

LEGISLATURE,
Public Buildings,
Georgetown, Demerara.
10th May, 1957.

The following Bill to be introduced in the Legislative Council is published for general information.

I. CRUM EWING,
Clerk of the Legislature.

BILL No. 15 OF 1957.
THE PRISON BILL, 1957.

ARRANGEMENT OF SECTIONS.

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A BILL

INTITULED

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE
REGULATION OF PRISONS.

Enacted by the Legislature of British Guiana:—

Short title.

1. This Ordinance may be cited as the Prison Ordinance, 1957, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

PART I
PRELIMINARY.

2. In this Ordinance unless the context otherwise requires— Interpretation.
- “criminal prisoner” means a prisoner duly committed to custody under any writ, warrant, or order, of any court or authority exercising criminal jurisdiction or by order of a court martial;
- “first offender” means any person who has been committed to prison for the first time;
- “lock-up” means any house, building, enclosure or place declared to be a lock-up under section 3 of this Ordinance;
- “medical officer” means the medical officer assigned to duties in any prison under section 7 of this Ordinance;
- “member of the subordinate staff” means any prison officer below the rank of Assistant Superintendent whether permanent, temporary or acting whose duties are to instruct, supervise and employ prisoners, or to perform work in connection with the prisons;
- “prison” means any house, building, enclosure or place declared to be a prison under section 3 of this Ordinance;
- “prison offence” means any offence committed by a prisoner under this Ordinance or as specified in any Prison Rules, or Prison Standing Orders;
- “Prison Officer” means any person holding an office or performing a duty in or in connection with a prison, but does not include any person appointed to perform clerical duties only;
- “prisoner” means any person whether convicted or not, under detention in any prison;
- “Prison Rules” means any rules or amendments there-to under section 58 of this Ordinance;
- “prohibited article” means —
- (a) any intoxicating liquor, drug, tobacco, money, clothing, provisions, letter, tool or any article whatever likely to be prejudicial to good order and prison discipline;
 - (b) any article, the introduction or removal of which into or out of prison or any part thereof, is prohibited by Prison Rules or Standing Orders; or
 - (c) any other article not expressly authorised to be brought into prison by the Superintendent;
- “young prisoner” means any prisoner under the age of 21 years.

PART II

CONSTITUTION AND ADMINISTRATION OF
PRISONS AND LOCK-UPS.

- 3(1) The Governor, may by Order published in the Gazette— Declaration of a prison or lock-up.
- (a) declare any house, building, enclosure or place or any part thereof, to be a prison or lock-up and may in such order declare the name by which such prison or lock-up shall be known;
 - (b) declare that any prison or lock-up shall cease to be a prison or lock-up and as from the date of the publication of such Order or such other date as may be specified therein, such prison or lock-up shall cease to be a prison or lock-up.
- (2) The prisons established under the Prisons Ordinance shall be prisons for the purposes of this Ordinance. Cap. 83.
- (3) Every place used as a lock-up at the commencement of this Ordinance shall be deemed to be a lock-up for the purposes of this Ordinance, as if such place had been declared to be a lock-up under the provisions of subsection (1) of this section.

Administra-
tion and
control.

4. (1) Subject to the orders of the Governor, the general charge and administration of prisons and the control and direction of the prison staff shall be vested in the Superintendent who may make such transfers, and direct the employment and distribution of the prison staff as he may think fit.

(2) Subject to the orders of the Superintendent the administration of each prison and the control and direction of the prisons staff attached thereto shall be vested in the Deputy Superintendent or the Assistant Superintendent in charge of such prison.

PART III

APPOINTMENT, ADMINISTRATION AND POWERS OF PRISON STAFF.

Appointment
of prison
staff.

5. (1) The Governor may —

- (a) appoint a Superintendent of Prisons and a Deputy Superintendent of Prisons;
- (b) appoint such and so many Assistant Superintendents as he may think fit;
- (c) appoint such and so many prison officers and clerks as may be necessary for carrying into effect the provisions of this Ordinance.

(2) All members of the prison staff serving in the Prison Department on the coming into operation of this Ordinance, shall be deemed to have been appointed under the provisions of this section.

Appointment
of District
Commissioner
as
Assistant
Superintend-
ent.

6. The Governor may appoint a District Commissioner to be an Assistant Superintendent of any prison within his district, and such District Commissioner shall, in respect of such prison have all the powers and carry out all the duties of an Assistant Superintendent.

