to the provisions of subsection (3), the Parole Board may regulate its own procedure.

(5) The Parole Board shall as soon as possible after the end of each year make to the Governor a report of its functions during that year.

**Functions of Parole Board.**

53.(1) It shall be the duty of the Parole Board to advise the Governor with respect to-

- (a) the release on licence under section 54 of persons whose cases have been referred to the Board by the Governor;
- (b) the conditions of such licences and the variation or cancellation of such conditions;
- (c) such other matters as may be prescribed.

(2) The Board shall deal with each case on consideration of any documents given to it by the Superintendent and of any reports it has called for and any information, whether oral or in writing, that it has obtained; and if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may itself

interview such person or request one of its members to interview him, and shall take into account the report of that interview.

**Release on licence.**

54.(1) The Governor may, if recommended to do so by the Parole Board, release on licence-

- (a) a person serving a sentence of imprisonment for a determinate period, after such person has served not less than one-third of his sentence, or six months, whichever expires the later;
- (b) a person detained under section 175 of the Criminal Procedure Act;
- (c) after consultation with the Chief Justice, a person serving a term of imprisonment for life.

(2) Notwithstanding anything contained in subsection (1), the Governor may at any time release a person on licence on compassionate grounds, and may do so without the recommendation of the Parole Board if he is satisfied that to obtain the recommendation of the Board could by reason of the delay in obtaining such recommendation defeat the purpose for which the licence is to be granted.

(3) Nothing in this section-

- (a) shall preclude the Parole Board from considering the case of a person serving a sentence of imprisonment for release on licence before the date of such person's eligibility for such release;
- (b) shall be construed as making a person eligible for release before the date specified in subsection (1)(a).

**Provision relating to Section 165 of the Criminal Procedure Act on duration of sentence.**

55. A person whose sentence falls to be reduced under section 165 of the Criminal Procedure Act shall, for the purpose of determining whether under section 54(1)(a) he has served one-third of his sentence, be treated-

- (a) as if any period spent in custody between conviction and sentence and taken into account under that section were included in his sentence; and
- (b) as if he had served that period as part of that sentence.

**Licence.**

56.(1) In this section 'licence' means a licence granted under section 54.

(2) A licence shall be for such period as may be stated in the licence.

(3) A person subject to a licence shall comply with such conditions, if any, as may for the time being be specified in the licence.

(4) The Governor may at any time amend or revoke any licence.

(5) On the expiry or revocation of a licence, the subject of the licence shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

(6) Nothing in subsection (5) shall apply to the case where the date of expiry of the licence is the date upon which the term of imprisonment, taking into account any remission which has been earned, expires.

(7) The time that a person is deemed to be unlawfully at large by virtue of the provisions of subsection (5) shall not be counted as part of the sentence he is undergoing.

**SENTENCE OF DEATH.**

57-65.        *Revoked.*

**OFFENCES.**

**Removal of visitors.**

66. The Superintendent may remove or cause to be removed from prison any visitor to the prison whose conduct is improper.

**Forbidden articles.**

67.(1) Any person who without lawful authority or excuse brings or attempts to bring into the prison or to a prisoner any spirituous or fermented liquor, any tobacco, any intoxicating or poisonous drug or any other article prescribed as prohibited, or places any such article anywhere outside the prison with intent that it shall come into the possession of a prisoner, and any officer who contrary to such regulations as may be prescribed allows any such article to be sold or used in the prison, is guilty of an offence and is liable on summary conviction to imprisonment for six months and to a fine of £100.

(2) Every prison officer convicted of contravening any provision of subsection (1) shall, in addition to any punishment, forfeit his office and all arrears of salary due to him.

**Forbidden communication.**

68. A person who without lawful authority or excuse communicates or attempts to communicate with any prisoner or conveys or attempts to convey any letter or other communication to or from any prisoner, is guilty of an offence and is liable on summary conviction to a fine of £50 and, if a prison officer shall also forfeit his office and all arrears of salary due to him.

**Escape.**

69. A prisoner who breaks or escapes from prison, or escapes from any person having lawful custody of him is guilty of an offence and is liable on conviction on indictment to imprisonment for three years.

