

Regulations made under s. 75 of the Prison Act.

PRISON REGULATIONS

Revoked by LN. 2011/165 as from 23.9.2011

(LN. 1987/029)

2.2.1987

Amending enactments	Relevant current provisions	Commencement date
LN. 1988/094	r. 36, 68(g) and 69(4)(g)	15.9.1988
1989/037	r. 61(3)	11.5.1989
1993/177	r. 61(2), (3), (7) and (8)	1.1.1994
2000/030	r. 61(2), (3), (7) and (8)	20.4.2000
2000/033	r. 61(2)	4.5.2000
2003/110	rr. 58(1)(3), 59, 60, 61(1), (4), (5), (6), (7), (9) and 83 to 87	2.10.2003
2005/153	rr. 16(2), 34(1) and 51(3)	17.11.2005
2006/029	rr. 8(5), 11, 65(s)-(y) and 78A-78D	23.3.2006

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Title and commencement.

1.(1) These regulations may be cited as the Prison Regulations 1987.

(2) These Regulations shall come into operation on the 2nd day of February, 1987.

Interpretation.

2. In these regulations, unless the context otherwise requires-

“civil prisoner” means any prisoner other than a criminal prisoner or a trial prisoner;

“criminal prisoner” means any prisoner convicted of a crime or offence or ordered to pay any fine or penalty or other penal sum or to enter into a recognizance;

“legal adviser” means, in relation to a prisoner, his counsel or solicitor and includes a clerk acting on behalf of his solicitor;

“officer” means a prison officer;

“trial prisoner” means an accused person committed to prison on remand or to await trial.

Visitors Viewing prison.

3.(1) The Superintendent shall not, except as may be provided by law or as he may be directed by the Deputy Governor, allow any person to view the prison.

(2) The Superintendent shall ensure that no person authorised to view the prison makes a sketch or takes a photograph or holds communication with a prisoner unless authorised to do so by the Deputy Governor.

Prohibited articles.

4. Where without lawful authority there has been conveyed into or thrown or deposited in the prison, or conveyed to a prisoner or deposited in any place with intent that it shall come into the possession of a prisoner, any money, clothing, food, drink, tobacco, letter, paper, book, tool or other prohibited article whatever, anything so conveyed, thrown or deposited may be confiscated by the Superintendent.

Control of persons and vehicles.

5. Any person or vehicle entering or leaving the prison may be stopped, examined and searched.

PART II, PRISONERS.

General.

Remission of sentence.

6.(1) A prisoner serving a sentence of imprisonment for an actual term of more than five days may, on the ground of his industry and good conduct, be granted remission in accordance with the provisions of this regulation.

(2) Remission granted under this regulation shall not exceed onethird of the following period, that is to say-

- (a) the term which the prisoner is serving; and
- (b) the period, if any, by which the term imposed by the sentence of the court is treated as reduced under section 165(2) of the Criminal Procedure Act by reason of the prisoner having been in custody after conviction awaiting sentence.

(3) For the purposes of this regulation-

- (a) a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as serving a sentence of imprisonment; and
- (b) consecutive terms of imprisonment shall be treated as one term.

(4) No remission of any sentence imposed a prisoner shall reduce the time spent in prison by such prisoner to less than five days.

(5) This regulation shall have effect subject to any disciplinary award of forfeiture of remission.

Calculation of amount of time for remission and licence.

7.(1) The maximum amount of remission (including the maximum amount of time during which a prisoner may be released on licence) shall be calculated as follows:-

- (a) the total time which the prisoner is sentenced to spend in prison, less any period by which the sentence is reduced by virtue of section 165(2) of the Criminal Procedure Act, shall be

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reduced to days, including the day upon which the sentence was awarded;

- (b) the remainder of the said subtraction, with any days added as a punishment or for any other reason, shall be the time which the prisoner shall spend in prison unless lawfully released previously.

(2) Any days which a prisoner spends in hospital (unless on account of sickness or injury caused otherwise than by the fault of the prisoner), shall be deducted from the remission which would otherwise be due to him.

Temporary release.

8.(1) A prisoner to whom this regulation applies may be temporarily released for any period or periods and subject to any conditions.

(2) A prisoner, may be temporarily released under this regulation for any special purpose or to enable him to engage in employment, to receive instruction or training or to assist him in his transition from prison life to freedom.

(3) A prisoner released under this regulation may be recalled to prison at any time whether the conditions of his release have been broken or not.

(4) This regulation applies to prisoners other than those committed in custody for trial or sentence or otherwise to be dealt with by or at any court or remanded in custody by any court.

(5) The Superintendent may at any time require the prisoner on temporary release to undertake a compulsory test for controlled drugs.

Women prisoners.

9.(1) Women prisoners shall be attended only by women prison officers.

(2) No male prison officer shall enter or remain in a room in which women prisoners are confined unless accompanied by a woman prison officer.

Applications.

