



MONTSERRAT

# CHAPTER 10.04

## PRISON ACT and Subsidiary Legislation

Revised Edition  
showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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**CHAPTER 10.04**

**PRISON ACT**

**ARRANGEMENT OF SECTIONS**

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## CHAPTER 10.04

### PRISON ACT

*(Acts 10 of 1955, 9 of 1956, 15 of 1958, 6 of 1965,  
32 of 1975, 12 of 1983, 11 of 1991, 9 of 2008 and 9 of 2011)*

#### Commencement

*[1 July 1956]*

#### Short title

1. This Act may be cited as the Prison Act.

#### Interpretation

2. In this Act—

“prison”<sup>1</sup> means gaol, and includes the airing ground or other ground or buildings occupied by Prisons Officers and contiguous thereto and any other place which the Governor shall by proclamation published in the *Gazette* declare to be a prison;

“prisoner” means any person lawfully sentenced or ordered to be imprisoned or detained in prison.

#### *Provision, Maintenance and Closing of Prisons*

#### Montserrat to provide and maintain prison

3. There shall be provided and maintained at the expense of the Government, adequate accommodation for its prisoners in a prison.

#### Power to alter prisons and build new ones

4. The Governor may with the approval of the Legislative Assembly alter, enlarge or rebuild any prison in Montserrat or may, if necessary, build new prisons in lieu of or in addition to any existing prisons. *(Amended by Act 9 of 2011)*

#### Closing of prisons

5. (1) The Governor may at any time by proclamation declare any prison in Montserrat to be closed; and every prison which the Governor

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<sup>1</sup> Lower floor of Police Headquarters at Brades declared a prison for the purpose of the Prison Act – S.R.O. 29/2004

shall so declare to be closed shall, as from the date of the proclamation, cease to be used as a prison accordingly.

(2) Persons committed to any prison closed under this section shall, upon the closing of such prison, be deemed to be committed to the prison nearest thereto, or to such other prison as the Governor may appoint or determine.

### *Visiting Committee*

#### **Visiting Committee**

6. (1) Rules made under section 21 shall provide for the constitution by the Governor of a Visiting Committee of a prison consisting of such persons appointed at such times, in such manner and for such periods as may be prescribed by the Rules.

(2) Rules made as aforesaid shall prescribe the functions of the Visiting Committee and shall among other things require members to pay frequent visits to a prison and hear any complaints which may be made by the prisoners, to consider periodically the character, conduct and prospects of each prisoner and report to the Governor any matter which they consider it expedient to report; and any member of the Visiting Committee may at any time enter the prison and shall have free access to every part of it and to every prisoner.

(3) Any Visiting Committee constituted on or before 25 November 2008 under rule 42 of the Prison Rules shall be deemed to have been properly constituted under this Act, and any act done, or decisions taken by, the members of such Visiting Committee shall be deemed to have been validly done or taken under this Act. (*Inserted by Act 9 of 2008*)

### *Prisons Officers*

#### **Prisons Officers**

7. (1) The Governor shall appoint an officer with such title as he may approve, who shall be in charge of the prison in Montserrat and shall superintend and manage same.

(2) In addition to the officer appointed under subsection (1) the Governor shall appoint such other officers including an honorary chaplain, as may be necessary, for the efficient management of the prison.

(3) The duties of the officers appointed by virtue of subsections (1) and (2) shall be such as may be prescribed by Rules made under section 21.

*(Amended by Act 6 of 1965)*



## **Powers of Prisons Officers**

8. Every male Prisons Officer while acting as such shall have all the powers, authority, protection and privileges of a constable.

### *Confinement and Treatment of Prisoners*

## **Place of confinement of prisoners**

9. (1) A prisoner, whether sentenced to imprisonment or committed to prison on remand or pending trial or otherwise, may be lawfully confined in any prison.

(2) Prisoners shall be committed to such prisons as the Governor may from time to time direct; and may by direction of the Governor be removed during the term of their imprisonment from the prison in which they are confined to any other prison in Montserrat.

(3) A writ, warrant or other legal instrument addressed to the officer in charge of a prison and identifying that prison by its situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.

## **Legal custody of prisoner**

10. (1) Every prisoner shall be deemed to be in the legal custody of the officer in charge of the prison.

(2) A prisoner shall be deemed to be in legal custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison.

## **Duty of officer in charge to deliver calendar of prisoners**

11. The officer in charge of every prison in which persons committed for trial before a High Court are confined shall deliver to that Court a calendar of those persons.

*(Amended by Act 32 of 1975)*

## **Removal of prisoners for judicial and other purposes**

12. (1) Rules made under section 21 may provide in what manner an appellant, when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he is entitled to be present for the purposes of the appeal, or any place to which the Court of Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that Court.

(2) The Governor may—

(a) if he is satisfied that the attendance at any place in Montserrat of a person detained in a prison in Montserrat is

desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place;

- (b) if he is satisfied that a person so detained requires medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purpose of the treatment,

and where any person is directed under this subsection to be taken to any place he shall, unless the Governor otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison in which he is required in accordance with law to be detained.

(3) It shall be lawful for any magistrate, in any case where he may see fit to do so, upon application to issue a warrant or order under his hand for any prisoner to be taken from the prison to his Court for the purpose of answering any charge that may be preferred against him.

*(Amended by Act 32 of 1975)*

### **Power of constable, etc., to act outside his jurisdiction**

13. For the purpose of taking a person to or from any prison under the order of any authority competent to give the order a constable or other officer may act outside the area of his jurisdiction and shall notwithstanding that he is so acting have all the powers, authority, protection and privileges of his office.

### **Calculation of term of sentence**

14. (1) In any sentence of imprisonment the word “month” shall, unless the contrary is expressed, be construed as meaning calendar month.

(2) A prisoner who but for this subsection would be discharged on a Sunday, Christmas Day or Good Friday, shall be discharged on the day next preceding.

### **Remission for good conduct and award of gratuities**

15. (1) Rules made under section 21 may make provision whereby, in such circumstances as may be prescribed by the rules, a person serving a sentence of imprisonment for such a term as may be so prescribed may be granted remission of such part of that sentence as may be so prescribed on the ground of his industry and good conduct, and on the discharge of a person from prison in pursuance of any such remission as aforesaid his sentence shall expire.

(2) Rules made as aforesaid may also provide for the award of gratuities on their discharge to prisoners who have been sentenced to imprisonment for a term of or exceeding twelve months.

### **Power of Governor to discharge prisoners temporarily on account of ill-health**

**16. (1)** If the Governor is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Governor may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.

**(2)** Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.

**(3)** Any prisoner discharged under this section shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Governor, and if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.

**(4)** Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.

**(5)** Nothing in this section shall affect the duties of the medical officer of a prison in respect of a prisoner whom the Governor does not think fit to discharge under this section.

### *Offences*

#### **Assaulting or resisting Prisons Officers**

**17.** Any person who assaults or resists any Prisons Officer in the execution of his duty, or aids or excites any person so to assault or resist any such officer shall be liable on summary conviction to a penalty not exceeding \$100, or to imprisonment, for any term not exceeding two months; or, if the offender be a prisoner, he shall be liable, on conviction on indictment, to be imprisoned, for any term not exceeding one year.

#### **Unlawful conveyance of spirits or tobacco into prison, etc.**

**18.** Any person who contrary to the rules of a prison brings or attempts to bring into the prison or to a prisoner any spirituous or fermented liquor or tobacco, or places any such liquor or any tobacco anywhere outside the

prison with intent that it shall come into the possession of a prisoner, and any officer who contrary to those rules allows any such liquor or any tobacco to be sold or used in the prison, shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine of \$100.

### **Unlawful introduction of other articles**

**19.** Any person who contrary to the rules of a prison conveys or attempts to convey any letter or any other thing into or out of the prison or to a prisoner or places it anywhere outside the prison with intent that it shall come into the possession of a prisoner shall, where he is not thereby guilty of an offence under section 18 be liable on summary conviction to a fine of \$50.

### **Display of notice of penalties**

**20.** The officer in charge of every prison shall cause to be affixed in a conspicuous place outside such prison a notice of the penalties to which persons committing offences under sections 18 and 19 are liable.

## *Rules*

### **Power to make Rules**

**21. (1)** The Governor acting on the advice of Cabinet may make rules for the regulation and management of prisons, the conduct, discipline and duties of the officers employed therein, and the classification, treatment, employment, discipline and control of prisoners. *(Amended by Act 9 of 2011)*

**(2)** Rules made under this section shall make provision for ensuring that a person who is charged with any offence under the rules shall be given a proper opportunity of presenting his case.

*(Amended by Act 32 of 1975)*

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**PRISONS RULES**

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**PRISONS RULES – SECTION 21**

*(S.R.O.s 3/2000, 99/2000 and 88/2005 and Act 9 of 2011)*

**Commencement**

*[18 January 2000]*

**PART 1**

**PRELIMINARY**

**Short title**

1. These Rules may be cited as the Prisons Rules.

**Interpretation**

2. In these Rules—

“**adjudged term**” means the length of imprisonment imposed by a court on passing sentence, and where it passes two or more sentences of imprisonment to be served consecutively by a prisoner, means the aggregate length of all those sentences;

“**Committee**” means the Visiting Committee established under Part 5;

“**medical officer**”, in relation to the prison, means the Chief Medical Officer appointed as such in the Public Service or other medical practitioners appointed by the Governor for the purposes of these Rules;

“**sentence**” means the sentence of imprisonment being served by a prisoner pursuant to an order of a court made upon his conviction for a criminal offence, and includes any such sentence being served in default of payment of a fine or other monetary penalty imposed by the court upon his conviction;

“**Superintendent**” means Superintendent of Prisons or in the absence abroad or through illness or death of the Superintendent, the person for the time being carrying out the duties of the Superintendent;

“**unconvicted prisoner**” means a prisoner awaiting trial, a prisoner on remand, a prisoner committed for contempt of court, a prisoner convicted but not sentenced, a prisoner appealing against conviction, or a prisoner under lawful temporary detention without charge, but does not include a prisoner detained for an indeterminate term at the pleasure of the Governor, and “**convicted prisoner**” shall be construed accordingly.

## PART 2

## GENERAL

**Admission, search and briefing of prisoners**

3. (1) Immediately upon the admission of a prisoner into prison the Superintendent shall cause to be entered—

- (a) in the Prisoners Admission Book the name of the prisoner, whether he is convicted, and, if so, the date of commencement and expiration of his sentence, his age, height, weight and other details relevant to his identification;
- (b) in the Reconviction Book the name of every prisoner admitted into prison on a second or subsequent conviction; and
- (c) in the Prisoners Property Book any property found upon the prisoner at the time of his admission into prison.

(2) Subject to regulation 16, immediately upon the admission of a prisoner into prison the prisoner shall be searched by a Prisons Officer of the same sex as the prisoner concerned, in as seemly a manner (out of sight of other prisoners) as is consistent with the discovery of anything concealed.

(3) Every prisoner shall be provided, within twenty four hours of his admission into prison, with sufficient information about these Rules and any other matters which it is necessary for him to know, including the proper method of making requests and complaints.

(4) The Superintendent may require that any prisoner admitted into prison be photographed and fingerprinted.

(5) A copy of these Rules shall be made available to any prisoner who requests it.

**Classification and separation of prisoners**

4. (1) Subject to rule 5 and any direction of the Governor, the Superintendent may classify prisoners into the four following categories with a view to maintaining good order and furthering rehabilitation—

- Category A:** A prisoner who must be held in accommodation to the highest level of security available and whose escape would be a danger to the public, the police or Montserrat.
- Category B:** A prisoner who need not be held in accommodation to the highest level of security available but whose escape must be made as difficult as possible.
- Category C:** A prisoner who does not have the resources or inclination to escape but who cannot be held in open accommodation and can only work outside the prison if supervised.



**Category D:** A prisoner who is not considered to be a security risk and who could serve his sentence in open accommodation or work out of the prison unsupervised.

(2) As far as reasonably possible unconvicted prisoners shall be kept apart from convicted prisoners, unless any unconvicted prisoner is willing to associate with convicted prisoners.

### Female prisoners

5. (1) Female prisoners shall be kept entirely separate from male prisoners.