Medical
Officer.

7. The Director of Medical Services shall assign in respect of each prison, a government medical officer who shall have control generally of the health and medical welfare of the prisoners and the sanitation of the prison and such medical officer shall perform such other duties as may be directed by this Ordinance or by Prison Rules.

Powers of
Deputy
Superintend-
ent and
Assistant
Superintend-
ent.

8. Subject to the orders of the Superintendent the Deputy Superintendent and every Assistant Superintendent shall have, in relation to the prison of which he has charge, all the powers, duties, rights and privileges of the Superintendent.

Standing
Orders.

9. The Superintendent may issue Standing Orders not inconsistent with the provision of this Ordinance and of Prison Rules for the governance of the members of the Prison Department and prisoners.

Powers to
interdict.

10. (1) The Superintendent may interdict from his duties any member of the subordinate staff pending the result of any enquiry the Superintendent may see fit to order.

(2) The Deputy Superintendent or an Assistant Superintendent in charge of a prison may interdict from his duties any member of the subordinate staff serving under him pending the decision of the Superintendent.

Resignation.

11. (1) No member of the subordinate staff shall, without the written permission of the Superintendent, resign or withdraw from prison duties unless he has first given to the Superintendent not less than one month's notice in writing expiring on the last day of the succeeding month of his intention so to do.

(2) Any member of the subordinate staff who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

Enquiries
into prison
offences.

12. (1) The Deputy Superintendent or the Assistant Superintendent in charge of any prison may hold an enquiry into the conduct of any member of the subordinate staff who is alleged to have—

- (a) been absent from duty without good cause;
- (b) been asleep on duty;

- (c) been insubordinate;
- (d) been late for duty;
- (e) disobeyed any lawful order given him by his superior in rank or seniority, whether verbally or in writing;
- (f) committed any neglect of duty;
- (g) used personal violence, or abusive, insulting or threatening language to any member of the prison staff;
- (h) lost by neglect, wilfully damaged or permitted injury to any of the articles of clothing, arms, tools or supplies or equipment in his charge;
- (i) presented himself for duty dirty or untidy in person or clothing;
- (j) been under the influence of alcohol or drugs on duty;
- (k) used unnecessary violence to any prisoner;
- (l) associated with any discharged prisoner without the written consent of the Superintendent;
- (m) been unduly familiar with or shown undue favour to any prisoner;
- (n) communicated to the press any matter or thing connected with the Prisons Department;
- (o) committed any act or conducted himself in a manner prejudicial to prison discipline, or in any manner likely to bring the prison service into disrepute;
- (p) committed any breach of the Prison Rules or Standing Orders,

and if after such enquiry, the Deputy Superintendent or the Assistant Superintendent as the case may be is satisfied that such member of the subordinate staff has committed the act or neglect alleged, he may award any one of the following punishments—

- (i) reduction in rank or grade;
- (ii) forfeiture of not more than seven days' pay;
- (iii) performance of prison duties on not more than four days during which such member would not normally be required for such duties;
- (iv) severe reprimand;
- (v) reprimand:

Punishments.

Provided that in the case of contravention of

- (i) paragraph (a) of this subsection the punishment may include forfeiture of pay for the period of absence;
- (ii) paragraph (h) of this subsection the punishment may also include an order to pay the value or part of the value of the property destroyed, lost or injured and such payments may be enforced by deductions from such member's salary either at one time or by such instalments as may be ordered.

(2) Any member of the subordinate staff may within seven days of the date on which the punishment was ordered appeal in writing to the Superintendent against any punishment ordered under this section and the Superintendent may allow the appeal, or reduce, confirm or increase such punishment or make such other order as he may see fit.

13. (1) Where the Superintendent is satisfied that the enquiry into the conduct of any member of the subordinate staff charged with any offence under the provisions of section 12 of this Ordinance should proceed before him and not before the Deputy Superintendent or an Assistant Superintendent, he may direct that the enquiry shall be held by him.

Power of Superintendent to hold enquiry.

(2) Where as a result of any enquiry held under section 12 or subsection (1) of this section, the Superintendent is satisfied that a member of the subordinate staff has committed the act, neglect or offence alleged, he shall, if he considers that such member should be dismissed, forward a report of the enquiry together with his recommendations to the Governor, who shall take such action thereon as he may see fit, or where in the opinion of the Superintendent, the matter is not grave enough to merit dismissal, he may award any of the following punishments—

- (a) reduction in rank or grade;
- (b) forfeiture of not more than fourteen days' pay;
- (c) performance of prison duties on not more than six days during which such member would not normally be required for such duties;
- (d) severe reprimand;
- (e) reprimand.