10.(1) Every request by a prisoner to see the Superintendent or a member of the Prison Board shall be recorded by the officer to whom it is made, and promptly passed to the Superintendent.

(2) On every day other than a Saturday, Sunday or public holiday the Superintendent shall hear the applications of prisoners who have asked to see him.

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(3) Where a prisoner has asked to see a member of the Prison Board the Superintendent shall ensure that the member of the Prison Board is informed of the prisoner's request.

11. *Revoked.*

Admission.

Information to prisoners.

12.(1) Every prisoner shall be provided, as soon as possible after his reception into prison, and in any case within twenty-four hours, with information in writing about those provisions of the Act and these regulations and other matters which it is necessary that he should know, including any privileges and earnings, and the proper method of making requests and complaints and of petitioning the Governor.

(2) In the case of a prisoner who cannot read or appears to have difficulty in understanding the information so provided, the Superintendent or an officer deputed by him shall so explain it to him that he can understand his rights and obligations.

Weighing etc.

13.(1) Each prisoner shall be weighed on admission, in accordance with section 34 of the Act and thereafter may be weighed at any time during his term of imprisonment.

(2) The Superintendent shall record in the personal record of every prisoner his name, age, weight, height and distinguishing marks.

Interview.

14. Every person shall as soon as possible after admission be interviewed by the Superintendent.

Prisoner's property.

15.(1) Except as otherwise permitted by law anything, other than cash, which a prisoner has at a prison and which he is not allowed to retain for his own use shall be taken into the Superintendent's custody under these regulations:

Provided that anything likely to perish or to cause damage to property in store shall be sold and the purchase money credited to the prisoner, or if it cannot be sold it shall be destroyed.

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(2) An inventory of a prisoner's property shall be kept, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

Cash.

16.(1) Any cash which a prisoner has at a prison shall be paid into an account under the control of the Superintendent and the prisoner shall be credited with the amount in the books of the prison.

(2) Where the said cash is in excess of £300 such excess shall be paid by the Superintendent into the Treasury to the credit of the prisoner.

(3) Except by order of the prisoner or under the garnishee order of a competent court the said excess shall not be paid out of the Treasury to any person other than the prisoner or his legal personal representatives.

Unclaimed Property.

17. Any article belonging to a prisoner which remains unclaimed for a period of more than three years after he leaves the prison, or dies, may be sold or otherwise disposed of and net profits of any sale shall be paid into the Prisoners' Aid Scheme.

Clothing.

18. Any clothing destroyed by the prison authorities shall be replaced at public expense.

Confiscation of unauthorised property.

19. The Superintendent may confiscate any unauthorised article found in the possession of a prisoner after his reception in prison, or concealed or deposited anywhere within the prison.

Supply of articles to unconvicted prisoners.

20. Subject to any directions of the Governor, an unconvicted prisoner may have supplied to him at his expense, and retain for his own use, books, newspapers, writing materials and other means of occupation, except any that appear objectionable to the Prison Board or, pending consideration by them, to the Superintendent.

Shower on admission.

21. Unless otherwise provided by these regulations or ordered by the medical officer, every prisoner shall take a shower on admission.

Classification and Privileges.

Classification.

22.(1) Unless otherwise directed by the court by which a prisoner is sentenced, prisoners shall be classified and segregated into the following divisions:-

- (a) First Division, consisting of political offenders, aliens awaiting deportation, and persons detained under any emergency legislation for the time being in force;
- (b) Second Division, consisting of all persons sentenced by the court to, or placed by the Board in, imprisonment in the Second Division;
- (c) Third Division, consisting of all prisoners not expressly directed to any other division:

Provided that this regulation shall not apply to women prisoners, young persons within the meaning of the Criminal Procedure Act, prisoners who have been committed for contempt of court, prisoners on remand and trial prisoners.

(2) Classification of a prisoner under paragraph (1) shall be carried out by the Superintendent, who shall seek confirmation of such classification by the Board at the next meeting of the Board, which may confirm or vary such classification.

(3) Women prisoners shall be classified into the aforesaid Divisions as far as conveniently possible.

Privileges of First Division.

23.(1) Prisoners in the First Division shall be kept apart from other prisoners and shall be allowed such privileges as are prescribed.

(2) In particular prisoners in the First Division-

- (a) shall not be required to take a shower on admission, if the Superintendent considers it unnecessary;
- (b) may wear prison dress, and shall do so if their own clothes are insufficient or unfit for use, or are required for the purposes of justice;
- (c) may smoke while on exercise;
- (d) may associate with other First Division prisoners during recreational hours;

- (e) may perform two hours' exercise daily;
- (f) shall if they so desire be attended and supplied with medicine by their own medical attendants;
- (g) if the Superintendent in his discretion so allows, be permitted to furnish their cells with bedding and furniture suitable to their condition of life;
- (h) in the discretion of the Superintendent, be allowed the assistance of some person approved by the Superintendent to relieve them from the performance of unaccustomed tasks;
- (i) *Revoked.*
- (j) shall be permitted to have such books, papers and other properties supplied to them at their own expense as the Superintendent may consider to be unobjectionable;
- (k) shall be permitted to have such library books as they may reasonably require;
- (l) shall be permitted to work in the prison so far as the prison arrangement may admit.