(2) The Superintendent may, subject to any conditions he thinks fit, permit a female prisoner to nurse or tend her child in prison, in which case everything necessary for the child's maintenance and care shall be provided there.

### Privileges

6. (1) For the encouragement of the good conduct, industry and rehabilitation of prisoners the Superintendent shall, subject to the approval of the Governor, establish a system of privileges for the prison, including schemes under which money earned by prisoners may be spent by them within the prison.

(2) Prisoners who have been sentenced to imprisonment for a term of or exceeding three months shall be granted on discharge, financial aid at the rate of 50 cents per day of the sentence served up to a maximum of \$2,000.

*(Amended by S.R.O. 88/2005)*

### Remission of sentence

7. (1) Every prisoner serving a sentence of thirty days or more shall under normal circumstances be given unconditional release when he has served two thirds of his sentence.

(2) A prisoner referred to in subrule (1) shall be discharged when the adjudged term of his sentence plus any period of remission lost under rules 33 and 34 has been served.

(3) A prisoner referred to in subrules (1) and (2) shall be released from prison after the Governor has approved the necessary recommendation from the Parole Board as provided for in the Parole Act.

(4) Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence which is passed upon him in the subsequent conviction, shall be executed after the expiration of the former sentence, unless the court directs otherwise on the warrant of commitment.

(5) In calculating for the purposes of this rule how much of the adjudged term of a sentence of a prisoner remains to be served—

(a) account shall be taken of any period during which that prisoner was, in respect of the offence for which he was convicted, remanded in custody by any Court or by a Justice of the Peace either before conviction or subsequent to conviction and before the passing of

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sentence, unless in passing sentence a court has specially directed that any such period shall not be taken into account;

- (b) a period of remand before or after conviction shall not to be taken into account if that remand period was running concurrent to a sentence that is being served;
- (c) if a prisoner is remanded for two different offences and both remand periods run concurrently and he is subsequently sentenced on both offences he can only have the remand time credited to one sentence.

*(Inserted by S.R.O. 88/2005)*

### Temporary release

**8. (1)** The Superintendent may, subject to any conditions he sees fit to impose, recommend the temporary release of a convicted prisoner to the Governor to enable him to engage in employment, or receive training, or assist him in his transition to freedom, or any special purpose, and the Governor may accept or reject the recommendation.

**(2)** A prisoner temporarily released under subrule (1) may be recalled to prison at any time, whether the conditions of his release have been broken or not.

### Request by prisoners to see certain Authorities

**9. (1)** Every request by a prisoner to see the Superintendent or the Visiting Committee shall be recorded in the Application Book by the Prisons Officer to whom it is made and promptly communicated to the Superintendent.

**(2)** The Superintendent, as soon as practicable after he is informed of a request under subrule (1) shall—

- (a) if the request is addressed to himself, make himself available to hear it on every day other than Saturday, Sunday or a public holiday;
- (b) if the request is addressed to the Visiting Committee, inform the Chairperson of the Visiting Committee of the request.

### Religious ministration

**10. (1)** A prisoner shall be treated as being of the religious denomination stated on his record upon his admission into prison or otherwise disclosed by him to a Prisons Officer.

**(2)** The Superintendent shall approve the choice by any religious denomination of a chaplain to a prison and any prison minister of religion, and shall also approve the nomination of any substitute for the chaplain or a prison minister during the absence of the chaplain or prison minister.

**(3)** A chaplain or prison minister of religion wherever appointed shall—

- (a) interview every prisoner individually as soon as practicable after the prisoner's admission into prison;
- (b) unless other arrangements are made, read the burial service at the funeral of any prisoner of his denomination who dies in prison;

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- (c) visit prisoners of his denomination as regularly as practicable; and
  - (d) conduct divine service for prisoners of his denomination at least once each week and on the special days of religious observance pertaining to his denomination.
- (4) Where a prisoner belongs to a denomination for which no prison minister has been appointed, the Superintendent shall do what he reasonably can, if so requested by the prisoner, to arrange for him to be visited by a minister of that denomination.
- (5) The Superintendent shall not require prisoners of the Muslim, Jewish or Christian religion to do unnecessary work on a Friday, Saturday or Sunday respectively.
- (6) So far as is reasonably practicable, there shall be available for the personal use of every prisoner such religious books as are approved by the Superintendent for use in prisons.

### **Illness and death of prisoners**

11. (1) The medical officer shall have the care of the mental and physical health of the prisoners.
- (2) Every request by a prisoner to see the medical officer shall be recorded in the Medical Register by the Prisons Officer to whom it is made and promptly communicated to the medical officer.
- (3) The medical officer may call another medical practitioner into consultation, and shall do so, if time permits, before performing any serious operation.
- (4) If an unconvicted prisoner desires the attendance of a registered medical practitioner or dentist, and will pay any expense incurred, the Superintendent shall, if he is satisfied that there are reasonable grounds for the request, enter the request in the Medical Register and allow him to be attended by that practitioner or dentist, with or without the consultation of the medical officer.
- (5) The medical officer shall report in writing immediately to the Superintendent on the case of any prisoner—
- (a) suffering from a disease that is notifiable under the Public Health Act;
  - (b) whose health is likely to be injuriously affected by continued imprisonment or any conditions of imprisonment,
- and the Superintendent shall thereupon without delay send a copy of the report to the Governor with his recommendation as to what requires to be done.
- (6) The medical officer shall report in writing to the Superintendent on the case of any prisoner whose mental condition appears to require that special arrangements be made for the prisoner's supervision or care, and the Superintendent may approve any such arrangements.
- (7) The medical officer shall inform the Superintendent if he suspects any prisoner of having suicidal intentions, and such prisoner shall thereupon be placed under special observation.

(8) If a prisoner dies, becomes seriously ill, sustains any severe injury or is removed to a hospital on account of mental or physical disorder, the Superintendent shall, if the address concerned is known to him, inform the prisoner's spouse or next of kin, and also any person whom the prisoner may reasonably have asked should be informed.

(9) If a prisoner dies, the Superintendent shall immediately notify the coroner having jurisdiction, the Visiting Committee, and the Governor.

### **Clothing of prisoners**

12. (1) An unconvicted prisoner may wear his own clothing and arrange for it to be supplied to him from outside the prison, insofar as such clothing is adequate, clean and tidy, but this section shall otherwise apply to him as to a convicted prisoner.

(2) A convicted prisoner shall be provided with clothing adequate for the climate and consistent with good health in accordance with a scale approved by the Governor.

(3) The clothing referred to in subrule (2) includes protective clothing for use at work where it is needed.

(4) Subject to subrule (5), a convicted prisoner shall only wear the clothing provided for him under this section unless the Superintendent directs otherwise.

(5) A prisoner required to be taken in custody to any court shall wear his own clothing or clothing different from that worn in prison.

(6) A prisoner may be provided, where necessary, with suitable and adequate clothing on his release.

### **Food**

13. (1) Subject to any directions of the Superintendent, an unconvicted prisoner may arrange at his own expense for food to be supplied to him from outside the prison.

(2) Subject to any directions of the Superintendent, or as advised by the medical officer, no convicted prisoner shall—

(a) be allowed to have any food other than that ordinarily provided;

(b) be given less food than is ordinarily provided.

(3) The Superintendent may however, at his discretion, allow prisoners to receive unprepared food from visitors.

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

(5) The medical officer shall regularly inspect the food both before and after it is cooked, and shall report any deficiency or defect to the Superintendent.

*(Amended by S.R.O. 88/2005)*

**Alcohol and tobacco**

**14. (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 have any tobacco except as a privilege under rule 6 and in accordance with any directions of the Superintendent.

**Accommodation and hygiene**

**15. (1)** No room or cell shall be used as sleeping accommodation unless certified by the Superintendent—

*(a)* as being capable of accommodating a specified maximum number of prisoners who may sleep or be confined at one time in the room or cell, which number shall not be exceeded without the authority of the Superintendent; and

*(b)* as being otherwise suitable for the confinement of any prisoner.

**(2)** Each prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health.

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

**(4)** Every prisoner shall be required to wash at proper times, have a shower on admission into prison and thereafter at least once per day and, in the case of a male prisoner not excused or excepted by the Superintendent or medical officer, to shave or be shaved daily, and to have his hair cut as may be necessary for neatness:

Provided that, any convicted or unconvicted prisoner shall not be required to have their 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.

**(5)** A female 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 or cleanliness.

*(Amended by S.R.O. 88/2005)*

**Intrusive bodily examination of prisoners**

**16.** The Superintendent may, where he is satisfied that a prisoner may be concealing a weapon or any prohibited substance, permit the medical officer or any person authorised by the medical officer—

*(a)* to conduct, with or without the consent of the prisoner an intrusive bodily search of a prisoner for the purpose of discovering any prohibited or unauthorised article;

*(b)* to obtain samples from a prisoner of such bodily fluids as may be necessary to detect illness or drug abuse:

Provided that, no sample other than urine and saliva may be obtained from the prisoner without his consent.

*(Amended by S.R.O. 88/2005)*

### Daily exercise

**17. (1)** A prisoner not engaged in outdoor work shall be given exercise in the open air for not less than one hour each day, if health permits:

Provided that, exercise consisting of physical training may be given indoors instead of in the open air.

**(2)** The period of exercise referred to in subrule (1) may be reduced in special circumstances by the Superintendent.

**(3)** The medical officer shall decide upon the fitness of every prisoner for exercise and physical training, and may excuse a prisoner from, or modify, any activity on medical grounds.

*(Amended by S.R.O. 88/2005)*

### Work

**18. (1)** A convicted prisoner shall be required to do useful work, approved by the Superintendent, for not more than ten 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)** The medical officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to do work which is not of a class for which he has been passed by the medical officer as being fit.

**(3)** No prisoner shall work in the service of another prisoner or a Prisons Officer, or for the private benefit of any person, without the authority of the Superintendent.

**(4)** An unconvicted prisoner may, if he wishes, do work as if he were a convicted prisoner.

**(5)** Prisoners may be paid for their work at rates approved by the Superintendent, either generally or in relation to particular cases, and in either case a Pay Record Book shall be maintained in respect of all such payments.

**(6)** Every prisoner shall be searched on parade immediately on return from outside work.

**(7)** The Superintendent shall maintain a Prison Industries Account Book in which shall be entered a record of all articles manufactured in the prison workshop and sold and a Prison Subsidiary Fund Book in which shall be recorded all monies earned from the industry of the inmates.

*(Amended by S.R.O. 88/2005)*

### Education and social welfare

**19. (1)** Every prisoner able to profit from the educational facilities at a prison shall be encouraged to do so.

(2) Programmes of daytime and evening educational classes shall be arranged and, subject to the directions of the Superintendent, reasonable facilities shall be afforded to prisoners who wish to do so to improve their education by correspondence courses or private study, or to practice handicrafts in their spare time.

(3) Special attention shall be paid to the education of illiterate prisoners, and if necessary, they shall be taught to read and write within the hours normally allotted to work.

(4) A library shall be provided and, subject to the direction of the Superintendent, every prisoner shall be allowed to have library books and exchange them.

*(Amended by S.R.O. 88/2005)*

### **Outside contacts and aftercare**

**20. (1)** The Superintendent shall endeavour to maintain such relations between a prisoner and his family as are desirable in the best interest of both.

(2) A prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may, in the opinion of the Superintendent of Prisons, best promote the interests of his family and his own social rehabilitation.

(3) From the beginning of a prisoner's sentence, consideration shall be given, in consultation with the appropriate aftercare organisation wherever available, to the prisoner's future and the assistance to be given to him after his release.

### **Letters and visits**

**21. (1)** The Superintendent may, with a view to securing discipline or the prevention of crime, or in the interests 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 this rule, a prisoner shall not be permitted to communicate with any person outside the prison, or that person with him, without the leave of the Superintendent.

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

(4) Every visit to a prisoner shall take place within the sight and, except as provided by this rule, the hearing of a Prisons Officer and shall be recorded in a Visitors Book, unless the Superintendent otherwise directs.

(5) 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.

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

(7) A convicted prisoner shall be entitled—

(a) to send and receive a letter on his admission into prison and thereafter once a week; and

(b) to receive a visit once every two weeks.