Appeal to
the Gov-
ernor.

14. Any member of the subordinate staff may, within seven days of the date on which any punishment was confirmed or ordered by the Superintendent, under section 12 or 13 of this Ordinance, appeal in writing by way of petition to the Governor against such award or order and the Governor may allow the appeal, reduce or confirm such punishment or make such order as he may see fit.

Offences of
prison offic-
ers, etc.

15. Every member of the prison staff, or any person who is employed in a prison in any capacity whatever who—

- (a) has either directly or indirectly, any pecuniary interest whatsoever in, or derives any benefit or advantage from, the sale or purchase of any prison supplies or of any article to or for the use of any prisoner or of any prison; or
- (b) has any dealing, whereby he obtains or might expect to obtain at any time either immediately or in the future any benefit of any nature whatsoever with any prisoner or with any person on behalf of any prisoner; or
- (c) assaults, threatens or insults any member of the prison staff, who is senior to him when such senior member is on duty, or as a result of anything done by such senior member in the course of his duty,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Powers of
prison offic-
ers.

16. Every prison officer while acting as such shall have by virtue of his office all the powers, authorities, immunities and privileges of a constable for the purposes of his duty as such prison officer.

Use of
weapons.

17. (1) Every prison officer may use weapons against any prisoner escaping or attempting to escape:

Provided that resort shall not be had to the use of any such weapons unless such officer has reasonable grounds for believing that he cannot otherwise prevent the escape

(2) Every prison officer may use weapons against any prisoner engaged in any combined outbreak, or in any attempt to force or break open the outside door or gate or enclosure wall of the prison, and may continue to use such weapons so long as such combined outbreak or attempt is being actually prosecuted.

(3) Every prison officer may use weapons against any prisoner using violence to any person if such officer has reasonable grounds for believing that such person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(4) Before using firearms against a prisoner under the authority contained in subsection (1) of this section, the prison officer shall, if possible, give a warning to the prisoner that he is about to fire on him.

(5) No member of the subordinate staff shall, in the presence of his superior officer, use firearms of any sort against a prisoner in the case of an attempt to escape or of an outbreak except under the orders of such superior officer.

(6) The use of firearms under this section shall be as far as possible to disable and not to kill.

(7) Every member of the Police Force who is for the time being serving in the capacity of an escort, or of a guard in or around any prison or lock-up, for the purpose of ensuring the safe custody of any prisoners or persons detained in a prison or lock-up, shall be deemed to have all the powers and privileges granted to prison officers under this section for the purpose of his duties in relation to such prisoners or persons.

18. The Superintendent shall as often as may be necessary, visit and inspect all prisons and shall make an annual report to the Governor on the administration and condition of the prisons, the conduct and treatment of prisoners and such other matters relating to the prisons or to prisoners as he may think fit.

Inspection
and annual
report.

19. (1) All pay which is forfeited by, and fines inflicted upon, members of the subordinate staff under this Ordinance shall be paid into a fund to be called "The Prison Fines Fund", and this fund shall be administered by the Superintendent in accordance with Prison Rules.

Prison Fines
Fund.

(2) There shall be paid into the Prison Fines Fund all moneys standing to the credit of the Prison Officers Fine Fund established by the Fine Fund Regulations made by the Governor on the 12th July, 1934.

PART IV.

CUSTODY AND REMOVAL OF PRISONERS AND PERSONS DETAINED IN ANY LOCK-UPS.

20. (1) Every person sentenced to imprisonment shall be committed to and detained in a prison.

Persons sen-
tenced, etc.,
to be com-
mitted to
prison.

(2) Every person awaiting trial or remanded in custody may be committed to and detained in either a prison or lock-up.

21. (1) Every prisoner whenever he is confined in any prison in which he may lawfully be confined, or whenever he is being taken to or from such prison, or is working in the custody or under the control of any member of the prison staff or police constable assigned for that duty beyond the limits of any such prison, shall be deemed to be in the custody of the person in charge of such prison.

Prisoners,
etc., deemed
in legal
custody.