(3) Where any medicine is to be supplied to a prisoner under paragraph (2)(f)-

- (a) the Superintendent may, before any such medicine is given to a prisoner, if in the opinion of the prison medical officer it is not a bona fide medicine prohibit its delivery to such prisoner;
- (b) if the prisoner objects to any opinion of the prison medical officer he may be permitted to call in his own medical attendant, at his own expense, who in consultation with the prison medical officer shall give a second opinion on the matter.

(4) Where any publicly owned furniture is used by a prisoner under paragraph (2)(g) the prisoner shall pay a reasonable charge therefore to the Superintendent, who shall pay such cheque into the Treasury.

Privileges of Second Division.

24. Prisoners in the Second Division may-

- (a) associate with other Second Division prisoners during

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recreational hours;

- (b) whilst employed within the wage earning scheme under regulation 61, smoke at such times as may be permitted by the Superintendent.

Privileges of Third Division.

25. Prisoners in the Third Division may-

- (a) attend educational classes, concerts and lectures;
- (b) perform one hour's exercise daily.

Civil and trial prisoners etc.

26.(1) Civil prisoners and trial prisoners and prisoners on remand may-

- (a) smoke while on exercise;
- (b) associate with other prisoners at concerts, lectures and during recreational hours;
- (c) perform two hours' exercise daily.

Prisoners committed for contempt.

27. Any prisoner committed to prison for contempt of court shall be treated as a civil prisoner for the purposes of these regulations.

Trust Class prisoners.

28. The Superintendent may select prisoners who shall be upgraded to "Trust Class"; such prisoners may be given positions of responsibility and leadership within such limits as the Superintendent may determine in each case, and may be permitted to work inside the prison without an escort.

Privileges.

29. There shall be established in the prison systems of privileges approved by the Governor and appropriate to the classes of prisoners there, which shall include arrangements under which money earned by prisoners in prison may be spent by them within the prison.

Clothing, Food and Welfare.

Clothing.

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30. A convicted prisoner shall be dressed in prison clothes adequate for warmth and health.

Clothing of civil and trial prisoners etc.

31.(1) A civil prisoner or trial prisoner may wear his own clothing and have necessary changes of underclothing supplied from time to time:

Provided that such clothing and underclothing-

- (a) is sufficient and suitable;
- (b) is not required for the purposes of justice;
- (c) shall be disinfected if the medical officer so requires.

(2) Any such prisoner as is mentioned in paragraph (1) who does not wear his own clothing may be required to wear prison dress.

(3) The privilege of wearing his own clothing under this regulation may be forfeited under regulation 68 or 69 for any offence under section 69 or section 70 of the Act.

Food.

32.(1) The food provided for prisoners shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.

(2) No convicted prisoner shall be given less food than is ordinarily provided, except upon the written recommendation of the medical officer.

(3) Food shall be given to a prisoner before he commences work.

Variation of diet.

33. Except as otherwise provided by law or on a written order from the Deputy Governor the food ordinarily provided shall not be varied.

Alcohol and tobacco.

34.(1) No prisoner shall be allowed to have any intoxicating liquor except under a written order of the medical officer specifying the quantity and the name of the prisoner.

(2) No prisoner shall be allowed to smoke or to have any tobacco, except as a privilege under regulation 23, 24, 26 or 29, and in accordance with any order of the Superintendent.

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(3) This regulation shall not apply to prisoners in hospital.

Dietary inspection.

35. The medical officer shall frequently inspect the prison dietary and shall make such recommendation to the Superintendent as he may deem fit.

Food and drink for civil and trial prisoners etc.

36. *Revoked.*

Physical training.

37. All prisoners certified as fit to do so by the medical officer, other than those undergoing punishment, shall perform such physical training as may be directed by the medical officer or Superintendent.

Daily exercise.

38.(1) A prisoner not engaged in out-door work shall be given exercise in the open air for not less than one hour in all, each day, if weather permits.

(2) The Governor may in special circumstances authorise the reduction of the period aforesaid to half an hour a day.

Clothes and bedclothes.

39. The clothes and bedclothes of the prisoners shall be washed, changed and aired as often as the Superintendent or medical officer may direct.

Library books.

40. A library shall be provided in the prison and, subject to any directions of the Superintendent, every prisoner be allowed to have library books and to exchange them.

Hygiene.

41.(1) Every prisoner shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(2) Every prisoner shall be required to wash at proper times and to have a shower at least once a week.

(3) Except in the case of a man excused or excepted by the Superintendent or medical officer every prisoner shall be required to shave or be shaved daily.