(8) The Superintendent may allow a prisoner an additional letter or visit where necessary for his welfare or that of his family.

(9) The Superintendent may allow a prisoner entitled to a visit to send and receive a letter instead.

(10) The Superintendent may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(11) The Visiting Committee may allow a prisoner an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(12) The Superintendent may allow additional letters and visits in relation to any prisoner or class of prisoner.

(13) The cost of outgoing letters shall be met by the Superintendent where he is satisfied that the prisoner does not have the means to meet it.

*(Amended by S.R.O. 88/2005)*

### **Visits and communications in connection with legal and other proceedings**

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

(2) 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 on a weekday by, any relative or friend to arrange for surety or payment in order to secure his release from prison.

(3) The legal adviser of a prisoner in any legal proceedings, civil or criminal, to which the prisoner is a party, shall be afforded reasonable facilities for interviewing him in connection with those proceedings out of hearing but in the sight of a Prisons Officer.

(4) A prisoner's legal adviser may, with the leave of the Superintendent, interview the prisoner in connection with any other legal business in the sight and hearing of a Prisons Officer.

(5) A prisoner who is a party to any legal proceeding may correspond with his legal adviser in connection with the proceedings and unless the Superintendent of Prisons has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under rule 21(1).

(6) Subject to any directions given in the particular case by the Superintendent a registered medical practitioner selected by or on behalf of a prisoner who is a party to legal proceedings 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 a Prisons Officer.



(7) Subject to any directions of the Superintendent, a prisoner may correspond with a solicitor for the purpose of obtaining legal advice concerning any course of the action in relation to which the prisoner may become a party to civil proceedings, or for the purpose of instructing the solicitor to issue such proceedings.

(8) Where a person has been committed to prison by a Court for non-payment of any sum of money adjudged to be paid by an order, such person may pay or cause to be paid to the Superintendent the sum mentioned in the committal warrant together with any costs, charges and expenses, if any, mentioned therein and the Superintendent shall receive the same and discharge such person unless he is in custody for some other matter.

*(Amended by S.R.O. 88/2005)*

### **Custody outside prison**

**23. (1)** A person being taken to or from a prison custody shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult.

(2) A prisoner required to be taken in custody anywhere outside a prison shall be kept in the custody of a Prisons Officer or a police officer.

### **Prisoners' property**

**24. (1)** Subject to any directions of the Superintendent, an unconvicted prisoner may have supplied to him at his own expense and retain for his own use, books, newspapers, writing material and any other means of occupation, except any that appear objectionable to the Visiting Committee or, pending consideration by them, to the Superintendent.

(2) Anything, other than property which he is allowed to retain for his own use, shall be taken into the Superintendent's custody. An inventory of the prisoner's property shall be kept in the Prisoners' Property Book, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

(3) Any cash which a prisoner has at a prison shall be paid into a Bank Account in the prisoner's own name.

(4) Any article belonging to a prisoner which remains unclaimed for a period of more than three years after he leaves prison, or dies, may be sold or otherwise disposed of, and the net proceeds of any sale shall be paid to Government funds for its general purposes.

(5) The Superintendent may confiscate any unauthorised article found in the possession of a prisoner after his admission into prison, or concealed or deposited anywhere within the prison.

*(Amended by S.R.O. 88/2005)*

### **Money and articles received by post**

**25. (1)** Any money or other article (other than a letter or other communication) sent to a convicted prisoner through the post office shall be dealt with in accordance with the provisions of this rule, and the prisoner shall be informed of the manner in which it is dealt with and a written record maintained of the action taken.

Copying/unauthorised distribution strictly prohibited.

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

- (a) dealt with in accordance with rule 24(3); or
- (b) returned to the sender:

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 cash and, unless he objects to it 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—

- (a) be delivered to the prisoner or placed with his property at the prison; or
- (b) be 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 would be unreasonable to return it, be sold or otherwise disposed of, and the net proceeds of any sale applied in accordance with this rule.

### PART 3

#### DISCIPLINE

#### Removal from association

26. (1) Where it appears desirable, for the maintenance of good order and 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 a prisoner's removal from association accordingly.

(2) A prisoner shall not be removed under this rule for a period of more than twenty four hours without the authority of a member of the Committee, or the Governor.

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

#### Use of force

27. (1) A Prisons 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.

(2) No officer shall act deliberately in a manner calculated to provoke a prisoner.

#### Temporary confinement

28. The Superintendent may order a refractory or violent prisoner to be confined temporarily in a special cell (if available), but a prisoner shall not be so confined as a punishment, or after he ceases to be refractory or violent.

## Restraints

**29. (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 a member of the Committee, and to the medical officer.

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

**(4)** A prisoner should not be kept under restraint longer than is necessary, nor shall he be so kept for longer than twenty four hours without a direction in writing given by the Governor or a member of the Committee. 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 under the foregoing provisions of this regulation shall be forthwith recorded in a Punishment Book.

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

**(7)** Any means of restraints shall be of a pattern authorised by the Superintendent, and shall be used in such manner and under such conditions as the Superintendent may direct.

**(8)** Restraints that may be used to prevent prisoners harming themselves and never as punishment are handcuffs, body-belts, protected rooms, leather wrist straps, ankle straps, loose canvas jackets or control and restraint techniques.

*(Amended by S.R.O. 88/2005)*

## Offences against discipline

**30.** A prisoner commits an offence against discipline if he—

- (a)* mutinies or incites another prisoner to mutiny;
- (b)* commits an assault;
- (c)* detains any person against his will;
- (d)* denies access to any part of the prison to any Prisons Officer;
- (e)* fights with any person;
- (f)* intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered;
- (g)* intentionally obstructs an officer in the execution of his duty;
- (h)* escapes from prison or legal custody;
- (i)* fails—

- (i) to return to prison when he should return after being temporarily released under regulation 8;
- (ii) to comply with any condition upon which he is so released;
- (j) has in his possession—
  - (i) any prohibited article; or
  - (ii) a greater quantity of any article than he is authorised to have;
- (k) sells or delivers to any person any prohibited article;
- (l) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;
- (m) takes improperly any article belonging to another person or to the prison;
- (n) intentionally or recklessly sets fire to any person, to the prison or any other property, whether or not his own;
- (o) destroys or damages any part of the prison or any other property other than his own;
- (p) absents himself from any place where he is required to be or is present at any place where he is not authorised to be;
- (q) is disrespectful to the Superintendent or to any Prisons Officer or to any person visiting the prison;
- (r) uses threatening, abusive or insulting words or behavior;
- (s) intentionally fails to work properly or, being required to work, refuses to do so;
- (t) disobeys any lawful order;
- (u) disobeys or fails to comply with any rules applying to him;
- (v) makes any false and malicious allegation against a Prisons Officer;
- (w) repeatedly makes groundless complaints;
- (x) in any way offends against good order and discipline;
- (y) attempts to commit, or incites another prisoner to commit, or assists another prisoner to commit, any of the foregoing offences.

### Disciplinary charges

**31. (1)** Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible, and, save in exceptional circumstances, within forty eight hours of the discovery of the offence.

**(2)** A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending adjudication of his case.

**(3)** Every charge shall be inquired into, in the first instance, by the Superintendent or, in his absence, by the Senior Officer in charge of the Prison.

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

### **Rights of prisoners charged**

32. (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 or the Senior Officer in charge of the prison.

(2) At any enquiry 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.

### **Punishments**

33. (1) If he finds a prisoner guilty of an offence against discipline, the Superintendent or the Senior Officer in charge may, subject to rule 35, impose one or more of the following punishments—

- (a) a caution;
- (b) forfeiture for a period not exceeding twenty eight days of any privileges under rule 6;
- (c) exclusion from associated work for a period not exceeding fourteen days;
- (d) stoppage of earnings for a period not exceeding twenty eight days;
- (e) cellular confinement for a period not exceeding three days;
- (f) forfeiture of remission of sentence for a period not exceeding twenty eight days;
- (g) in the case of an unconvicted prisoner, forfeiture for any period of the right, under rule 24(1) to have articles there mentioned;
- (h) in the case of an unconvicted prisoner guilty of escaping or attempting to escape, forfeiture of the right to wear his own clothing under rule 12(1).

(2) If a prisoner is found guilty of more than one offence, punishments may be ordered to run consecutively.

(3) In the case of an offence against discipline committed by a prisoner who was under the age of twenty one years when it was committed, subrule (1) shall have effect but—

- (a) the maximum period of forfeiture of privileges shall be fourteen days; and
- (b) the maximum period of stoppage of earnings shall be fourteen days.

### **Referrals to Visiting Committee**

34. (1) Where at an inquiry held pursuant to rule 31(3) the Superintendent or the Senior Officer of the prison decides that, if the prisoner were found guilty, the

punishments provided under rule 33 would, having regard to the nature and circumstances of the offence, be inadequate, the Superintendent, or the senior Officer of the prisons with the agreement of the Superintendent, may refer the charge to the Visiting Committee hereinafter referred to as the “Committee”.

(2) Where a charge is referred to the Committee, the Chairman shall summon a special meeting at which not fewer than three members shall be present.

(3) The Committee shall inquire into the charge, and if it finds the prisoner guilty it may, subject to subrule (4), impose one or more of the following punishments—

- (a) a caution;
- (b) forfeiture or postponement for any period of any privileges under rule 6;
- (c) stoppage of earnings for a period not exceeding fifty six days;
- (d) cellular confinement for a period not exceeding fifty six days;
- (e) exclusion from associated work for a period not exceeding fifty six days;
- (f) forfeiture of remission of sentence of a period not exceeding 120 days;
- (g) the punishments referred to in rules 33(1)(g) and (h).

(4) If a prisoner is found guilty of more than one offence, punishments may be ordered to run consecutively, but where forfeiture of remission is concerned the total period forfeited shall not exceed 180 days.

(5) In the case of an offence against discipline committed by a prisoner who was under the age of twenty one years when it was committed, subrule (3) shall have effect but—

- (a) the maximum period of forfeiture or postponement of privileges shall be twenty eight days;
- (b) the maximum period of exclusion from associated work and stoppage of earnings shall be twenty eight days;
- (c) the maximum period of cellular confinement shall be seven days;
- (d) the maximum period of forfeiture of remission of sentence shall be ninety days; and
- (e) the maximum period of forfeiture of remission arising from punishments ordered to run consecutively or charges arising from an incident shall be 135 days.

### Particular punishments

35. (1) A punishment of stoppage of earnings may, instead of forfeiting all a prisoner’s earnings for a specified period not exceeding twenty eight or fifty six days, as the case may be, be expressed so as to forfeit a proportion (not being less than one

half) of his earnings for a period not exceeding a correspondingly greater number of days.

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

(3) In the case of an offence against discipline committed by an unconvicted prisoner, a punishment of prospective or contingent forfeiture of remission may be made:

Provided that, such punishment shall have effect only if a sentence of imprisonment is imposed upon conviction of the prisoner, in which case it shall have effect even if the sentence is stated to be reduced by the period during which the prisoner was a convicted prisoner.

### **Suspension, remission and mitigation of punishments**

**36. (1)** Subject to any directions of the Governor, the power to impose a punishment (other than a caution) under this Part, shall include the power to suspend for up to six months the operation of the punishment unless, within the period of the suspension, the prisoner commits another offence against discipline.

(2) Where a prisoner upon whom a suspended punishment is imposed commits another offence against discipline, the Superintendent, as the case may be, may—

- (a) direct that the suspended punishment take effect;
- (b) direct that it take effect subject to a specified reduction of its period or amount;
- (c) suspend the operation of the suspended punishment for a period of up to six months; or
- (d) give no directions with respect to the suspended punishment.

(3) The Governor may quash any finding of guilt by the Superintendent or the Committee and may remit any punishment or mitigate it either by reducing it or by substituting another which is, in his opinion, less severe.

(4) Subject to any directions of the Governor, the Superintendent, may remit or mitigate any punishment imposed by the Senior Prisons Officer in charge of the prison, and the Committee may remit or mitigate any punishment imposed by the Superintendent of Prisons or the Senior Prisons Officer.

(5) A record of all punishment imposed on a prisoner shall be maintained by the Superintendent.

