

BILL No. 43 of 2009

Thursday 19th November, 2009

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

19th November, 2009.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



BILL No. 43 of 2009

PRISON (AMENDMENT) BILL 2009

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 5 (2) of the Principal Act.
4. Repeal of section 6 of the Principal Act.
5. Amendment of section 13 (2) of the Principal Act.

6. Amendment of section 17 (1) of the Principal Act.
7. Amendment of section 37 of the Principal Act.
8. Amendment of section 39 of the Principal Act.
9. Amendment of section 39A of the Principal Act.
10. Amendment of section 53 of the Principal Act.
11. Amendment of section 54 of the Principal Act.
12. Amendment of section 55 of the Principal Act.

A BILL
Intituled

AN ACT to amend the Prison Act.

A.D. 2009

Enacted by the Parliament of Guyana:

Short title.

1. This Act, which amends the Prison Act, may be cited as the Prison (Amendment) Act 2009.

Cap. 11:01

Amendment of section 2 of the Principal Act.

2. Section 2 of the Principal Act is amended by the substitution in the definition of "young prisoner" for the words "the age of 21" the words "the age of 18".

Amendment of section 5 (2) of the Principal Act.

3. Section 5 (2) (b) of the Principal Act is amended by the substitution for the word "clerks" the words "assistant prison officers".

Repeal of section 6 of the Principal Act.

4. Section 6 of the Principal Act is repealed.

Amendment of section 13 of the Principal Act.

5. Section 13 of the Principal Act is amended by the substitution for subsection (2) the following subsection -

“(2) Every Prison Officer may use weapons against any prisoner engaged in an individual or combined outbreak, or in any attempt to force or break open any wall of any prison, or authorised areas of confinement or scaling or attempting to scale any perimeter wall or breaking or attempting to break open any perimeter gate and may continue to use the weapons so long as the individual or combined outbreak or attempt is being prosecuted.”

Amendment of section 17 of the Principal Act.

6. Section 17 (1) of the Principal Act is amended by the substitution for the words "police constable" the words "member of the Joint Services".

Amendment of section 37 of the Principal Act.

7. Section 37 of the Principal Act is amended as follows -

- (a) in paragraph (d) by the substitution for the comma at the end of line 1, of a semicolon and by the insertion immediately after paragraph (d) the following paragraph -

“(e) protest on the roof of a prison,”

- (b) by substituting for the words “the Director” where it appears for the second time, the words “ or Deputy Director or any Disciplinary Board of Enquiry appointed by the Director, the person who conducted the inquiry”.

Amendment of section 39 of the Principal Act.

8. Section 39 of the Principal Act is amended by the substitution for the full stop at the end of paragraph (d) of a semicolon and by the insertion of the following paragraphs immediately after paragraph (d) -

- “(e) severe reprimand;
- (f) reprimand; or
- (g) suspended punishment.”

Amendment of section 39A of the Principal Act.

9. Section 39A of the Principal Act is amended by the insertion immediately before the words “a Senior Superintendent” the words “a Deputy Director,”.

Amendment of section 53 of the Principal Act.

10. Section 53(1) of the Principal Act is amended by the substitution for the words “four hundred dollars” and the words “three months” of the words seventy-five thousand dollars and the words twelve months respectively.

Amendment of section 5e of the Principal Act.

11. Section 54 of the Principal Act is amended as follows -

- (a) by the deletion of the words “while at work without the walls of a prison or while going to or returning from work”; and
- (b) by the substitution for the words “seventy-five dollars or to imprisonment for two months” the words “ten thousand dollars or to imprisonment for three months”.

Amendment of section 55 of the Principal Act.

12. Section 55 of the Principal Act is amended -

- (a) by the substitution for the words “seven hundred and fifty dollars” and the words “twelve months” the words “seventy-five thousand dollars” and the words “eighteen months”, respectively;
- (b) by the insertion immediately after the words “two years” the words “consecutive to his current sentence”.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Prison Act (Cap 11:01).

Clause 1 sets out the short title of the Bill.

Clause 2 seeks to amend the definition of prison officer and young prisoner. It is proposed that a young prisoner be a prisoner under 18 years rather than under 21 years.

Clause 4 seeks to repeal section 6 of the Act.

Clause 5 seeks to amend section 13 so as to allow prison officers to use weapons against prisoners engaged in an individual or combined attempt to break out of prison.

Clause 6 seeks to amend section 17 by replacing the words "police constable" with the words "member of the Disciplined Force".

Clause 7 seeks to amend section 37 so as to include protests on the roof of a prison as one of the major prison offences.

Clause 8 seeks to amend section 39 so as to enhance the punishment that may be awarded by the person in charge of the prison for major and other prison offence.

Clause 9 seeks to amend section 39A so as to allow the Deputy Director to enquire into offence committed in prison and to impose specified punishments.

Clause 10 seeks to amend section 53 so as to enhance the penalty for bringing, throwing etc prohibited articles into a prison or taking out of a prison such prohibited articles.

Clause 11 seeks to amend section 54 so as to make any communication with out leave or lawful excuse with a prisoner an offence and to enhance the penalty for committing such an offence.

Clause 12 seeks to amend section 55 so as to enhance the penalty for assaults etc. on a prison officer.



Minister of Home Affairs.