(2) Every person whenever he is confined in any lock-up in which he may lawfully be confined, or whenever he is being taken to or from such lock-up, or is working in the custody or under the control of any person in charge of any lock-up beyond the limits of such lock-up shall be deemed to be in legal custody of the person in charge of the lock-up.

22. The persons in charge of prisons and lock-ups are hereby authorised and required to keep and detain all persons duly committed to their custody by any court, judge, magistrate, coroner or other public officer lawfully exercising civil or criminal jurisdiction according to the terms of any writ, warrant, or order by which such person has been committed, or until such person is discharged by due course of law.

Detention of
persons com-
mitted to
prison and
lock-ups.

23. Every person charged with any offence and remanded in custody to any prison or lock-up by any court, judge, magistrate or coroner shall be delivered to the person in charge of such prison or lock-up, as the case may be, together with the warrant of commitment, and the person in charge of such prison or lock-up shall detain such person according to the terms of such warrant, and shall cause such person to be delivered to such court, judge, magistrate or coroner or shall discharge such person as the time named in and according to the terms of such warrant.

Delivery of
person on
remand.

24. Every person arrested under any writ, warrant or order of any court having civil jurisdiction shall be brought without delay before the court by which the writ, warrant or order was issued

Power of
detention.

or made, and if such court is not then sitting such person shall be kept in custody in a prison or lock-up until the next sitting of the court and shall be then brought before such court in order that such person may be dealt with according to law.

Release of
prisoners,
etc.

25. Every prisoner and person detained in a lock-up shall be released immediately upon his becoming entitled to release, whether by the expiration of his term of sentence, or by pardon, by commutation, or by remission of sentence, or by other lawful means.

Production
of persons
confined in
prisons, etc.
before the
court.

26. (1) Whenever the presence of any person confined in a prison or lock-up is required in any court of civil or criminal jurisdiction, such court may issue an order addressed to the person in charge of the prison or lock-up, as the case may be, requiring the production before the court of such person in proper custody at the time and place named in such order, and the person in charge of such prison or lock-up shall cause the person named in such order to be brought up as directed and shall provide for his safe custody during his absence from the prison or lock-up; and every such court may by endorsement on such order require the person named therein to be again brought up at any time to which the matter wherein such person is required may be adjourned.

(2) The Commissioner of Local Government, on being satisfied that the presence of any prisoner or person detained in a prison or lock-up is required at any place in the interests of justice, or for the purpose of any public enquiry, may by writing under his hand order that such prisoner or person be taken to the place at the time stated in such order, and the person in charge of such prison or lock-up, as the case may be, shall cause the person named in such order to be taken as directed and shall provide for his safe custody during his absence from the prison or lock-up.

Persons
taken out of
prison under
order
deemed in
legal cus-
tody.

27. Any person taken from a prison or lock-up under any order made under section 26 of this Ordinance shall whilst outside that prison or lock-up be deemed to be in legal custody.

Prisoner of
unsound
mind.

28. (1) Whenever a prisoner or person detained in a prison or lock-up appears to the Governor on the certificate of a government medical officer to be of unsound mind, the Governor may by order in writing setting forth the grounds of belief that such prisoner or person detained is of unsound mind, direct his removal to the Mental Hospital, there to be kept and treated as if such person had been ordered to be detained in the Mental Hospital under the Mental Hospital Ordinance until the Medical Superintendent of the Mental Hospital certifies that such prisoner or person has ceased to require treatment in that institution.

Cap. 140.

(2) Where the Medical Superintendent of the Mental Hospital has certified as set out in subsection (1) of this section then if the person in respect of whom the certificate is given is—

- (a) a prisoner whose sentence has expired, the Governor shall by order in writing direct that such prisoner be discharged; or
- (b) a prisoner whose sentence has not expired, the Governor shall by order in writing direct that either he be returned to the prison whence he was removed there to serve the remainder of any term to which he is liable or that he be discharged; or
- (c) a person awaiting trial or remanded in custody, the Governor shall by order in writing direct that such person be returned to the prison or lock-up whence he was removed until he is dealt with according to law.

Prisoners,
etc., suffer-
ing from
communi-
cable
disease.

29. (1) Whenever a prisoner or a person detained in a prison or lock-up appears to the Governor on the certificate of a government medical officer to be suffering from any communicable disease, the Governor may, by order in writing setting forth the grounds of belief that the prisoner or such person detained is suffer-

ing from such communicable disease, direct his removal to such hospital as may be specified in the order there to be kept and treated until the government medical officer in charge of such hospital certifies that such prisoner or person has ceased to require treatment in that institution.