## PART 4

## FUNCTIONS AND CONDUCT OF PRISONS OFFICERS

**General duty of Prisons Officers**

**37. (1)** It shall be the duty of every Prisons Officer to conform to these Rules, to assist and support the Superintendent in their observance, and to obey the lawful instructions of the Superintendent.

**(2)** A Prisons Officer shall inform the Superintendent promptly of any abuse or impropriety which comes to his knowledge.

**Search of Prisons Officers and medical treatment**

**38. (1)** A Prisons Officer shall submit himself to be searched in the prison if so required by the Superintendent.

**(2)** A Prisons Officer who is injured in the performance of his duty shall be entitled to medical attention at public expense.

**Dealing with prisoners and former prisoners**

**39. (1)** No Prisons Officer shall take part in any business or pecuniary transaction with or on behalf of a prisoner without leave of the Superintendent.

**(2)** Every Prisons Officer shall inform the Superintendent of any contact with any person who he knows to be a former prisoner.

**Communications to the press, etc.**

**40. (1)** No Prisons Officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning matters which have become known to him in the course of his duty.

**(2)** No Superintendent shall, without authority, publish any matter or make any public pronouncement relating to the prison administration.

**Code of conduct**

**41.** The code of discipline set out in the Schedule shall have effect in relation to all Prisons Officers.

## PART 5

## THE VISITING COMMITTEE

**Constitution and proceedings of Visiting Committee**

**42. (1)** For the purpose of exercising the functions conferred upon it by these Rules, there shall be a body to be known as the Visiting Committee which shall consist of a Chairperson and not less than two or more than six other members appointed by the Governor.



(2) A person appointed to be a member of the Committee shall hold office for such term, not exceeding two years, as may be determined by the Governor at the time of appointment, but any member shall be eligible for reappointment and may at any time resign his office by notice in writing to the Governor.

(3) At any meeting of the Committee any three members shall constitute a quorum.

(4) The Chairman shall preside at meetings of the Committee but in the event of his absence from any meeting the members present shall appoint any other member to preside at that meeting.

(5) No person interested in any contract for the supply of goods or services to a prison shall be a member of the Committee.

(6) The Committee shall meet at each prison once each month or, if it resolves for reasons specified in the resolution that less frequent meetings are sufficient, not fewer than eight times in twelve months.

(7) The proceedings of the Committee shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member and shall be recorded in the Visiting Committee's Record Book.

(8) Decisions of the Committee shall be reached by a majority of the members present and voting, and in the case of an equality of votes the Chairman or member presiding shall have a casting vote.

(9) The Committee shall otherwise regulate its procedure as it thinks fit.

### **Duties of Committee**

43. (1) The Committee shall satisfy itself as to the state of prisons and the treatment of prisoners and in particular it shall—

- (a) hear any complaint or request that a prisoner wishes to make to it or any member;
- (b) arrange for the food of the prisoners to be inspected by a member of the Committee at frequent intervals;
- (c) inquire into any report made to it that a prisoner's health, mental or physical, is likely to be injuriously affected by any conditions of his imprisonment;
- (d) inquire into and report upon any matter into which the Governor may ask them to inquire;
- (e) direct the attention of the Superintendent to any matter it considers calls for his attention, and report to the Governor on any matter which it considers expedient to report upon;
- (f) inform the Governor immediately of any abuse which comes to its knowledge.

(2) The Committee shall, in a case of any abuse or neglect by a Prisons Officer of his functions, have power to suspend him in a case of urgent necessity until the decision of the Governor in the case is known.

(3) Before exercising its power under subrule (2) the Committee or any member of the Committee shall inform the Superintendent of Prisons.

### Visiting of prisons

44. (1) The members of the Committee shall arrange a rota whereby at least one member visits each prison between meetings of the Committee.

(2) A member of the Committee shall have access to the records of any prison.

### Annual report

45. The Committee shall make an annual report to the Governor at the end of each year concerning the state of prisons and their administration, and including any recommendations it considers appropriate.

## PART 6

### SUPPLEMENTARY

### Control of access to and visiting prisons

46. (1) Any person or vehicle entering or leaving a prison may be stopped, examined and searched.

(2) The Superintendent may direct the removal from a prison of any person who does not leave upon being required to do so.

(3) No person outside the prison shall be permitted to view it unless authorised by the Superintendent.

(4) No person viewing a prison shall be permitted to take a photograph or make a sketch of the prison, nor to communicate with a prisoner unless authorised by the Superintendent.

### Delegation by Superintendent of Prisons

47. The Superintendent may with leave of the Governor, delegate any of his duties functions under these rules to the Deputy Superintendent of Prisons and or the Assistant Superintendent of Prisons or any other Prisons Officer.

*(Substituted by S.R.O. 88/2005)*

### Prisons Officers' Reward Fund

48. (1) There shall be established a Prisons Officers' Reward Fund, which shall be a Special Fund administered in accordance with the provisions of the Finance (Control and Audit) Act.

(2) There shall be paid into the Prisons Officers' Reward Fund—

- (a) all fines and penalties imposed upon any Prisons Officer under the authority of the Prison Act or these Rules;
- (b) such other sums as the Governor may from time to time approve.

**Distribution of Officers' Reward Fund**

**49.** Grants from the Officers' Reward Fund may be made by the Governor to any Prisons Officer in the following cases and under the following circumstances, that is to say—

- (a) long continued illness of an officer involving loss or suspension of pay;
- (b) loss of wife when the officer is put to the expense of arranging for someone to take care of his children;
- (c) illness of an officer's family, or of those dependent on him, or any similar case of unusual expense caused by illness;
- (d) discharge with or without pension on grounds of ill-health if there are any circumstances by which unusual expenses have to be borne by the officer;
- (e) to the widow or children of an officer who has died in the service or, after being retired on the ground of ill-health, dies within six months of the date of his retirement leaving a widow or children;
- (f) to assist in the education of any children of an officer who has died in the service;
- (g) to any officer who has been exceptionally capable, gallant or diligent. If he has retired, this grant may be awarded in addition to his pension and gratuity from the fund as recognition for such good service;
- (h) for the general social benefit of officers within the prison;
- (i) for such other purpose as the Governor may consider desirable.

**Release**

**50.** Prisoners shall be released on the day on which the sentence expires or on the previous day whenever the sentence expires on a Sunday, Christmas Day or Good Friday.

**SCHEDULE***(Regulation 41)***CODE OF CONDUCT FOR PRISONS OFFICERS****Training and examinations**

1. Officers shall be provided with copies of the Prison Rules and shall make themselves familiar therewith and undergo such training in the duties of a Prisons Officer as may be prescribed and may be required to pass, from time to time, examinations on such rules and training. Failure to pass such examinations may result in the termination of a probationer's engagement.

**Maintenance of order and discipline**

2. Officers shall strictly conform to obey all rules and orders of their superintending officers and assist to their utmost in maintaining order and discipline.

**Officers to be *ex officio* constables**

3. An Officer, while acting as such, by virtue of his appointment, and without being sworn in before any Justice, shall be deemed to be a constable and to have all such powers, authorities, protection, and privileges, for the purpose of the execution of his duty as a Prisons Officer, as any constable duly appointed has by common law, statute or custom, and shall act accordingly.

**Dress and appearance**

4. Officers shall at all times pay strict attention to cleanliness of person and dress. All accoutrements, badges, etc. shall be kept perfectly clean and bright at all times.

**Wearing of uniforms**

5. Officers shall not wear uniforms except when on duty or going to or coming from the prison for the purposes of duty.

**Standard of conduct required of officers**

6. All officers placed in authority over prisoners shall be principled. Any disreputable conduct will render an officer liable to dismissal.

**Occupation of officers**

7. Officers shall not follow or be concerned in any other trade or, to hold any office of public character unconnected with the prison without the permission of the Governor.

*The Superintendent*

**Medical expenses**

8. He shall be allowed medical attendance and medicine for himself at public expense.

**General supervision**

9. (a) He shall exercise a general supervision over the general management and discipline of the prison, and shall report to the Governor any irregularities. He is also to assist the Visiting Committee with any information they may require.

(b) And he shall make such Standing Orders as are necessary for the management and discipline of the prison and he shall ensure that such Standing Orders are not contrary to any provisions of these rules. He shall ensure that a file containing all such Standing Orders is kept within the prison.

*(Substituted by S.R.O. 88/2005)*

**Annual reports**

10. He shall make an annual report to the Governor on the condition and working of the prison.

**Observance and enforcement of prison laws**

11. He shall strictly conform to the provisions of these Rules and all the laws relating to the prison, and shall require obedience to the same from all subordinate officers, and rigidly enforce them on the prisoners. He shall be responsible for every relaxation or infringement of such rules or laws.

**Records**

12. He shall be responsible for or ensure that the following and such other books and records, as may from time to time be required at a prison being kept properly and up to date—

- (a) a Prison Register recording the date of conviction, admission, earliest date of release and latest date of release of all inmates;
- (b) a Journal of all occurrences of importance in the prison;
- (c) a book recording interviews with prisoners;
- (d) an Inventory Book of all articles belonging to prison;
- (e) a file containing copies of any Standing Orders relative to the discipline of the prison;
- (f) a record of officer's services, defaults, etc.;
- (g) a Prison Industries Account;
- (h) a Visitor's Book;
- (i) a record of all meals served and their contents;

- (j) a record of previous imprisonments in Montserrat;
- (k) a cash Book for all receipts and payments;
- (l) a Diary of Daily Occurrence;
- (m) a Prisoner's Property Book.

### **Inspection of prison**

13. He shall inspect every part of the prison, and see every prisoner as often as possible. He shall go through the prison at an uncertain hour of the night, he shall record in his journal such visits. When visiting a women's prison he shall be accompanied by a female officer.

### **Inspection of cells**

14. He shall at least once in every twenty four hours make every effort to visit each cell at the prison in which a prisoner is undergoing cellular confinement, and shall see that every prisoner under punishment is visited during the day, at intervals of not more than three hours by the appointed officer.

### **Precaution against escape and fires and other emergencies**

15. (a) He shall take every precaution to guard against escape of any prisoner, and shall cause regular examination to be made of all cells, bars, bolts and locks. In the event of any escape being effected, he shall immediately report it to the Governor and to the Police. He shall also adopt proper precautions against fire and other possible emergencies.

(b) And the superintendent shall employ such technology such as Close Circuit TV System, Scanners, Metal Detectors and approved drug testing equipment as necessary to guard against escapes, unlawful entry, trafficking and use of prohibited and or illegal articles within the prison. Any information gathered from such technology can be used as evidence in any disciplinary proceedings or criminal case in any court of law.

(c) In an effort to prevent the commission and or furtherance of a crime the Superintendent may order the electronic recording of any telephone conversation originating from or coming into the prison for any members of staff or inmates and any such information gathered can be used as evidence in any disciplinary proceedings or any criminal case in any court of law.

*(Amended by S.R.O. 88/2005)*

### **Escape of prisoners**

16. He shall inquire into the escape of any prisoner and the conduct of the officers in charge at the time.

### **Inspection of supplies**

17. He shall satisfy himself that the food, clothing and other supplies furnished by the contractors are wholesome and good, and are in quality, description, and weight, in accordance with the requisitions and contracts, and shall reject all supplies which are

not satisfactory. All contractor's accounts for articles supplied shall be certified by him and he shall frequently inspect the diets of prisoners and see that they are of the proper description, quantity and quality.

### **Responsibility for prison stores**

**18.** He shall be responsible for all stores, clothing etc., and for all deficiencies in the same. He shall direct the issue of the proper supplies and take care that no article of any description is issued until it is properly marked with the Prison marks. He shall carefully study the requirements of the prison for the purpose of promoting economy and preventing waste.

### **Condemnation of articles**

**19.** Twice a year at an agreed time, in each year, he shall prepare and forward to the Governor a list of articles to be condemned as unfit for further use and shall dispose such articles as directed. He shall take stock of all prison property on or before 31st March each year and shall keep a certified inventory thereof.

### **Issue of firearms to staff**

**20.** He may equip any member of the staff while on duty or while having charge of any prisoner with such firearms as may be approved by the Governor, if in his opinion such a course is necessary or expedient for the preservation of order or discipline or for the protection of any person or to prevent the escape of any prisoner.