**Attempts to escape.**

70. A prisoner who -

- (a) attempts to break or escape from prison; or
- (b) forcibly breaks out of his cell; or
- (c) makes any break therein with intent to escape therefrom,

is guilty of an offence and is liable on conviction on indictment to imprisonment for one year or on summary conviction to imprisonment for six months and to a fine of £100.

**Aiding escape.**

71. A person who-

- (a) aids a prisoner in escaping or attempting to escape from lawful custody; or
- (b) with intent to facilitate the escape of a prisoner, conveys anything or causes anything to be conveyed into the prison,

is guilty of an offence and is liable on conviction on indictment to imprisonment for five years.

**Notice of offences.**

72. The Superintendent shall cause to be fixed in a conspicuous place outside the entrance to the prison a notice summarising the offences against this Act and the punishment to which offenders are liable.

**GENERAL.**

**Code of discipline.**

73. The Governor may approve a code of discipline to have effect subject to the provisions of this Act in relation to prison officers, or to such classes of prison officers as it may specify, setting out offences against discipline, the awards which may be made in respect of them and the procedure for dealing with such charges.

**Powers of punishment.**

74. The Governor may empower the Board or the Superintendent to award punishment to prisoners, of such nature and in respect of such offences and in such manner as may be prescribed.

**Regulations.**

75.(1) The Governor may make regulations generally for giving effect to the provisions of this Act, and in particular, and without prejudice to the generality of the foregoing, providing for -

- (a) the regulation, management and discipline of the prison;
- (b) the functions of the Prison Board, the visits of members of the board to the prison and the hearing by the Board of any complaints made by prisoners;
- (c) the treatment, conduct and discipline of prisoners, including the measuring and photographing of prisoners, the times at which and the manner and dress in which prisoners shall be measured and photographed, the number of copies of the measurements and photographs of each prisoner which may be made, and the persons to whom they shall be sent;
- (d) the manner in which a prisoner is to be taken to, kept in custody at and brought back from any place at which he is entitled to be present for the purposes of any legal proceedings;
- (e) the remission in such circumstances and in relation to such sentences as may be prescribed of any sentence of imprisonment, and the forfeiture of any such remission;



- (f) the award of punishment to prisoners, the nature of such punishment and the manner in which such punishment shall be imposed;
- (g) the training of particular classes of prisoners and the working of prisoners outside the prison;
- (h) the temporary release of persons detained in prison, not being persons committed in custody for trial or committed to be sentenced or otherwise dealt with or remanded in custody by any court;
- (i) the application of regulations to persons committed to prison in default of payment of any sum adjudged to be paid by a conviction;
- (j) the discipline of and disciplinary awards to prison officers and the imposition of fines in relation to disciplinary offences not exceeding one per cent of the salary payable to officers guilty of such offences;
- (k) payments to discharged prisoners.

(2) Regulations made under this section shall make provision for ensuring that a person who is charged with any offence under the regulations shall be given a proper opportunity of presenting his case.

**Repeal and consequential provisions.**

76.(1) The Prison Act is repealed.

(2) The person holding the office of Superintendent under section 3 of the repealed Act immediately before the appointed day shall be deemed to have been appointed as Superintendent under section 4 of this Act.

(3) Subject to subsection (2), nothing in this section shall affect any order, rule, regulation, certificate, warrant or other instrument made or given under the repealed Act, and every such Order, rule, regulation, certificate, warrant or other instrument shall, unless the circumstances or context otherwise require, continue in force on and after the appointed day and be deemed to have been made, given or done under the corresponding provisions of this Act.

(4) Unless the Governor makes any order to the contrary under section 3, he shall be deemed to have made one to apply to the place which is on the appointed day used as a prison and known as the Civil Prison, Moorish

Castle and which shall from that date be named and referred to as Her Majesty's Prison Gibraltar.

(5) In this section-

“appointed day” means the date of the coming into operation of this Act;

“repealed Act” means the Prison Act repealed by subsection (1).

**SCHEDULE 1.**

*Repealed*

**SCHEDULE 2.**

*Repealed*