(2) Where a certificate to the effect that a prisoner or person detained has ceased to require institutional treatment has been given under subsection (1) of this section then if any prisoner or person in respect of whom the certificate is given is—

- (a) a prisoner and the term of his sentence has expired, the Governor shall by order in writing direct that such prisoner be discharged; or
- (b) a prisoner and the term of his sentence has not expired, the Governor shall by order in writing direct either that he be returned to the prison whence he was removed there to serve the remainder of any term to which he is liable or that he be discharged; or
- (c) a person awaiting trial or remanded in custody, the Governor shall by order in writing direct that such person shall be returned to the prison or lock-up whence he was removed until he is dealt with according to law.

30. Where the Governor is satisfied that any prisoner is suffering from any permanent physical infirmity or disability and that it is necessary for the purpose of ensuring the proper care of such prisoner that he should be detained in any institution outside of the prison, he may by order in writing direct that such prisoner be removed to such institution as may be named in the order and there detained for the remainder of the term to which he is liable unless sooner discharged according to law.

Removal of disabled prisoner to institution.

31. (1) In case of the serious illness, other than unsoundness of mind, or any communicable disease, of a prisoner or person detained in a prison or lock-up, there being no suitable accommodation for such prisoner or person in such prison or lock-up, the Superintendent or the person in charge of the prison or lock-up (as the case may be) may, on the certificate of a government medical officer or in the case of urgent necessity on the certificate of any registered medical practitioner or if such practitioner is not available, on the certificate of a registered sicknurse and dispenser, make an order for his removal to a public hospital.

Serious illness of prisoner.

(2) So long as any prisoner or person detained who has been removed to a public hospital under the provisions of subsection (1) of this section remains therein, the government medical officer in charge of such hospital shall, at the end of every month, transmit to the Superintendent or person in charge of the lock-up a certificate signed by him that it is in his opinion necessary that such prisoner or person detained should remain in the hospital.

(3) So soon as, in the opinion of the government medical officer in charge of a public hospital, it is no longer necessary that any prisoner or person detained who has been removed to such hospital should remain therein, he shall transmit to the Superintendent or person in charge of the lock-up a certificate, stating that such necessity has ceased and thereupon the Superintendent or person in charge of the lock-up, as the case may be, shall forthwith cause such prisoner or person detained to be brought back to the prison or lock-up if he is still liable to be confined therein.

(4) The provisions of subsections (2) and (3) of this section shall cease to apply to a prisoner or person detained as from the date on which he would be entitled to be released from the prison or lock-up.

32. Where any prisoner or person detained in a lock-up is by virtue of section 31 of this Ordinance removed from any prison or lock-up to any public hospital, the government medical officer in charge of such hospital shall take all practical steps to prevent the escape of such prisoner or person detained and while such prisoner or person detained remains in such hospital he shall be deemed to be in legal custody:

Custody of prisoner, etc., in hospital.

Provided that where any such prisoner or person detained would, but for the fact that he is in such hospital, be entitled to be released from the prison or lock-up, then from the date on which he would be so entitled to be released, he shall no longer be deemed to be in legal custody and no steps shall be taken to prevent his escape merely by reason of the fact that he had been a prisoner or person detained.

Transfer of prisoners.

33. The Superintendent may order the removal of all or any prisoners confined in any prison to another prison in the Colony and it shall not be necessary for the purposes of such order to designate any prisoner by name, but it shall be sufficient to describe such prisoner or prisoners by reference to their sentence or by some other like general description.

Separation of prisoners.

34. (a) No male prisoner shall be detained in the same part of any prison as any female prisoner;
- (b) no civil prisoner (so far as possible) shall be detained in the same part of any prison as any criminal prisoner;
- (c) no young prisoner shall be detained (so far as possible) in the same part of any prison as any other prisoners;
- (d) no person awaiting trial or remanded shall (so far as possible) be detained in the same part of any prison as any other prisoner

Transfer of young prisoners.

35. Where any person apparently under the age of sixteen years has been committed to any prison, the Governor may order such prisoner to be transferred to an approved school for the purposes of any Ordinance under which a child or young person may be committed to an approved school, there to be kept as if he had been committed to such school by the court under the provisions of such Ordinance.