Hair.

42.(1) Except in the case of a man excused or excepted by the Superintendent or the medical officer, every prisoner shall be required to have his hair cut as may be necessary for neatness.

(2) An unconvicted prisoner shall not be required to have his hair cut or any beard or moustache usually worn by him shaved off, except where the medical officer directs this to be done for the sake of health or cleanliness.

(3) A woman prisoner's hair shall not be cut without her consent, except where the medical officer certifies in writing that this is necessary for the sake of health and cleanliness.

Family relationships.

43. The Superintendent may communicate to a prisoner, or to his family or friends, any matter of importance to the prisoner.

Services.

44. So far as is practicable, arrangements shall be made for a minister of the Christian religion to hold services for prisoners on Sundays, Good Friday and Christmas Day.

Serious illness.

45. When the life of any prisoner is in danger, the Superintendent shall notify the minister of the religious denomination to which such prisoner belongs, and the relatives and next of kin of the prisoner, and may permit such relatives and next of kin to visit the prisoner.

Death.

46. When a prisoner dies from natural causes the Superintendent shall surrender the body to the relatives of the deceased for burial, if the relatives so desire and there is no objection by the medical officer on grounds of public health.

Special examinations.

47.(1) The medical officer shall examine prisoners in solitary confinement or punishment cells not less than once in each day.

(2) Before confinement in a punishment cell the medical officer shall examine the prisoner concerned and shall give such directions for preventing injury to health as he may consider necessary.

Vaccinations.

48. The medical officer may vaccinate, re-vaccinate, inoculate, immunise and take such other steps regarding each prisoner as may be necessary for the prevention of disease.

Letters and Visits.

Letters, etc.

49.(1) The Superintendent may, with a view to securing discipline and good order or the prevention of crime or in the interest of any persons, impose restrictions, either generally or in a particular case, upon the communications to be permitted between a prisoner and other persons.

(2) Except as provided by these regulations, a prisoner shall not be permitted to communicate with any outside person, or that person with him, without leave of the Superintendent.

(3) Except as provided by these regulations, every letter or communication to or from a prisoner may be read or examined by the Superintendent or any officer deputed by him, and the Superintendent may, at his discretion, stop any letter or communication on the grounds that its contents are objectionable or that it is of inordinate length.

(4) The Superintendent shall inform the sender of any letter delivered by him of the fact of such detention.

Visits.

50.(1) Every visit to a prisoner shall take place within the sight of a prison officer.

(2) Except as provided by these regulations, every visit shall take place within the hearing of a prison officer, unless the Superintendent otherwise directs.

(3) The Superintendent may give directions, generally or in relation to any visit or class of visit, concerning the days and times when prisoners may be visited.

Personal letters and visits.

51.(1) An unconvicted prisoner may send and receive as many letters and may receive as many visits as he wishes within such limits and subject to such conditions as the Governor may direct, either generally or in a particular case.

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- (2) A convicted prisoner shall be entitled-
- (a) to send a letter on his reception to prison and thereafter once a week at public expense;
 - (b) to receive a visit once a week of not more than two persons;
 - (c) to receive such letters as are addressed to him.
- (3) The Superintendent may allow a prisoner an additional letter or visit of not more than four persons as a privilege under rule 29 or where necessary for his welfare or that of his family.
- (4) The Superintendent may allow a prisoner entitled to a visit to send and to receive a letter instead.
- (5) The Superintendent may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.
- (6) The chairman of the Prison Board, or in his absence a member of the Board, may allow a prisoner an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.
- (7) The Governor may allow additional letters and visits in relation to any prisoner or class of prisoners.
- (8) A prisoner shall not be entitled under this regulation to communicate with any person in connection with any legal or other business, or with any person other than a relative or friend, except with the leave of the Governor.
- (9) A prisoner may be allowed by the Superintendent a special extra visit of not more than four persons on, or within seven days of, Christmas Day and on, or within seven days of, Easter Sunday.
- (10) Any letter or visit under the following provisions of these regulations shall not be counted as a letter or visit for the purpose of this regulation.

Police interviews.

52.(1) A police officer may, on production of an order issued and signed by the Commissioner of Police, interview any prisoner willing to see him.

(2) A Customs Officer may, on production of an order issued and signed by the Collector of Customs, interview any prisoner willing to see him.

Securing release.

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53. A person detained in prison in default of finding a surety or of payment of a sum of money, may communicate with, and be visited at any reasonable time of a weekday by, any relative or friend to arrange for a surety or payment in order to secure his release from prison.

Interview with legal advisers.

54.(1) The legal adviser of a prisoner in any legal proceeding, civil or criminal, to which the prisoner is a party, shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing but in the sight of an officer.

(2) A prisoner's legal adviser may, with the leave of the chairman of the Prison Board, or in his absence a member of the Board, interview the prisoner on any other legal business in the sight and hearing of an officer.

