



ORDINANCE No. 11 of 1959.
PRISON (AMENDMENT) ORDINANCE, 1959



I assent.

P. W. Denison

Governor.

18th June, 1959.

BRITISH GUIANA.

Arrangement of Sections.

Section

1. Short title.
2. Amendment of section 16 of Ordinance No. 22 of 1957.
3. Amendment of section 28 of Ordinance No. 22 of 1957.
4. Amendment of section 29 of Ordinance No. 22 of 1957.
5. Amendment of section 30 of Ordinance No. 22 of 1957.
6. Insertion of new sections 36A and 36B in Ordinance No. 22 of 1957.
7. Amendment of section 50 of Ordinance No. 22 of 1957.
8. Schedule to be schedule to Ordinance No. 22 of 1957.

AN ORDINANCE to amend the Prisons Ordinance.

Enacted by the Legislature of British Guiana :—

1. This Ordinance may be cited as the Prison (Amendment) Ordinance, 1959, and shall be construed and read with the Prison

A.D. 1959
Short title.

No. 22 of
1957.

Ordinance, 1957, hereinafter referred to as the **Principal Ordinance**, and **any Ordinance** amending the same.

Amendment of
section 16 of
Ordinance No.
22 of 1957.

2. Section 16 of the Principal Ordinance is hereby amended by the insertion of the words "appointed under the Police Ordinance, 1957," after the word "constable" appearing therein.

Amendment of
section 28 of
Ordinance No.
22 of 1957.

3. Section 28 of the Principal Ordinance is hereby amended—
- by the deletion of the words "by order in writing setting forth the grounds of belief that such prisoner or person detained is of unsound mind," and of the words "ordered to be" appearing in subsection (1) thereof;
 - by the deletion of the words "Cap. 140" in the marginal note to subsection (1) thereof; and
 - by the deletion of the words "by order in writing" wherever they appear in subsection (2) thereof.

Amendment of
section 29 of
Ordinance No.
22 of 1957.

4. Section 29 of the Principal Ordinance is hereby amended—
- by the deletion of the words " , by order in writing setting forth the grounds of belief that the prisoner or such person detained is suffering from such communicable disease," appearing in subsection (1) thereof;
 - by the substitution for the words "in the order" of the words "in the direction" in subsection (1) thereof; and
 - by the deletion of the words "by order in writing" wherever they appear in subsection (2) thereof.

Amendment of
section 30 of
Ordinance No.
22 of 1957.

5. Section 30 of the Principal Ordinance is hereby amended—
- by the deletion therefrom of the words "by order in writing"; and
 - by the substitution for the words "in the order" of the words "in the direction".

Insertion of
new sections
36A and 36B
in Ordinance
No. 22 of
1957.

6. The Principal Ordinance is hereby amended by the insertion therein after section 36 of the following new sections—

"Release on
licence of
persons serv-
ing imprison-
ment for life.

36A. (1) The Governor may at any time if he thinks fit release on licence a person serving a term of imprisonment for life subject to compliance with such conditions, if any, as the Governor may from time to time determine.

(2) The Governor may at any time by order recall to prison a person released on licence under this section, but without prejudice to the power of the Governor to release him on licence again; and where any person is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

Release on
licence of
young
prisoners.

36B. (1) If it appears to the Governor that a person serving a sentence of imprisonment was under the age of twenty-one years at the commencement of his sentence, he may direct that instead of being granted remission of his sentence under the rules made under section 58 of this Ordinance, such person shall, at any time on or after the day on which he could have been discharged if the remission had been granted, be released on licence under the provisions of the schedule to this Ordinance.

(2) For the purposes of this section, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.

(3) This section shall come into operation on such date as the Governor shall appoint by proclamation published in the Gazette."

7. Section 50 of the Principal Ordinance is hereby amended—

- (a) by the substitution for the words "by order require" of the word "direct" and for the words "in the order" of the words "in the direction" in subsection (1) thereof; and
- (b) by the substitution for the words "order made" of the words "direction given" in subsections (2) and (3) thereof.

Amendment of section 50 of Ordinance No. 22 of 1957.

8. The schedule to this Ordinance is hereby inserted as the schedule to the Principal Ordinance.

Schedule to be schedule to Ordinance No. 22 of 1957.

9. The Convicts' Licences and Removal of Prisoners Ordinance, 1954, is hereby repealed.

Repeal No. 20 of 1954.

SCHEDULE

Section 36B

RELEASE OF YOUNG OFFENDERS FROM PRISON ON LICENCE.

1. A person released on licence under section 36B of this Ordinance shall until the expiration of his sentence be under the supervision of such society or person as may be specified in the licence and shall comply with such other requirements as may be so specified:

Provided that the Governor may at any time modify or cancel any such requirements.

2. If before the expiration of his sentence the Governor is satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, he may by order recall him to a prison; and thereupon he shall be liable to be detained in prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.

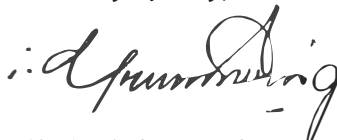
3. The Governor may release on licence a person detained in a prison under the last foregoing paragraph at any time before the expiration of his sentence; and the foregoing provisions of this schedule shall apply in the case of a person released under this paragraph as they apply in the case of a person released under section 36B of this Ordinance.

4. Where the unexpired part of the sentence of a person released under the said section 36B is less than six months, the provisions of this schedule shall apply to him subject to the following modifications—

- (a) the period for which he is under supervision under paragraph 2, shall be a period of six months from the date of his release under the said section 36B;

- (b) if he is recalled under paragraph 2, the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say—
- (i) the remainder of the said period of six months; or
 - (ii) the part of his sentence which was unexpired on the date of his release under the said section 36B, reduced by any time during which he has been so detained since that date; and he may be released on licence under paragraph 3 at any time before the expiration of that period.

Passed by the Legislative Council this fourteenth day of May, nineteen hundred and fifty-nine.



Clerk of the Legislature.

(M.P. SWC2. 98/3).
(Leg. Bill 12/59).