### **Duty in case of disturbance**

**21.** In the event of any disturbance or insubordination among the prisoners which he and the other officers of the prison are unable to subdue, he shall make immediate demand on the Police for assistance and shall also report the matter to the Governor.

### **Complaints**

**22.** He shall on all occasions be ready to receive and investigate any complaint and attend to any application from any officer or prisoner.

### **Visits of inspection**

**23.** He shall accompany the Governor and the Visiting Committee on their inspection of the prison.

### **Prison visitors**

**24.** He may, with the assistance of the Visiting Committee, obtain a sufficient number of suitable prison visitors of both sexes for the purpose of educating the prisoners. All voluntary workers in a prison shall be requested to observe the usual rules and regulations, which are binding upon Prisons Officers, and they shall conduct their work under his general guidance.

**Publication in prison of abstract Rules**

25. He shall cause an abstract of Prison Rules to be placed in a conspicuous part of the Prison where inmates can read it.

**Notification of religious denomination of prisoner**

26. He shall forward to the relevant Ministers of Religion at the request of the inmate, the inmate's name and the time he is expected to spend in prison.

**Complaints about rations**

27. He shall receive and inquire or cause to inquire into any complaints that may be made to him regarding the quantity and quality of rations.

**Employment of prisoners**

28. He shall take care that all convicted prisoners are regularly worked in accordance with the rules for employment of prisoners, unless exempted by the Prison medical officer, and he shall, if practicable, provide suitable employment for all unconvicted prisoners who may desire to work.

**Restriction on employment of prisoners**

29. He may authorise any prisoner to be employed within a prison in the service of the prison but not in its discipline nor in his own service, nor in the service of any officer thereof.

**Inspection of prisoners' work**

30. He shall frequently inspect the work performed by prisoners both inside the prison walls and outside, so as to satisfy himself that every prisoner at work is working diligently and shall also cause the Deputy Superintendent or Acting Deputy Superintendent to do the same. Such inspection of outside work shall be recorded in a book kept for that purpose in the prison.

**Notification of illness of prisoners**

31. He shall report to or cause to be reported to the Prison Medical Officer, without delay, the sudden illness of any prisoner, and shall acquaint him on his weekly visits, with the names of all prisoners who complain of illness or are undergoing cellular confinement. He shall report to the Prison Medical Officer any case of insanity or apparent insanity occurring amongst the prisoners, or any case in which the life of insanity or apparent insanity occurring amongst the prisoners, or any case in which the life of a prisoner seems to him likely to be endangered by further continuance in prison or by the discipline thereof.

**Observance of medical officers' orders**

32. He shall carry or cause to be carried into effect any orders of the Prison Medical Officer with reference to health and cleanliness, and shall report to the Chief Medical Officer any such order, which he is unable to carry into effect.



**Prisoner whose life is endangered**

33. On receipt of any report from the Prison Medical Officer that the mind or body of any prisoner is likely to be injured by the discipline or by further detention in prison he shall give directions as may be requisite, reporting in any such case to the Governor.

**Prisoners in hospital**

34. He shall visit the hospital whenever necessary to ensure that proper arrangements are made for the safe custody of any sick prisoners, and that discipline is maintained so far as is consistent with the medical treatment prescribed for them.

**Notification of clergyman**

35. He shall give notice to a minister of the religious denomination to which any prisoner belongs in any case where he is informed by the Prison Medical Officer that the life of such prisoner appears to be in danger.

**Notification of relatives and friends**

36. He shall notify, whenever practicable, the relatives or friends of any officer or prisoner who the Prison Medical Officer reports to be seriously ill.

**Report of death of a prisoner**

37. Upon the death of a prisoner, or an infant in the prison, he shall immediately report the same to the Governor, the Coroner, the Prison Medical Officer, and when practicable to the nearest relatives of the deceased.

**Notice of approaching release of prisoners**

38. He shall give notice to the Commissioner of Police of the approaching release of any prisoner under conviction who has been in prison six months and upwards.

**Adjudicating officer**

39. He shall be the Prison adjudicating officer and shall preside over all charges of breach of prison discipline by officers and inmates as laid down in these Rules. In the case of officers in the breach of such a serious nature he shall refer it to the responsible authority under the public service law. (*Amended by Act 9 of 2011*)

**Release of prisoners unprovided with clothing**

40. He shall upon the release of any prisoner unprovided with clothing, ascertain whether his relatives or friends can furnish him with clothing and if not, he shall supply him with the minimum necessary clothing at the public expense.

**Prisoners eligible for licenses**

41. He shall send to the Governor the names and descriptions of every prisoner under a life sentence who has served fifteen years of his sentence, or having served ten years, has attained or is believed to have attained the age of sixty.

### **Prisoners liable to pay for wilful damage to prison property**

42. He may order the money or other property of any prisoner to be applied towards the repair of any injury wilfully done by such prisoner to the property, or any other property in the prison and issue a prisoner with a receipt for such property or money.

### **Medical certificate prior to punishment**

43. He shall take care that no prisoner is subjected to any cellular, or dietary punishment which the Prison Medical Officer has not certified that he is capable of undergoing.

### **Mechanical restraint of prisoners**

44. (1) Mechanical restraints shall not be used as a punishment or for any purpose other than safe custody during removal except; on medical grounds by direction of the Prison Medical Officer, or as hereinafter provided.

(2) When it appears to the Superintendent that it is necessary to place a prisoner under mechanical restraint in order to prevent his injuring himself or others, or damaging property, or creating a disturbance, he may order him to be placed under mechanical restraint and notice thereof shall be given to the Prison Medical Officer.

(3) The Prison Medical Officer on receipt of the aforesaid notice shall forthwith inform the Superintendent whether he concurs in the order, and if on medical grounds he does not concur, the Superintendent shall act in accordance with any recommendation he makes.

(4) No prisoner shall be kept continuously under mechanical restraints longer than necessary or for a longer period than twenty-four hours without a direct order in writing given by the Governor or a member of the Committee setting out the grounds for the restraint and the time during which it may continue.

(5) Particulars of every case of mechanical restraint shall forthwith be recorded by the Superintendent in his journal.

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

### **Means of restraint**

45. The means of restraint which may be used in respect of male and female prisoners shall be—

- (a) Handcuffs: These may be used for restraining prisoners who become violent. Handcuffs may be ordered to be placed either in front of or behind the body. Handcuffs shall, when ordered to be placed with the hands behind the body, be moved to the front at meal times and at night. The handcuffs shall be of regulation standards;
- (b) Body-belt: This may be used for the restraint of prisoners who became violent, where the safety either of the prisoners so require. At meal times the left hand, or else in the case of a left-handed prisoner the

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right hand shall be released. After the meal has been eaten the hand shall again be secured. The body belt should be according to specification;

- (c) Leather wrist-straps and ankle-straps: This means of restraint may only be used in respect of prisoners who may seriously injure themselves or others if not so restrained and only on the recommendation of the Prison Medical Officer;
- (d) Loose canvas jackets;
- (e) Control and restraint technique;
- (f) Protected rooms.

### **Refractory or violent prisoners**

**46.** He may order any refractory or violent prisoner to be temporarily confined in a special cell certified by the Prisons Officer as fit for the purpose, but no prisoner shall be confined in such cell as a punishment or after he has ceased to be refractory or violent.

### **Disposal of fines and costs collected**

**47.** He shall forthwith inform the relevant Court officers and forward to the Treasury all fines and costs received by him from prisoners committed in default of payment.

### **Communication with prisoners**

**48.** He shall not permit any person, not being an officer of the prison to have any communication with any prisoner, except as provided by these Rules.

### **Conversing with prisoners**

**49.** He shall not allow any person to view any prisoner or hold conversation with a prisoner except in accordance with the provisions of the rules or other relevant provisions.

### **Sketching and photography**

**50.** He shall ensure that no person authorised to view the Prison makes any sketch or takes any photograph thereof except with the permission of the Governor.

### **Improper conduct by visitors**

**51.** He shall have the power to remove from the Prison any person whose conduct is improper or order his removal therefrom by any officer.

### **Publication in prison of list of prohibited articles**

**52.** He shall cause a notice to be affixed at the entrance to the Prison cautioning persons against bringing prohibited articles, a list of which will be given in the notice. Should he suspect any person of bringing any prohibited article, to, or of carrying out

any property belonging to the Government from the prison, he may order such person to be searched.

### **Journal entries when visitors refused admittance**

**53.** He shall enter in the journal any instance in which he may think fit to refuse admission to the friends of a prisoner and the cause thereof, if the prisoner is entitled under the rules for such a visit.

### **Prisoner's letters**

**54.** He shall read every letter addressed to or written by, a prisoner, and in every instance where he may deem it necessary to withhold any such letter he shall record the fact in his Journal:

Provided that, he may delegate the duty of reading any such letter to the Deputy Superintendent.

### **Appointment of officers**

**55.** In keeping with Government staffing policies he shall make recommendations for the appointment of officers to serve as Prisons Officers and to hold such rank as is necessary for the effective management and administration of the prison.

### **Record of officer's good performance**

**56.** He shall report to the Governor and keep a record of all exemplary action of his staff in the performance of their duty.

### **Report to High Court**

**57.** He shall report to the High Court at the end of every Assizes the state of the prison including its preparation and a breakdown of the type of inmates.

## *The Deputy Superintendent*

### **Duties**

**58.** The general duty of the Deputy Superintendent shall be to assist the Superintendent, in such manner as may from time to time be directed, in the general superintendence of the officers and prisoners, and in the details of his duties. Such duties shall include the proper keeping of all books and records, which the Superintendent may from time to time, require him to keep.

### **Absence of Superintendent**

**59.** The Deputy Superintendent shall take charge of the prison during the illness or temporary absence of the Superintendent and exercise all his powers and perform his duties subject to the discretion of the Governor with whom he shall communicate in every emergency.

**Observance of rules**

**60.** The Deputy Superintendent shall refrain from undue familiarity with the subordinate officers and shall diligently observe their behaviour as well as that of the prisoners. He shall see that they strictly adhere to the rules and shall report to the Superintendent any neglect or misconduct that comes to his notice.

**Inspection of prison**

**61.** The Deputy Superintendent of Prisons shall frequently inspect every part of a prison, especially the cells and bedding, and shall report to the Superintendent any irregularity he may observe.

**Custody of keys**

**62. (1)** The Deputy Superintendent shall see that all the keys are securely disposed of for the night in accordance with the orders of the Superintendent and it shall be his duty to make such inspections of the prison during the night as the Superintendent may direct.

**(2)** He shall on no account deliver up to another officer the keys of the storerooms under his charge, without special directions from the Superintendent.

**Execution of orders, etc.**

**63. (1)** The Deputy Superintendent shall especially attend to the carrying into effect of any orders as to the punishment of prisoners and pay particular attention to prisoners under punishment in cellular confinement, so as to ensure that they are provided with necessaries and food, that they are visited regularly and that they are made to wash daily.

**(2)** He shall attend especially to the carrying into effect of any orders of the Prison Medical Officer as to the treatment of sick prisoners not confined in the hospital.

**(3)** He shall inspect and check over, with the officers in charge, all parties of prisoners working outside the prison, before they leave and on their return to prison.

**(4)** He shall visit daily every party of prisoners while at work inside the prison and see that discipline and order are maintained.

**(5)** He shall every evening inspect the officers for night duty and see that they are in all respects fit for duty and fully acquainted with their duties.

**Supervise interviews with prisoners**

**64.** The Deputy Superintendent shall generally supervise all interviews with prisoners and repress and prevent, so far as lies in his power, all improper communications.

**Care and employment of prisoners**

**65.** The Deputy Superintendent shall take care that prisoners are duly supplied with articles allowed for their use and that they are regularly worked, and shall report

to the Superintendent every instance in which they may be unemployed, with the cause therefor.

### **Responsibility for stores, etc.**

66. The immediate charge of all provisions, stores, clothing, materials and tools for labour is vested in the Deputy Superintendent, and he shall see that all articles are properly marked with the prison marks.

### **Receipts of stores**

67. The Deputy Superintendent shall carefully weigh all provisions received into the prison and shall be held responsible under the Superintendent, for the correct receipt and issue of the same, as well as of all other prison stores.