Correspondence etc. relating to legal proceedings.

55.(1) A prisoner who is a party to any legal proceedings may correspond with his legal adviser in connection with the proceedings, and unless the Superintendent has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under regulation 49(3).

(2) A prisoner shall on request be provided with any writing materials necessary for the purpose of paragraph (1).

(3) Subject to any directions given in the particular case by the Governor, a registered medical practitioner selected by or on behalf of such a prisoner as aforesaid shall be afforded reasonable facilities for examining him in connection with the proceedings, and may do so out of hearing but in the sight of an officer.

(4) Subject to any directions of the Governor, a prisoner may correspond with a legal adviser for the purpose of obtaining legal advice concerning any cause of action in relation to which a prisoner may become a party, to civil proceedings for the purpose of instructing such legal adviser to issue such proceedings.

Money and articles received by post.

56.(1) Any money or other article (other than a letter or communication) sent to a convicted prisoner through the post office shall be dealt with in accordance with the provisions of this regulation, and the prisoner shall be informed of the manner in which it is dealt with.

(2) Any cash shall, at the discretion of the Superintendent, be:

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- (a) dealt with in accordance with regulation 16; or
 - (b) returned to the sender; or
 - (c) in a case where the sender's name and address are not known, paid to the Prisoner's Aid Scheme, for its general purposes: Provided that in relation to a prisoner committed to prison in default of payment of any sum of money, the prisoner shall be informed of the receipt of the cash and, unless he objects to its being so applied, it shall be applied in or towards the satisfaction of the amount due from him.
- (3) Any security for money shall, at the discretion of the Superintendent, be:
- (a) delivered to the prisoner or placed with his property at the prison; or
 - (b) returned to the sender; or
 - (c) encashed and the cash dealt with in accordance with paragraph (2).
- (4) Any other article to which this regulation applies shall, at the discretion of the Superintendent be:-
- (a) delivered to the prisoner or placed with his property at the prison; or
 - (b) returned to the sender; or
 - (c) in a case where the sender's name and address are not known or the article is of such a nature that it is unreasonable to return it, sold or otherwise disposed of, and the net proceeds of any sale applied in accordance with paragraph (2).

Training and Labour.

Recreational training.

57. All prisoners may be permitted to engage in recreational training for one hour each day, at such time as maybe prescribed by the Superintendent:

Provided that no prisoner shall so engage if-

- (a) the medical officer has certified him as unfit therefor; or
- (b) he is undergoing punishment for a breach of prison discipline.

Work.

58.(1) A convicted prisoner shall be required to do useful work for not more than 10 hours a day, and arrangements shall be made to allow prisoners to work, where possible outside the cells and in association with one another.

(2) Trial prisoners and prisoners on remand may be permitted to work if they so desire.

(3) Civil prisoners shall be treated as convicted prisoners for the purposes of this regulation, and in addition, such prisoners may be permitted to associate with any other class of prisoner if they are willing to do so.

Nature of work.

59. The work to which any prisoner undergoing a sentence of imprisonment shall be such as may be prescribed or as may be ordered by the Governor, and such work may include the necessary service of the prison or of the Superintendent's quarters, but shall not include any personal services for prison officers or for the private benefit of any person.

Sunday work.

60. Arrangements shall be made so as not to require prisoners of the Christian religion to do unnecessary work on Sunday, Christmas Day and Good Friday, or prisoners of other religions to do any such work on their recognised days of religious observance.

Wage-earning scheme.

61.(1) There shall be a wage-earning scheme which any prisoner, who is adjudged by the Superintendent to be of good behaviour, may enter.

(2) A prisoner within the wage-earning scheme who is assigned and performs work under the scheme may earn a sum not exceeding £4.00 per week, of which-

- (a) not more than £3.50 may be expended each week on behalf of and at the request of the prisoner, in such manner as the Superintendent may approve; and
- (b) the remainder shall be credited to the account of the prisoner for payment on discharge.

(3) A prisoner within the wage-earning scheme who is assigned and performs work as cook, laundry orderly, librarian or landing cleaner may earn, in addition to any other sums specified in paragraph (2), sums not

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exceeding £6.00 in the case of cook, £5.00 in the case of laundry orderly, £2.50 in the case of librarian and £2.00 in the case of landing cleaner.

(4) A prisoner within the wage-earning scheme who exercises special skill in work within or for the benefit of the prison, not being work specified in paragraph (3) , may earn, in addition to any other sums specified in paragraph (2), the sum of £4.00 per week.

(5) A prisoner within the wage-earning scheme who undertakes a course of training and/or education in prison approved by the Superintendent may earn in addition to any other sum specified in paragraph (2) or (3) £1.50 per week during the course of training or while attending a course of education.

(6) In the case of the earnings under paragraphs (3), (4) and (5) of a prisoner within the wage-earning scheme-

- (a) so much of those earnings as the Superintendent may determine may be expended each week on behalf of and at the request of the prisoner in such manner as the Superintendent may approve; and
- (b) the remainder shall be credited to the account of the prisoner for payment on discharge.

