

Bill No. 12 of 1959

PUBLISHED 21ST FEBRUARY, 1959

Bill No. 12 of 1959.
 PRISON (AMENDMENT) BILL, 1959.
 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.

A BILL

Intituled

AN ORDINANCE TO AMEND THE PRISON ORDINANCE.

Enacted by the Legislature of British Guiana :—

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| <p>1. This Ordinance may be cited as the Prison (Amendment) Ordinance, 1959, and shall be construed and read with the Prison Ordinance, 1957, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.</p> | <p>Short title.
No. 22 of 1957.</p> |
| <p>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.</p> | <p>Amendment of section 16 of Ordinance No. 22 of 1957.</p> |
| <p>3. Section 28 of the Principal Ordinance is hereby amended—</p> <p>(a) 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;</p> <p>(b) by the deletion of the words "Cap. 140" in the marginal note to subsection (1) thereof; and</p> <p>(c) by the deletion of the words "by order in writing" wherever they appear in subsection (2) thereof.</p> | <p>Amendment of section 28 of Ordinance No. 22 of 1957.</p> |
| <p>4. Section 29 of the Principal Ordinance is hereby amended—</p> <p>(a) 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;</p> <p>(b) by the substitution for the words "in the order" of the words "in the direction" in subsection (1) thereof; and</p> <p>(c) by the deletion of the words "by order in writing" wherever they appear in subsection (2) thereof.</p> | <p>Amendment of section 29 of Ordinance No. 22 of 1957.</p> |
| <p>5. Section 30 of the Principal Ordinance is hereby amended—</p> <p>(a) by the deletion therefrom of the words "by order in writing"; and</p> <p>(b) by the substitution for the words "in the order" of the words "in the direction".</p> | <p>Amendment of section 30 of Ordinance No. 22 of 1957.</p> |
| <p>6. The Principal Ordinance is hereby amended by the insertion therein after section 36 of the following new sections—</p> | <p>Insertion of new sections 36A and 36B in Ordinance No. 22 of 1957.</p> |
- 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.
- 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.

"Release on licence of persons serving imprisonment for life.

Release on licence of young prisoners.

Schedule.

(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."

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

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.

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

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

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.

OBJECTS AND REASONS

Under the Prison Ordinance, 1957, the Governor is empowered to make orders for prisoners who are of unsound mind or suffering from communicable disease or disabled to be removed to an institution for treatment or care and for their discharge or removal back to prison on recovery. The Governor may also make orders requiring released prisoners to notify their addresses to the police.

2. For the expeditious exercise of these powers it is desirable that they should be delegated to a senior public officer. As the power of delegation does not extend to powers to make orders, it is necessary that the manner in which these discretionary powers are exercised should cease to be by the making of orders, which in any event is inappropriate. Clauses 2, 3, 4, 5 and 7 of this Bill seek to amend

the Prison Ordinance accordingly. The amendments would bring the Ordinance into line with practice in the United Kingdom where a direction is given for the removal of prisoners, and indeed restores the practice in force in this country under the former Prisons Ordinance, Chapter 83.

3. It is considered desirable that there should be provision whereby a person sentenced to imprisonment for life may be released on licence, and provision for this is made in clause 6 of the Bill.

4. It is also considered desirable that there should be provision whereby a person who is under 21 years of age at the commencement of his sentence can be released on licence instead of obtaining remission of part of his sentence. Such a provision would enable the young person to be placed under the supervision of some responsible body or person who could assist in his rehabilitation and clause 6 of the Bill seeks to make provision accordingly. It is envisaged that this supervision will be undertaken most appropriately by Welfare Officers but as there are at present insufficient officers to perform this work, the Bill provides that this provision shall be brought into operation on an appointed day when the necessary staff is available.

5. Clause 6 of the Bill is based on sections 25 and 27 of the Prison Act, 1952, of the United Kingdom.

B. H. BENN,
Minister of Community Development
and Education.

(M.P. SW C2. 98/3).
(Leg. Bill 12/59).