Persons sentenced for offences against military law.

36. Any person sentenced to be detained or imprisoned under any law relating to the discipline of Her Majesty's Military, Naval or Air Forces, may be committed to prison and shall be received therein; and a certificate of the sentence of any such person or an order or warrant for his imprisonment in writing signed, in the case of a military offender by the Senior Military Officer in command of Her Majesty's troops in this Colony and in the case of a naval offender, by the Commander-in-Chief on any foreign station or by the Senior Air Force Officer in the Colony shall be sufficient authority for the Superintendent to receive and detain him; and the Superintendent shall keep such offender according to the terms of such sentence, order or warrant and during the term specified therein, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for the purpose.

PART V.

DISCIPLINE AND CONTROL OF PRISONERS.

Employment of prisoners outside prison.

37. All prisoners may with the approval of the Superintendent be taken beyond the limits of a prison and put to such labour as may be prescribed by Prison Rules.

Prisoner subject to Ordinance and Rules.

38. Every prisoner shall be subject to the provisions of this Ordinance and of Prison Rules, and shall also be subject to prison discipline during the whole of his imprisonment, whether he is or is not within the limits of any prison.

Punishment for major prison offences.

39. Where any prisoner commits any of the following major prison offences—

- (a) mutiny or incitement to mutiny;
- (b) escape or attempt to escape;
- (c) taking part in any assault or attack on any member of the prison staff or medical officer;
- (d) aggravated or repeated assault on any other prisoner—

then, on such prisoner being found guilty thereof, on an enquiry

before the Superintendent, the Superintendent may impose any or all of the following punishments—

- (i) in the case of an offence specified in paragraphs (a), (c) or (d), whipping or flogging;
Provided that no sentence of whipping or flogging shall be imposed except with the approval of the Governor;
- (ii) reduction of diet to No. 1 punishment diet for any period not exceeding fourteen consecutive days;
- (iii) reduction of diet to No. 11 punishment diet for any period not exceeding twenty-one consecutive days;
- (iv) suspension or postponement of any or all privileges for any period not exceeding ninety days;
- (v) forfeiture of remission for any period not exceeding ninety days, and in the case of an offence specified in paragraph (b), the forfeiture of all remission earned up to the date of such offence.

40. Where any prisoner commits any of the following offences— **Other offences.**

- (a) wilful destruction of property;
- (b) wilfully causing to himself any illness, injury or disability;
- (c) wilfully making any false or groundless accusation or complaint against any member of the prison staff, medical officer or prisoner;
- (d) persistent repetition of any minor prison offence;
- (e) any act of misconduct or insubordination;
- (f) abetting the commission of any major prison offences;
- (g) malingering or feigning illness;
- (h) disobeying any order of the Superintendent or any other officer or any Prison Rules or Standing Orders;
- (i) acting in any way prejudicial to good order and discipline,

then on such prisoner being found guilty thereof on any enquiry by the Superintendent, the Superintendent may impose any or all of the following punishments—

- (a) reduction of diet to No. 1 punishment diet for any period not exceeding fourteen consecutive days;
- (b) reduction of diet to No. 11 punishment diet for any period not exceeding twenty-one consecutive days;
- (c) suspension or postponement of any privileges for any period not exceeding ninety days;
- (d) forfeiture of remission for any period not exceeding ninety days.

41. Where any prisoner commits any prison offence then on such prisoner being found guilty thereof, on an enquiry before the person in charge of the prison, the person in charge of the prison may impose any or all of the following punishments — **Powers of person in charge of a prison to award punishment for major and other prison offences.**

- (a) reduction of diet to No. 1 punishment diet for any period not exceeding seven consecutive days;
- (b) reduction of diet to No. 11 punishment diet for any period not exceeding fourteen consecutive days;
- (c) suspension or postponement of any or all privileges for any period not exceeding twenty-eight consecutive days;
- (d) forfeiture of remission for any period not exceeding thirty days.

42. No prisoner shall be punished until he has had an opportunity of hearing the charge against him and making his defence. **Prisoner to be heard on his own behalf.**

43. Where any punishment is imposed upon any prisoner then the Superintendent or the person in charge of the prison, as the case may be, shall cause to be entered in a register to be kept for **Entry of punishment in register.**

such purpose, a record of the punishment showing in respect of each prisoner punished, the name of the prisoner, the nature of his offence and the extent of his punishment.