Order, Discipline and Offences.

Removal from association.

62.(1) Where it appears desirable, for the maintenance of good order or discipline, or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Superintendent may arrange for the prisoner's removal from association accordingly.

(2) A prisoner shall not be removed under this regulation for a period of more than 24 hours without the authority of the chairman of the Prison Board, or, in his absence, a member of the Board, or of the Governor. An authority given under this paragraph shall be for a period not exceeding one month, but may be renewed from month to month.

(3) The Superintendent may arrange at his discretion for such a prisoner as aforesaid to resume association with other prisoners, and shall do so if in any case the medical officer so advises on medical grounds.

Temporary confinement.

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63. The Superintendent may order a refractory or violent prisoner to be confined temporarily in a special cell, but a prisoner shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

Restraints.

64.(1) The Superintendent may order a prisoner to be put under restraint where this is necessary to prevent the prisoner from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to the chairman or a member of the Prison Board, and to the medical officer.

(3) On receipt of the notice the medical officer shall inform the Superintendent whether he concurs in the order, and the Superintendent shall give effect to any recommendation which the medical officer may make.

(4) A prisoner shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by the chairman or a member of the Prison Board. Such a direction shall state the grounds for the restraint and the time during which it may continue.

(5) Particulars of every case of restraint of a prisoner under the foregoing provisions of this regulation shall be forthwith recorded in the personal record of the prisoner.

(6) Except as provided by this regulation, no prisoner shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer.

(7) No prisoner shall be put under restraint as a punishment.

(8) Any means of restraint shall be of a pattern authorised by the Governor, and shall be used in such manner and under such conditions as the Governor may direct.

Offences against discipline.

65. A prisoner shall be guilty of an offence against discipline if he—

- (a) mutinies or incites another prisoner to mutiny;
- (b) does gross personal violence to an officer;
- (c) does gross personal violence to any person not being an officer;

- (d) commits any assault;
- (e) escapes from prison or from legal custody;
- (f) absents himself without permission from any place where he is required to be, whether within or outside prison;
- (g) has in his cell or room or in his possession any unauthorised article, or attempts to obtain such an article;
- (h) delivers to or receives from any such person any unauthorised article;
- (i) sells or delivers to any other person, without permission, anything he is allowed to have only for his own use;
- (j) takes improperly or is in unauthorised possession of any article belonging to another person or to the prison;
- (k) wilfully damages or disfigures any part of the prison or any property not his own;
- (l) makes any false and malicious allegation against an officer;
- (m) treats with disrespect an officer or any person visiting a prison;
- (n) uses any abusive, insolent, threatening or improper language;
- (o) is indecent in language, act or gesture;
- (p) repeatedly makes groundless complaints;
- (q) is idle, careless or negligent at work or, being required to work, refuses to do so;
- (r) disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the prison;
- (s) is found with any substance in his urine which demonstrates that a controlled drug has, whether in prison or while on temporary release under section 8, been administered to him by himself or by another person;
- (t) it shall be a defence for a prisoner charged with an offence under paragraph (s) above to show that—

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- (i) the controlled drug had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drugs to him by another person;
 - (ii) the controlled drug was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
 - (iii) the controlled drug was administered by or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.
- (u) (i) is intoxicated as a consequence of consuming any alcoholic beverage;
 - (ii) consumes any alcoholic beverage whether or not provided to him by another person;
- (v) it shall be a defence for a prisoner charged with an offence under paragraph (u) above to show that—
 - (i) the alcohol was consumed by him in circumstances in which he did not know and had no reason to suspect that he was consuming alcohol;
 - (ii) the alcohol was consumed by him without his consent in circumstances where it was not reasonable for him to have resisted; or
 - (iii) the alcohol was provided to him pursuant to a written order under regulation 34(1).
- (w) attempts to do any of the foregoing things;
 - (x) in any way offends against good order and discipline; or
 - (y) does not return to prison when he should have returned after being temporarily released from prison under regulation 8, or does not comply with any condition upon which he was so released.

Disciplinary charges.

66.(1) Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible.

(2) The prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending adjudication.

(3) Every charge shall be inquired into, in the first instance, by the Superintendent.

(4) Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Saturday, Sunday or public holiday, after it is laid.

Rights of prisoners charged.

67.(1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the Superintendent.

(2) At the inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

(3) The Superintendent shall have power, on any inquiry into an offence against prison discipline, to administer an oath to any witness.

Superintendent's records.