### **Performance of Deputy Superintendent's duties in his absence**

68. During the absence of the Deputy Superintendent from a prison all his duties shall be performed by the next officer in order of seniority or such other officer as the Superintendent may decide who shall strictly observe all the rules relating to the Deputy Superintendent.

### *Prisons Officers (General)*

### **Prisons Officer – rank**

69. A Prisons Officer shall be of such rank as he is appointed to and is expected to carry out such duties as is expected of such rank.

### **Training and examinations**

70. Officers shall be provided with copies of the Prison Rules and shall be required to make themselves familiar therewith and to undergo such training in the duties of a Prisons Officer as may be prescribed and may be required to pass, from time to time, examinations on such rules and training. Failure to pass such examinations may result in the termination of a probationer's engagement.

### **Maintenance of order and discipline**

71. Officers shall strictly conform to obey all rules and orders of their superintending officers and assist to their utmost in maintaining order and discipline.

### **Officers to be *ex officio* constables**

72. An officer, while acting as such, by virtue of his appointment, and without being sworn in before any Justice, shall be deemed to be a constable and to have all such powers, authorities, protection and privileges, for the purpose of the execution of his duty as Prisons Officer, as any constable duly appointed has by common law, statute or custom.

**Medical expenses**

73. Officers shall be entitled to medical attendance and medicine at the public expense.

**Dress and appearance**

74. Officers shall at all times pay strict attention to cleanliness of person and dress. All accoutrements, badges, etc., shall be kept perfectly clean and bright at all times.

**Wearing of uniforms**

75. Officers shall not wear uniforms except when on duty or going to or coming from the prison for the purpose of duty.

**Standard of conduct required of officers**

76. All officers placed in authority over prisoners shall be persons of good moral principles. Any disreputable conduct will render an officer liable to be visited with dismissal and it will not be taken into consideration at what place it occurred or whether it be to a greater or less degree of intoxication, nor will it be regarded as an excuse that the officer offending may claim to have been at the time capable of performing his duties. Swearing, cursing, the use of improper language, incurring debts which he is unable to pay, frequenting public houses, keeping bad company, drunkenness and gambling shall be considered sufficient grounds for the discontinuance of an officer's services.

**Occupation of officers**

77. Officers shall not be allowed to follow or be concerned in any other trade or business or, to hold any office of public character unconnected with the prison without the permission of the Governor.

**Duties of relieving each other**

78. (1) Officers shall when they relieve each other, point out to their successors all matters of special importance, check over all tools or other articles committed to their care and explain any directions affecting any particular prisoner or the work to be performed.

(2) No officer shall, on any pretext whatsoever leave prisoners entrusted to his care until he has received an audible and proper acknowledgement for them from the officer to whom he is handing over.

**Using or bringing in prohibited articles**

79. No officer shall introduce into, keep or use in the prison tobacco or liquor of any kind or other article whatsoever, except with the permission of the Superintendent. Officers in charge of gangs employed outside the prison walls shall not use tobacco or spirituous liquors whilst in charge of such gangs.

### **Punishment for dealing with prohibited articles**

**80.** Every officer who shall (except for lawful purposes and with the permission of the Superintendent) bring in or carry out, or endeavour to bring in or carry out, or knowingly carry out, or knowingly allow to be brought in or carried out of the prison, or convey or attempt to convey, or knowingly allow to be conveyed to or from any prisoner within or without the prison walls, any money, clothing, provisions, tobacco, letters, papers, other articles whatsoever not allowed by the rules of the prison, shall be suspended from his duties by the Superintendent who shall forthwith report the offence to the Governor. Such conduct shall be liable to be punished by fine or imprisonment under the provisions of the law relating to prisons.

### **Introduction of prohibited articles by outside persons**

**81.** All officers shall be watchful to detect and prevent any person secreting prohibited articles for the prisoners when employed outside the walls or within a prison and shall immediately report any such occurrence. They shall especially guard against the clothes of workmen or others being left lying about in places accessible to the prisoners and shall report at the earliest opportunity any circumstances of this kind or the loitering of suspicious persons about the prison or in the vicinity of prisoners working outside.

### **Search of officers**

**82.** Every officer or servant of the prison shall submit himself to be searched in the prison if called upon to do so by the Superintendent.

### **Hours of work**

**83.** The hours of commencing and ceasing to work shall be decided by the Superintendent and shall not normally exceed forty eight hours in every week.

### **Absence of officers**

**84.** No officer shall be absent during the regular hours of attendance without the permission of the Superintendent.

### **Visitors**

**85.** Officers shall not be permitted to receive any visitors in a prison without permission of the Superintendent.

### **Officers not to serve as Jurors**

**86.** No officer of the Prison shall serve as a juror.

### **Complaints and requests by officers**

**87.** An officer having any complaint or request to make connected with his duty or situation may state the same in writing for the decision of the Superintendent. The Superintendent may put forward to the Governor any complaint or request with such explanations or remarks as may be requisite.



### **Interest in prison contracts forbidden**

**88.** No officer shall directly or indirectly have any interest in any contract or agreement for the supply of the prison; nor shall he receive, directly or indirectly, under any pretence whatsoever, any fee or present from any contractor or person tendering any contract with the establishment.

### **Receipts of fees prohibited**

**89.** No officer shall at any time receive money, fees or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner, on any pretext whatever.

### **Responsibility for stores, tools, etc.**

**90.** Officers in charge of stores, tools or other Government articles shall be held responsible for them and shall be liable to pay for any articles committed to their charge which may be negligently lost or damaged, or for any other damage they may commit.

### **Prison keys**

**91.** An officer entrusted with keys shall not on any pretext take them out of a prison, but shall when leaving the prison on any occasion, deliver his keys to such officer as may be deputised for that purpose.

### **Conversations**

**92. (1)** Conversations between officers and prisoners shall be limited to such remarks as may be necessary for the proper performance of duty or work or maintenance of order and discipline.

**(2)** Conversations between prisoners at work shall be limited to such remarks, as the work requires. Out of working hours conversations need not be forbidden.

### **Pecuniary dealings etc. with prisoners forbidden**

**93.** No officer or any person in trust for him or employed by him, shall sell or have any benefit or any advantage from the sale of any article to any prisoner, nor shall he have pecuniary dealings whatever with any prisoner on his private account or in any official capacity in the discipline of the prison.

### **Duty when supervising interviews**

**94.** Officers shall, when supervising interviews between prisoners and their friends, repress and prevent as far as may be in their power all improper communication.

### **Correspondence etc. with prisoner's friends**

**95.** No officer shall correspond or hold any intercourse with the friends or relations of any prisoner, unless expressly authorised by the Superintendent; nor shall he make any unauthorised communication concerning the prison or prisoners to any

person whatsoever. He shall carefully abstain from forming acquaintance with discharged prisoners.

### **Conduct towards prisoners**

**96.** No officer shall allow any familiarity between a prisoner and himself, nor shall he discuss his duties, any matters of discipline or prison arrangement, within the hearing of a prisoner. No officer shall by word, gesture or demeanour, do anything which may tend to irritate a prisoner.

### **Observation of prisoner's character**

**97.** Officers shall carefully observe the character and habits of the prisoners under their charge and shall afford unreserved information on such subject, it being of the utmost importance that the Superintendent shall be fully informed on these points.

### **Divine service**

**98.** Officers on duty shall attend divine service with the prisoners, unless excused by the Superintendent.

### **Prisoner's labour**

**99.** Officers in charge of gangs shall ascertain the amount of work done by prisoners under their care and report the result to the Superintendent faithfully and accurately. Any unfairness or partiality in this respect shall be dealt with as a serious offence.

### **Counting etc. of prisoners**

**100.** Officers shall count the prisoners under their charge at frequent intervals as well as locking up and at unlocking time and shall report the state of their respective divisions, bedding, locks, bolts etc. and shall seize all prohibited articles and deliver them to the Superintendent.

### **Duty officers in charge of gangs at outside work**

**101.** An officer proceeding with prisoners to work, beyond the prison walls shall be furnished with a book with the name of each prisoner entered therein. He shall before leaving check the name of each prisoner with the Superintendent or other appointed officer after which he shall be held responsible for the safe custody and proper conduct of such prisoners. Especially shall he see that they do not straggle, or hold communication with any unauthorised person. Upon his return to the prison he shall check the name of each prisoner as before with the appointed officer and give up his book to be signed.

### **Searching of prisoners on return to prison**

**102.** An officer shall thoroughly search every prisoner on his return to the prison for the purpose of ascertaining whether he has any prohibited articles secreted on his person. All tools and other implements are to be checked at the commencement and completion of work handed over to the officer deputized for that purpose.

**Removal of articles facilitating escape**

**103.** Special care shall be taken by officers to ensure that no ladder, ropes, implements or materials of any kind are left lying about the yard or elsewhere. All such articles, when not in use shall be kept at their appointed places. Every officer shall immediately report any instance of such articles being left about.

**Report of misconduct, etc.**

**104.** It shall be the duty of all officers to make an immediate report to the Superintendent of any misconduct or wilful breach of the Prison Rules.

**Restriction on striking prisoners**

**105.** No officer shall strike a prisoner unless compelled to do so in self-defence. When in charge of a gang beyond the prison walls he may place a prisoner in handcuffs in case of gross misconduct, or, for the purpose of security reporting the occurrence to the Superintendent on his return to the Prison.

**Report of prisoner's illness**

**106.** Officers shall not compel any prisoner to go to work who complains of illness but shall report all such cases to the Superintendent. They shall direct the attention of the Superintendent to any prisoner who may appear to them to be suffering from illness although he may not complain or whose state of mind may appear to them deserving of special notice and care.

**Prisoners in cellular confinement**

**107.** Officers shall pay particular attention to prisoners under punishment in cellular confinement and see that they are provided with necessaries, that their slops are frequently removed and that they are visited at regular times.

**Entering cell at night**

**108.** No officer shall enter the cell of any prisoner at night unless accompanied by another officer and then only in cases of illness or other emergency.

**Reports of prisoner's complaints, etc.**

**109.** Officers shall inform the Superintendent of any prisoner who desires to see him or to make any complaint or refer any request to him or to the Governor.

**Offences by officers**

**110. (1)** If an officer is guilty of any of the following offences, namely—

- (a) coming late on duty;
- (b) leaving a cell or principal door or gate unlocked;
- (c) entering a prisoner's cell at night contrary to orders;
- (d) allowing any unauthorised person to communicate with a prisoner;
- (e) leaving keys in a door or lying about;

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- (f) cursing, swearing or using indecent language;
- (g) neglecting to guard, supervise or attend prisoners under his charge;
- (h) speaking of the prison arrangements in the hearing of a prisoner or of any person not connected to the prison;
- (i) carelessly searching or neglecting when necessary or directed to search a prisoner or a visitor;
- (j) neglecting to examine the cells and fastenings of the cells under his charge and to examine and search the wards, cells, bedding and clothing;
- (k) allowing tools, materials or other materials to be lying about out of their appointed places;
- (l) allowing dirt to accumulate in the wards, cells, passages or other places under his charge;
- (m) omitting to report any misconduct, breach of rules, or omission of duty in himself, another subordinate officer, or any prisoner or any injury done to the prison furniture or to the walls, windows, partitions, or any part of the prison;
- (n) inattention when in charge of prisoners;
- (o) failing to attempt to remove unauthorised persons from the vicinity of prisoners;
- (p) appearing on duty out of uniform, or improperly or slovenly dressed;
- (q) quitting his post without authority, and before being properly relieved;
- (r) in any way obstructing the duties of the prison;
- (s) omitting, when sick and unable to attend the prison, to send notice to the Superintendent and the Prison Medical Officer;
- (t) neglecting to count the prisoners at the time prescribed by these Rules, or by the Superintendent;
- (u) allowing prisoners to stray from their work neglecting to keep them in view or enforce silence among them;
- (v) smoking or reading while on duty;
- (w) negligence in carrying out the Prison Rules or any orders or directions given by any proper authority;
- (x) when on duty as Gatekeeper—
  - (i) neglecting to keep the gates locked except when absolutely necessary to admit authorised persons and things;
  - (ii) allowing a prisoner to leave the prison without being attended by a prison or police officer;
  - (iii) allowing unauthorised persons or improper things to go in or out of the prison;

- (iv) allowing any person to loiter about too long;
- (y) making a false report or allegation against a prisoner or prisoners or an officer or officers;
- (z) omitting to conduct a bed watch in the proper way;
- (aa) failing to attend to inmates under his escort outside the prison compound;
- (ab) conduct to the prejudice of good order or prison discipline.