Appeal by
prisoner.

44. Any prisoner may, within forty-eight hours of the imposition of any punishment under section 41 of this Ordinance appeal in writing to the Superintendent who may allow the appeal, or reduce, confirm or increase such punishment as he may see fit.

Detention
after date
of
discharge.

45. Any punishment lawfully imposed on a prisoner under this Ordinance or any Prison Rules may be carried into effect notwithstanding that the carrying into effect thereof may necessitate the detention of a prisoner beyond the date at which he would otherwise be entitled to be discharged from prison:

Provided that the period of such detention shall not exceed forty-eight hours, such period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged.

Supervision
of prisoner
under sen-
tence of
death.

46. Every prisoner under sentence of death shall be confined apart from other prisoners in a special cell, and shall be under constant supervision by day and by night.

Access to
prisoners
under sen-
tence of
death.

47. Except with the written permission of the Superintendent, no person other than a member of the prison staff, the medical officer and a minister of the religious denomination to which the prisoner belongs, shall have access to any prisoner under the sentence of death.

PART VI.

General.

Visiting
justices.

48 (1) There shall be in respect of each prison in the Colony a Board of Visiting Justices, and the Governor may appoint for such time as may be specified in the appointment such and so many justices to be members of such Board.

(2) All judges of the Supreme Court and magistrates shall be *ex-officio* visiting justices for each of the prisons of the Colony.

Powers and
duties of
visiting
justice.

49. (1) A visiting justice may at any time visit any prison in respect of which he is a visiting justice, and may inspect any part of such prison, may enquire into and examine the food, diet, clothing, treatment and conduct of prisoners, may question any member of the prison staff or prisoner may hear complaints from any prisoner, may enquire into any abuses and irregularities in any prison and shall ascertain as far as possible whether the provisions of this Ordinance and the Prison Rules are being complied with, and may make a report upon any such matters to the Governor.

(2) A court composed of two visiting justices appointed under subsection (1) of section 48 of this Ordinance or of one *ex-officio* visiting justice, sitting in prison shall have all the powers of the Superintendent in relation to the trial of any major or other prison offence or in relation to any appeal under section 44 of this Ordinance.

Power to
require re-
leased
prisoner to
notify
address.

50. (1) The Governor may by order require a convicted prisoner who has been released from prison to notify to the person in charge of a police station in the district in which the prisoner resides —

- (a) his address within one week of such release;
- (b) any change in his address which may have taken place during such period, in no case exceeding five years after such release, as may be specified in the order within one week of such change.

(2) Any order made under this section shall be served on the prisoner prior to his release from prison.

(3) Any prisoner who contravenes the provisions of any order made under this section or who knowingly or recklessly notifies any false or incorrect address shall be guilty of an offence against this Ordinance and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding two months.

51. It shall be the duty of the coroner having jurisdiction in the place where any prison is situate to hold an inquest upon the body of any prisoner on whom sentence of death is executed or who may die in such prison.

Coroner to hold inquest on death of prisoner.

52. Nothing in this Ordinance or in Prison Rules shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary court of law, but no prisoner shall be punished twice for the same offence:

Prisoner not to be punished twice.

Provided that nothing in this section shall be construed as derogating from the powers contained in sections 39 and 40 of this Ordinance in relation to the infliction of all or any of the punishments therein set out.

53. Where any prisoner under sentence of imprisonment escapes, then the currency of the sentence which he is then undergoing shall be suspended from the day on which he escapes to the day on which he is recaptured so that he shall not be deemed to have served any part of his sentence during the period between the day on which he escaped and the day on which he was recaptured.

Escape.

54. Any prisoner who escapes or attempts to escape from lawful custody shall be guilty of an offence against this Ordinance and liable on summary conviction to imprisonment for a term not exceeding twelve months, and all remission earned by such prisoner up to the date of such offence shall be forfeited.

Escape punishable before magistrate.

55. (1) Any person who without lawful authority —

Prohibited articles.

(a) brings, throws, conveys or causes to be conveyed or supplied to any prisoner or introduce by any means into any prison, or hides or places for any prisoner or prisoners any prohibited articles; or

(b) brings or throws or conveys or attempts to bring out of any prison or conveys from any prison any

prohibited article, shall be guilty of an offence against this Ordinance, and be liable on summary conviction to a fine not exceeding two hundred and forty dollars or to imprisonment for a term not exceeding three months.