68. Subject to regulations 69 and 70 the Superintendent may make any one or more of the following awards for an offence against discipline:-

- (a) caution;
- (b) forfeiture for a period not exceeding 28 days of any of the privileges;
- (c) exclusion from associated work for a period not exceeding 14 days;
- (d) stoppage of earnings for a period not exceeding 28 days;
- (e) cellular confinement for a period not exceeding 3 days;
- (f) forfeiture of remission of a period not exceeding 28 days;
- (g) *Revoked.*
- (h) forfeiture for any period, in the case of a prisoner otherwise entitled thereto who is guilty of escaping or attempting to

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escape, of the right to wear clothing of his own under regulation 31(1).

Graver offences.

69.(1) Where a prisoner is charged with any of the following offences against discipline:-

- (a) escaping or attempting to escape from prison, or from legal custody;
- (b) assaulting an officer; or
- (c) doing gross personal violence to any person not being an officer,

the Superintendent shall, unless he dismisses the charge, forthwith inform the Governor and shall, unless otherwise directed by the Governor, refer the case to the Prison Board.

(2) Where a prisoner is charged with any serious or repeated offence against discipline (not being an offence to which regulation 70 applies) for which the awards the Superintendent can make seem insufficient, the Superintendent may, after investigation, refer the charge to the Prison Board.

(3) Where a charge is referred to the Prison Board under this regulation, the Chairman thereof shall summon a special meeting at which not more than five nor fewer than three members shall be present.

(4) The Board so constituted shall enquire into the charge on oath and, if they find the offence proved; shall make one or more of the following awards:-

- (a) caution;
- (b) forfeiture for any period of any privileges;
- (c) exclusion from associated work for a period not exceeding 56 days;
- (d) stoppage of earnings for a period not exceeding 56 days;
- (e) cellular confinement for a period not exceeding 56 days;
- (f) forfeiture of remission of a period not exceeding 180 days;
- (g) *Revoked.*

- (h) forfeiture for any period, in the case of a prisoner otherwise entitled thereto who is guilty of escaping or attempting to escape of the right to wear clothing of his own under Regulation 31(1).

(5) The Governor may require any charge to which this regulation applies to be referred to him instead of the Prison Board, and in that case an officer of the Government (not being a prison officer) shall enquire into the charge, and if he finds the offence proved make one or more of the awards listed in paragraph (4) of this regulation.

Especially grave offences.

70.(1) Where a prisoner is charged with one of the following offences:-

- (a) mutiny or incitement to mutiny; or
- (b) doing gross personal violence to the Superintendent or a prison officer

the Superintendent shall forthwith inform the Governor and shall, unless otherwise directed by him, refer the charge to the Prison Board.

(2) Where a charge is referred to the Prison Board under this regulation, the chairman thereof shall summon a special meeting at which not more than five nor fewer than three members, at least one being when possible a justice of the peace, shall be present.

(3) The Board constituted as aforesaid shall inquire into the charge on oath and, if they find the offence proved, shall make one or more of the awards listed in regulation 69(4), so however that, if they make an award of forfeiture of remission, the period forfeited may exceed 180 days.

Provisions in relation to particular awards.

71.(1) An award of stoppage of earnings may, instead of forfeiting all a prisoner's earnings for a specified period not exceeding 28 days or as the case may be, 56 days, be expressed so far as to forfeit a proportion (not being less than one half) of his earnings for a specified period not exceeding a correspondingly greater number of days.

(2) No award of cellular confinement shall be made unless the medical officer has certified that the prisoner is in a fit state of health to be so dealt with.

Prospective forfeiture of remission.

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72. (1) In the case of an offence against discipline committed by a prisoner who has attained the age of twenty one years and is detained only on remand or to await trial or sentence, an award of forfeiture of remission may be made notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced to imprisonment.

(2) An award under paragraph (1) shall have effect only in the case of a sentence of imprisonment being imposed which is reduced, by section 165(2) of the Criminal Procedure Act, by a period which includes the time when the offence against discipline was committed.

Suspended awards.

73.(1) Subject to any directions of the Governor, the power to make a disciplinary award (other than a caution) shall include power to direct that the award is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction) the prisoner commits another offence against discipline and a direction is given under paragraph (2).

(2) Where a prisoner commits an offence against discipline during the period specified in the direction given under paragraph (1) the person or board dealing with that offence may-

- (a) direct that the suspended award shall take effect; or
- (b) reduce the period or amount of the suspended award and direct that it shall take effect as so reduced; or
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended award.

Remission and mitigation of awards.

74.(1) The Governor may remit a disciplinary award or mitigate it, either by reducing it or by substituting another award which is, in his opinion less severe.

(2) Subject to any directions of the Governor, the Superintendent may remit or mitigate any award made by him, and the Prison Board may remit or mitigate any disciplinary award.

Prisoner not to be employed in disciplinary capacity.

75. A prisoner shall not be employed in any disciplinary capacity.

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Separate cells.

76. Separate cells shall be provided or appropriated for persons undergoing punishment for prison offences.

Solitary confinement.

77. A prisoner sentenced to solitary confinement shall see no one except the Superintendent, the medical officer, the chaplain and the prison officers.

Illegal detention.