(2) The Superintendent unless he considers the offence to be of a serious nature, may impose a fine not exceeding \$25 for each such offence. If the Superintendent considers the offence to be of a serious nature he shall report the matter to the responsible authority under the public service law shall consider the matter and deal with it irrespective of the prison regulations dealing with it.

*(Amended by S.R.O.s 99/2000, 88/2005 and Act 9 of 2011)*

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**COLONIAL PRISONERS REMOVAL ORDER**

*(U.K. S.I. 1907 No. 742)*

AT THE COURT AT BUCKINGHAM PALACE,  
THE 9th DAY OF SEPTEMBER, 1907.

Present,

*The King's Most Excellent Majesty*

*Lord President*

*Sir Charles Hardinge*

*Lord Denman*

*Mr. Harcourt*

His Majesty by virtue and in exercise of the powers in this behalf vested in him by the Colonial Prisoners Removal Act, 1884, is pleased, by and with the advice of His Privy Council, to make the following Order as to the removal and return of prisoners and criminal persons of unsound mind under the said Act—

**I.** Every prisoner removed under the said Act from a British Possession to the United Kingdom for the purpose of undergoing the residue of a sentence involving confinement in a prison combined with hard labour, shall, in the United Kingdom, be dealt with as follows, that is to say—

If the original period of his sentence did not exceed two years, in the same manner as if he had been sentenced in the United Kingdom to imprisonment with hard labour for the same period.

And if the original period of his sentence exceeded 2 years, in the same manner, as nearly as may be, as if he had been sentenced in the United Kingdom to penal servitude for the same period.

**II.** Every prisoner removed under the said Act from one British Possession to another British Possession for the purpose of undergoing the residue of a sentence shall in such last-mentioned British Possession be dealt with in the same manner as if he had there been sentenced to such punishment authorised by the law thereof as in the opinion of the Secretary of State signing the Order of Removal shall most nearly correspond to the punishment to which he was sentenced in the first mentioned British Possession, and for the same period.

**III.** If the prisoner or criminal a person of unsound mind is to be removed to the United Kingdom—

(1) A Secretary of State shall make out and sign the Order of Removal in duplicate and shall send one copy to the Governor of the Colony from which the prisoner is to be removed, and the Governor shall thereupon make out and sign in duplicate a Notification of Concurrence in the Order of Removal.

(2) One copy of the Order of Removal shall be retained in Montserrat and the other copy shall be transmitted by the Secretary of State to the Home Office for record.

(3) One copy of the Notification of Concurrence shall be retained in Montserrat and attached to the Order of Removal and the other shall be sent to a Secretary of State and shall by him be transmitted to the Home Office for record.

**IV.** If the prisoner or criminal person of unsound mind is to be removed to a British Possession—

(1) A Secretary of State shall make out and sign the Order of Removal in triplicate and shall send one copy to the Governor of each Colony concerned, who shall thereupon make out and sign in triplicate a Notification of Concurrence in the Order of Removal.

(2) The Governor of the Colony from which the prisoner is to be removed shall retain the copy of the Order of Removal and one copy of the Notification of Concurrence which he shall attach to the Order of Removal, and shall send the second copy of the Notification to the Governor of the Colony to which the prisoner is to be removed, and the third copy of Notification to a Secretary of State.

(3) The Governor of the Colony to which the prisoner is to be removed shall retain the copy of the Order of Removal and one copy of the Notification of Concurrence which he shall attach to the Order of Removal, and shall send the second copy of the Notification to the Governor of the Colony from which the prisoner is to be removed, and the third copy of notification to a Secretary of State:

Provided that the above procedure shall not apply to the removal of a prisoner or criminal person of unsound mind from one British Possession to another in pursuance of an agreement made between such Possessions and sanctioned by Order in Council under the provisions of the Colonial Prisoners Removal Act, 1869.

**V.** A Removal Warrant duly made out and signed shall be transmitted with every prisoner or criminal person of unsound mind who is removed. The Warrant shall be handed over with the prisoner or criminal person of unsound mind to every person from time to time authorised to receive him in custody for the purpose of giving effect to the Order of Removal.

**VI.** The forms in the Schedule to this Order or forms to the like effect varied as circumstances may require may be used under the said Act.

**VII.** This Order shall commence and come into operation on the first day of November, 1907.



**VIII.** The Order in Council of the thirteenth day of December 1889 made under the Colonial Prisoners' Removal Act 1884, shall continue in force until the commencement of this Order, and shall thereupon be revoked without prejudice to anything lawfully done thereunder.

**IX.** This Order may be cited as "The Colonial Prisoners' Removal Order in Council 1907".

*A. W. Fitzroy.*

**N.B.** If the prisoner or criminal person of unsound mind is to be removed to Ireland, see the amendments in U.K. S.I. 1913 No. 484.

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**SCHEDULE REFERRED TO IN THE FOREGOING ORDER IN COUNCIL****I. ORDER OF REMOVAL OF A PRISONER***Colonial Prisoners' Removal Act, 1884*

Whereas A.B. was on the ..... day of ..... convicted before the ..... Court of ..... of the crime (or offence) of ..... and sentenced to penal servitude (or imprisonment, *or*, as the case may be) for the term of ..... years (or for life), and is now undergoing the said sentence in the Colony (*or* Protectorate, *or* .....) of ..... :

And whereas it is likely that the life (or health) of the said A.B. will be endangered (*or* permanently injured) by further imprisonment in the said Colony (*or* Protectorate, *or* .....) :

[*Or* whereas the said A.B. belonged at the time of committing the said offence to the Royal Navy (*or* to His Majesty's regular military forces)]:

[*Or* whereas the said offence was committed wholly (*or* partly) beyond the limits of the said Colony (*or* Protectorate, *or* .....)]:

[*Or* whereas by reason of there being no prison in the said Colony (*or* Protectorate, *or* .....) in which the said A.B. can properly undergo his sentence (*or*, for other reasons to be stated) the removal of the said A.B. is expedient for his safe custody (or for more efficiently carrying his sentence into effect)]:

[*Or* whereas the said A.B. belongs to a class of persons who under the law of the said Colony (*or* Protectorate, *or* .....) are subject to removal under the Colonial Prisoners' Removal Act, 1884]:

Now I do hereby in pursuance of the Colonial Prisoners' Removal Act, 1884, with the concurrence of the Government of the said Colony (*or* Protectorate, *or* .....) [and the Government of the Colony (*or* Protectorate, *or* .....) of .....], order that the said A.B. be removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or* .....) of .....] there to undergo the residue of his said sentence (with such variations of the conditions thereof as are or shall be provided by any regulations in force for the time being under the said Act) in accordance with the said Act.

Given under the hand of the Governor, this ..... day of .....  
20.....

**II. NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A PRISONER***Colonial Prisoners' Removal Act, 1884*

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State for the removal of A.B. a prisoner now in custody in the Colony (*or Protectorate or* ..... ) of ..... to the United Kingdom [*or the Colony (or Protectorate or* ..... ) of .....] : .....

Now I, the Governor (*or Lieutenant Governor or the Officer Administering the Government*) of the Colony (*or Protectorate or* ..... ) of ....., with the advice of the Executive Council of the said Colony (*or Protectorate or* ..... ) hereby concur in the said Order of Removal.

As witness my hand this ..... day of ..... 20.....

**III. WARRANT FOR REMOVAL OF A PRISONER***Colonial Prisoners' Removal Act, 1884.*

To C.D., the Keeper of the Prison and to E.F., and G.H.

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or Protectorate, or* ..... ) of ..... [and the Government of the Colony (*or Protectorate, or* ..... ) of .....] for the removal of A.B. a prisoner now in the custody of you, the said C.D., under a sentence of penal servitude (*or imprisonment or, as the case may be*), for the term of ..... years from the ..... day of ..... (*or for life*), to the United Kingdom [*or to the Colony (or Protectorate or* ..... )] of ..... there to undergo the residue of the said sentence.

Now I do hereby, in pursuance of the said Act, order you, the said C.D., to deliver the body of the said A.B., into the custody of the said E.F., and G.H., or one of them; and I do hereby, in further pursuance of the said Act, authorise you, the said E.F., and G.H., or either of you, to receive the said A.B., into your custody, and to convey him to the United Kingdom [*or to the Colony (or Protectorate or* ..... )] of ....., and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or by the Governor of the said Colony (or Protectorate, or* ..... )] to receive him for the purpose of giving effect to the said Order of Removal.

And for so doing this shall be your warrant.

Given under the hand of the Governor, this ..... day of .....,  
20..... .

#### IV. WARRANT OF RECEPTION OF A PRISONER

##### *Colonial Prisoners' Removal Act, 1884*

Whereas ..... was on the ..... day  
of ....., 20....., convicted in the ..... Court  
of ..... of the crime of ..... and sentenced  
to .....

And whereas in pursuance of the provisions of the Colonial Prisoners' Removal Act, 1884, an Order has been made by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or* Protectorate *or* .....) of ..... [and of the Government of this Colony (*or* Protectorate *or* .....)] for the removal of the said ..... to the United Kingdom [*or* to this Colony (*or* Protectorate *or* .....)], there to undergo the residue of his sentence; and whereas the Governor of the Colony (*or* Protectorate *or* .....) of ..... by a warrant under his hand ordered the said ..... to be conveyed to the United Kingdom [*or*, this Colony (*or* Protectorate *or* .....)] and delivered to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* the Governor of this Colony (*or* Protectorate *or* .....)] to receive him for the purpose of giving effect to the said Order of Removal.

Now I, the Right Honourable ..... one of His Majesty's Principal Secretaries of State [*or* the Governor of the Colony (*or* Protectorate *or* .....)] hereby authorise and empower the Governor of H.M. Prison ..... and all persons acting under his orders, to receive and detain the said ..... for the purpose of giving effect to the said Order of Removal; and I further authorise and empower the Governor of any other of H.M. Prisons to which the said ..... may be removed from ..... Prison and all persons acting under his orders to receive and detain the said ..... for the purpose of undergoing the residue of his sentence in such Prison.

Given under the hand of the Governor this ..... day of .....,  
20..... .

**V. ORDER FOR THE RETURN OF A PRISONER TO A BRITISH POSSESSION**

*Colonial Prisoners' Removal Act, 1884*

Whereas A.B. was on the ..... day of .....  
20....., convicted before the ..... Court of ..... of the  
crime (*or* offence) of ..... and sentenced to penal servitude (*or*  
imprisonment, *or* as the case may be), for the term of ..... years (*or* for life).

And whereas the said A.B. has been removed, under the Colonial Prisoners'  
Removal Act, 1884, from the Colony (*or* Protectorate, *or* .....)  
of ..... to ..... and is now  
undergoing his said sentence in the United Kingdom (*or* the Colony *or* Protectorate,  
*or* .....) of .....

Now I, ..... [with the advice of the Executive Council of the  
said Colony (*or* Protectorate, *or* .....) of .....] hereby,  
in pursuance of the said Act, order that the said A.B. shall be returned to the said  
Colony (*or* Protectorate, *or* .....) of ....., there to undergo  
the residue (*or* for the purpose of being there discharged at the expiration) of his said  
sentence.

Given under the hand of the Governor *or* .....  
of ..... this ..... day of ....., 20..... .

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**VI. WARRANT FOR RETURN OF A PRISONER TO A BRITISH POSSESSION***Colonial Prisoners' Removal Act, 1884*

To C.D. the Governor (*or* ..... ) ..... of  
the ..... Prison, and to E.F., and G.H.

Whereas A.B., having been sentenced by the ..... Court  
of ..... to penal servitude (*or* imprisonment, *or* as the case may be)  
for the term of ..... years from the ..... day of .....  
19/20....., (*or* for life) has under an order duly made under the Colonial Prisoners'  
Removal Act, 1884, been removed to the United Kingdom [*or* to the Colony *or*  
Protectorate, *or*..... of .....] and is now in the custody  
of you the said C.D. undergoing his said sentence.