(2) The offender may be apprehended by anyone and taken before a magistrate to be dealt with according to law.

(3) Any prison or police officer who is convicted under this section shall in addition to any other punishment, be liable to forfeit his office and any arrears or salary due him and also any pension to which he may be entitled.

56. Any person, who without leave or lawful excuse interrupts or speaks to or in any way communicates with any prisoner while at work without the walls of a prison or while going to or returning from that work shall be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months.

Communicating with prisoners.

57. Any person who assaults, obstructs, or resists or aids or incites any other person to assault, obstruct or resist any prison officer in the execution of his duty, shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, and if the offender is a convicted prisoner, he shall be liable, upon conviction on indictment to imprisonment for a term not exceeding two years.

Assaulting, etc., prison officer.

58. The Governor in Council may make rules generally for the good management and governance of prisons and prisoners and for carrying out the objects of this Ordinance and without prejudice to the generality of such powers may make rules in relation

Making of Rules. Powers of Governor.

- (a) the conditions of service and the powers, conduct, duties and discipline of prison officers and members of the subordinate staff;
- (b) the employment, classification, safe custody, separation, treatment and discipline of prisoners;
- (c) the medical examination, measuring, photographing, taking of finger prints, and other records of prisoners;

- (d) the remission of sentences to be allowed to prisoners and the manner and conditions under which such remissions are to be granted;
- (e) the supply of money, food or clothing, or the means of travelling to prisoners on their discharge;
- (f) the administration of the Prison Fines Fund;
- (g) the proceedings, visits, duties and powers of visiting justices;
- (h) the appointment, duties and powers of Visiting Committees;
- (i) the conditions under which, and the manner in which, the sentence of death shall be executed;
- (j) the conditions under which and the manner in which corporal punishment shall be inflicted;
- (k) the means and methods of restraining refractory prisoners.

59. (1) The Prisons Ordinance is hereby repealed.

Repeal and
savings.
Cap. 83.

(2) All Rules made by the Governor under the provisions of the Prisons Ordinance which were in force at the commencement of this Ordinance shall insofar as they are not inconsistent with the provisions of this Ordinance continue to have effect until revoked by Prison Rules made under the provisions of this Ordinance.

OBJECTS AND REASONS.

The Prisons Ordinance (Chapter 83) was enacted in 1892 and is completely outmoded in view of the revolutionary changes in prison administration which have taken place since then. Accordingly it has become a matter of extreme difficulty to ensure the efficient running of the Prisons Department under the existing Ordinance and Rules.

2. This Bill which is based upon the Jamaica Prison Law (Chapter 307) which was enacted in 1947 seeks to bring the law in this Colony relating to prisons into line with modern developments in prison administration.

3. Clause 3 of the Bill seeks to provide for the establishment of prisons and lock-ups, and to declare that prisons established under the Prison Ordinance shall be prisons for the purposes of the proposed Ordinance.

4. Clause 4 seeks to vest the general charge and control of prisons in the Superintendent of Prisons, subject to the orders of the Governor.

5. Clauses 5 to 15 seek to provide for the appointment of prison staff by the Governor, for the administration of the prison, and for the discipline of members of the subordinate staff as defined in clause 2.

6. Clauses 16 to 17 seek to prescribe the powers of the prison staff in relation to prisoners.

7. Clause 19 seeks to provide for a Prison Fines Fund into which shall be paid all pay forfeited by and fines inflicted upon members of the subordinate staff.

8. Clauses 20 to 26 seek to make provision for the custody of prisoners and persons detained in lock-ups, and to make provision for their production before any court or at any place where their presence is required.

9. Clauses 28 to 32 seek to provide for the removal of sick prisoners to appropriate hospitals.

10. Clauses 34 and 35 seek to provide for the segregation of prisoners and the transfer of prisoners apparently under the age of sixteen to an approved school.

11. Clauses 37 to 47 seek to provide for the discipline and control of prisoners.

12. Clauses 48 and 49 seek to provide for a Board of Visiting Justices.

13. The remaining clauses are self-explanatory.

14. It is proposed by separate legislation to abolish sentences of penal servitude and imprisonment with hard labour as such sentences are not in accord with modern views on prison reform.

G. A. C. FARNUM,

Member for Local Government,
Social Welfare and Co-operative Development.

(S.W.C. 98/3.)
(Leg. Bill No. 15/1957)