78. No prisoner shall in consequence of misconduct be detained in prison for a longer period than the sentence awarded on him by the court.

Mandatory Drugs Tests.

Compulsory testing for controlled drugs.

78A.(1) When requiring a prisoner to provide a sample, a prison officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that the prisoner is required to provide a sample in accordance with section 49B(1) of the Prison Act; and
- (b) that a refusal to provide the prison officer with a sample may lead to disciplinary proceedings being brought against him.

(2) A prison officer shall require a prisoner to provide a fresh sample, free from any adulteration whether in prison or on temporary release.

(3) A prison officer requiring a sample of urine shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(4) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(5) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this subsection for a period of more than 5 hours.

(6) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purpose of providing the sample as may be

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compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

Compulsory testing for alcohol.

78B.(1) When requiring a prisoner to provide a sample, a prison officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that the prisoner is required to provide a sample in accordance with section 49B(2) of the Prison Act;
- (b) that a refusal to provide the prison officer with a sample may lead to disciplinary proceedings being brought against him.

(2) A prison officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(3) A prisoner who is required to provide such a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(4) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this sub-regulation for a period of more than 5 hours.

(5) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purpose of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

Keeping of test records.

78C. The prison officer shall ensure that detailed records are kept of each prisoner's drugs and alcohol test and provide the prisoner concerned with a copy of his test results upon request.

*CCTV in Prison.***Observation of prisoners by means of an overt closed circuit television system.**

78D. Without prejudice to his other powers to supervise the prison, prisoners and other persons in the prison, whether by use of an overt closed circuit television system or otherwise, the Superintendent may make

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arrangements for any prisoners to be placed under constant observation by means of an overt closed circuit television system while the prisoner is in a cell or other place in the prison if he considers that—

- (a) such supervision is necessary for—
 - (i) the health and safety of the prisoner or any other person;
 - (ii) the prevention, detection, investigation or prosecution of crime; or
 - (iii) securing or maintaining prison security or good order and discipline in the prison; and
- (b) it is proportionate to what is sought to be achieved.

Discharge.

Interview.

79. Every prisoner shall before he is discharged be interviewed by the Superintendent.

Discharge.

80. The Superintendent shall be responsible for the due discharge of every prisoner immediately upon his becoming entitled thereto, whether by expiration of sentence, remission, licence, pardon or otherwise.

Date and time of release.

81. A prisoner shall be released from prison not later than twelve noon on the appropriate day:

Providing that if such a day is Sunday, or public holiday, or, in the case of a prisoner professing the Jewish religion, a Saturday, the prisoner shall be released on the day next preceding.

Property.

82. Any articles belonging to a prisoner and stored by the prison authorities on his admission shall be returned to him on release, and any sums due to him under any wage-earning scheme shall forthwith be paid to him in cash.

Prisoners under Sentence of Death.

83 to 87. *Revoked.*

PART III: OFFICERS.

Reports on prisoners.

88. The Superintendent shall at six-monthly intervals submit to the Governor a report on the conduct and general condition of every prisoner undergoing a sentence of imprisonment for more than three years, together with a report by the medical officer on the prisoner's mental and physical condition.

Superintendent's records.

89. The Superintendent shall keep the following records in addition to any others required by the Act:-

- (a) a journal in which he shall record all occurrences of importance;
- (b) a nominal roll of all prisoners;
- (c) a book in which he shall record all punishments awarded for prison officers;
- (d) a list of official books and documents committed to his care;
- (e) an inventory of all personal property, whether of value or otherwise, taken from each prisoner;
- (f) an account of all receipts and disbursements;
- (g) a full account of the operation of the wage-earning scheme.

General duty of officers.

90.(1) It shall be the duty of every prison officer to conform to these regulations and to the rules and regulations of the prison; to assist and support the Superintendent in their maintenance; and to obey his lawful instructions.

(2) A prison officer shall inform the Superintendent of any abuse or impropriety which comes to his knowledge.

Use of force.

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91. A prison officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.

Complaints.

92.(1) A prison officer shall report to the Superintendent all complaints made by prisoners.

(2) The Superintendent shall give any prisoner who complains reasonable opportunity of being heard.

Entering cells at night.

93.(1) No prison officer shall enter a prisoners cell at night unless accompanied by another officer, except in case of special emergency.

(2) Whenever a prison officer enters a prisoner's cell at night he shall report the fact to the Superintendent the following morning.

Delegation.

94. The Superintendent may, with the leave of the Governor, delegate any of his powers and duties under these regulations to another officer, upon such conditions and for such period as he may think fit.

Revocation and savings.

95. (1) The Prison Regulations are revoked.

(2) For the purposes of these regulations, any appointment, approval, authority, certificate, condition, direction or restriction made, given or imposed under any provision of the Prison Regulations revoked by sub-regulation (1) of these regulations shall be treated as having been made, given or imposed under the corresponding provision of these regulations.