And whereas an Order has been made under the said Act by one of His  
Majesty's Principal Secretaries of State [*or* by the Government of the said Colony (*or*  
Protectorate *or* ..... ) of .....] for the return of the said  
A.B. to the said Colony (*or* Protectorate, *or* ..... ) of .....  
there to undergo the residue (*or* for the purpose of being there discharged at the  
expiration of his said sentence.

Now I do hereby in pursuance of the said Act order you the said C.D., to deliver  
the body of the said A.B., into the custody of the said E.F., and G.H., *or* one of them;  
and I do hereby, in further pursuance of the said Act, authorise you the said E.F., and  
G.H., *or* either of you, to receive the said A.B., into your custody, and to convey him  
to the Colony (*or* Protectorate, *or* ..... ) of ..... and  
to deliver him to such person or persons as shall be empowered by the Governor of  
the said Colony (*or* Protectorate, *or* ..... ) to receive him for the  
purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the Governor this ..... day of .....,  
20..... .

**VII. ORDER OF REMOVAL OF A CRIMINAL PERSON OF UNSOUND MIND***Colonial Prisoners' Removal Act, 1884*

Whereas A.B. is in custody in the Colony (*or* Protectorate, *or* ..... ) of ..... as a criminal person of unsound mind having been charged with the offence of ..... and found to have been insane at the time of such offence (*or* to be unfit on the ground of insanity to be tried for such offence) [*or* having been convicted of the offence of ..... and sentenced to penal servitude (*or* imprisonment, *or* ..... ) for the term of ..... years from the ..... day of ..... 19/20 ..... (*or* for life), and afterwards certified (*or* lawfully proved) to be insane]:

And whereas it is likely that the life (*or* health) of the said A.B. will be endangered (*or* permanently injured) by further detention in custody in the said Colony (*or* Protectorate, *or* ..... ) :

[*Or* Whereas the said A.B. belonged at the time of the said offence to the Royal Navy (*or* to His Majesty's regular military forces)]:

[*Or* Whereas by reason of there being no asylum in the said Colony (*or* Protectorate, *or* ..... ), in which the said A.B. can be properly or conveniently detained and dealt with as a criminal person of unsound mind, his removal to the United Kingdom (*or* to the Colony (*or* Protectorate, *or* ..... ) of ..... is expedient]:

[*Or* Whereas the said A.B. belongs to a class of persons who, under the law of the said Colony (*or* Protectorate, *or* ..... ) are subject to removal under the Colonial Prisoners' Removal Act, 1884]:

Now I do hereby in pursuance of the Colonial Prisoners' Removal Act, 1884, with the concurrence of the Government of the said Colony (*or* Protectorate, *or* ..... ) [and the Government of the Colony (*or* Protectorate, *or* ..... ) of .....] order that the said A.B. be removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or* ..... ) of .....] there to be detained in custody as a criminal person of unsound mind, and dealt with in the same manner as if he had there become a criminal person of unsound mind.

Given under the hand of the Governor this ..... day of .....,  
20..... .

**VIII. NOTIFICATION OF CONCURRENCE IN  
ORDER OF REMOVAL OF A CRIMINAL PERSON OF UNSOUND MIND**

*Colonial Prisoners' Removal Act, 1884*

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State for the removal of A.B., a criminal person of unsound mind now in custody in the Colony (*or* Protectorate *or* ..... ) of ..... to the United Kingdom [*or* the Colony (*or* Protectorate, *or* ..... ) of .....]:

Now I, ..... the Governor (*or* Lieutenant-Governor, *or* Officer Administering the Government) of the Colony (*or* Protectorate, *or* ..... ) of ..... with the advice of the Executive Council of the said Colony (*or* Protectorate, *or* ..... ) hereby concur in the said Order of Removal.

As witness my hand this ..... day of ....., 20..... .

**IX. WARRANT FOR REMOVAL OF CRIMINAL PERSONS OF UNSOUND MIND**

*Colonial Prisoners' Removal Act, 1884*

To C.D. the keeper of ..... Asylum for persons of unsound mind,

and to E.F., and G.H.

Whereas an Order has been made, under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State with the concurrence of the Government of the Colony (*or* Protectorate, *or* ..... ) of ..... [and the Government of the Colony (*or* Protectorate, *or* ..... ) of .....], for the removal of A.B., a criminal person of unsound mind now in the custody of you, the said C.D., to the United Kingdom [*or* the Colony (*or* Protectorate, *or* ..... ) of .....] to be there dealt with in the same manner as if he had become a criminal person of unsound mind in the United Kingdom [*or* the said Colony (*or* Protectorate, *or* ..... ) of .....]:

Now I do hereby, in pursuance of the said Act, order you the said C.D., to deliver the body of the said A.B., into the custody of the said E.F., and G.H., or one of them; and I do hereby, in further pursuance of the said Act, authorise you, the said E.F. and G.H., or either of you, to receive the said A.B., into your custody, and to convey him to the United Kingdom [*or* to the Colony (*or* Protectorate, *or* ..... ) of .....], and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* the Governor of the said Colony (*or* Protectorate *or* ..... )]



receive him for the purpose of giving effect to the said Order of Removal.

Given under the hand of the Governor this ..... day of .....,  
20..... .

## X. WARRANT OF RECEPTION OF A CRIMINAL PERSON OF UNSOUND MIND

### *Colonial Prisoners' Removal Act, 1884*

Whereas ..... is in custody in ..... as a criminal person of unsound mind, having been charged with the offence of ..... and found to be insane at the time of such offence (*or to be unfit on the ground of insanity to be tried for such offence*) [*or having been convicted of ..... of the offence of ..... and sentenced to ..... and afterwards certified (or lawfully proved) to be insane*]:

And whereas in pursuance of the provisions of the Colonial Prisoners' Removal Act, 1884, an Order has been made by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or Protectorate, or ..... of ..... and of the Government of this Colony (or Protectorate, or .....)*) for the removal of the said ..... to the United Kingdom [*or this Colony (or Protectorate, or .....)*] there to be detained as a criminal person of unsound mind until he shall have ceased to be a criminal person of unsound mind, or shall otherwise lawfully be discharged :

And whereas the Governor of the Colony (*or Protectorate, or .....)* of ..... by a Warrant under his hand, ordered the said ..... to be conveyed to the United Kingdom [*or to this Colony (or Protectorate, or .....)*] and delivered to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or the Governor of this Colony (or Protectorate, or .....)*] to receive him for the purpose of giving effect to the said Order of Removal:

Now I, the Right Honourable ..... one of His Majesty's Principal Secretaries of State [*or the Governor of the Colony (or Protectorate, or .....)*] of ..... hereby authorise and empower the Medical Superintendent of the ..... Asylum for persons of unsound mind, and all persons acting under his orders, to receive and detain the said ..... in the same manner as if he had become a criminal person of unsound mind in the United Kingdom [*or this Colony (or Protectorate, or .....)*] until His Majesty's pleasure be further known concerning him.

Given under the hand of the Governor this ..... day of .....,  
20..... .

**XI. ORDER FOR THE RETURN OF A CRIMINAL PERSON OF UNSOUND MIND  
TO A BRITISH POSSESSION**

*Colonial Prisoners' Removal Act, 1884*

Whereas A.B., having been in custody in the Colony (*or* Protectorate, *or* .....), of ..... as a criminal person of unsound mind, has been removed, under the Colonial Prisoners' Removal Act, 1884, to, and is now in custody as a criminal person of unsound mind in, the United Kingdom [*or* the Colony (*or* Protectorate, *or* .....)] of .....

And whereas I [*or* the Government of the said Colony (*or* Protectorate, *or* .....)] of ..... consider that the said A.B. has become sufficiently sane to be tried for the offence with which he was charged in the said Colony (*or* Protectorate, *or* .....) of .....

Now I [with the advice of the Executive Council of the said Colony (*or* Protectorate, *or* .....)] hereby, in pursuance of the said Act, order that the said A.B., be returned to the said Colony (*or* Protectorate, *or* .....) there to be dealt with in the same manner as if he had not been removed therefrom.

Given under the hand of the Governor *or* ..... of ..... this ..... day of ....., 20..... .

**XII. WARRANT FOR RETURN OF A CRIMINAL PERSON OF UNSOUND MIND  
TO A BRITISH POSSESSION**

*Colonial Prisoners' Removal Act, 1884*

To C.D., the ..... of the ..... Asylum for Persons of Unsound Mind, and to E.F., and G.H.

Whereas A.B., having been in custody as a criminal person of unsound mind in the Colony (*or* Protectorate, *or* .....) of ..... has under an order duly made under the Colonial Prisoners' Removal Act, 1884, been removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or* .....)] of ..... and is now in the custody of you the said C.D. as a criminal person of unsound mind:

And whereas an order has been made under the said Act by one of His Majesty's Principal Secretaries of State [*or* by the Government of the said Colony (*or*

Protectorate, *or* .....) of .....] for the return of the  
said A.B. to the said Colony (*or* Protectorate, *or* .....)  
of .....

Now I do hereby, in pursuance of the said Act, order you the said C.D., to  
deliver the body of the said A.B., into the custody of the said E.F. and G.H. or one of  
them; and I do hereby, in further pursuance of the said Act, authorise you the said E.F.  
and G.H. or either of you, to receive the said A.B. into your custody, and to convey  
him to the Colony (*or* Protectorate, *or* .....) of ..... and to  
deliver him to such person or persons as shall be empowered by the Governor of the  
said Colony (*or* Protectorate, *or* .....) to receive him for the purpose of  
giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the Governor this ..... day of .....,  
20..... .

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Note. Where the prisoner or criminal person of unsound mind to be removed is  
to be detained in Ireland, the procedure to be followed is set out in the Colonial  
Prisoners' Removal Order in Council, 1913 (1913 No. 484) dated 11th April, 1913,  
*post* at page 1735.



**COLONIAL PRISONERS REMOVAL  
(ANTIGUA AND MONTSEERRAT) ORDER**

*(U.K. S.I. 1957 No. 1873)*

*Made ..... 31st October, 1957*

At the Court at Buckingham Palace, the 31st day of October, 1957.

Present,

The Queen's Most Excellent Majesty in Council.

Whereas the Legislative Council of the Colony of Antigua and the Legislative Council of the Colony of Montserrat have presented addresses to Her Majesty requesting the sanction of Her Majesty as hereinafter provided:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by section four of the Colonial Prisoners Removal Act, 1869, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

**1.** This Order may be cited as the Colonial Prisoners Removal (Antigua and Montserrat) Order in Council, 1957.

**2.** The sanction of Her Majesty is hereby given in order that the Colony of Antigua and the Colony of Montserrat may, in accordance with the provisions of section four of the Colonial Prisoners Removal Act, 1869, enter into an agreement for the removal of prisoners from the Colony of Montserrat to the Colony of Antigua and for their return.

*W. G. Agnew*

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## **COLONIAL PRISON SERVICE MEDAL REGULATIONS**

*(S.R.O. 1/1980)*

### **Commencement**

*[6 February 1980]*

### **Short title**

1. These Regulations may be cited as the Colonial Prison Service Medal Regulations.

### **Service required**

2. (1) The Colonial Prison Service Medal will be granted as a reward for long service and good conduct to staff of all ranks in the Prison Service of Montserrat, who on or after 16 September, 1977 shall have completed eighteen years' continuous service as hereinafter defined.

(2) A Clasp will also be granted to a recipient of the Medal on his completing twenty five years' qualifying service, and a further Clasp on completing thirty years' qualifying service. For each Clasp so awarded a small silver rose may be added to the ribbon when worn alone.

### **Continuity of service**

3. (1) Qualifying service in the Prison Service of any other Overseas Territory or Territory under Her Majesty's Protection may be allowed to reckon towards the required period of qualifying service, if the total period of such service amounts to not less than eighteen years.

(2) Where service has been rendered in more than one Overseas Territory or Territory under Her Majesty's Protection an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service.

(3) A break in service not exceeding six calendar months in any Overseas Territory or Territory under Her Majesty's Protection shall not be regarded as breaking the continuity of such service.

(4) Previous service in the Police Force of Montserrat may also be allowed to reckon towards the required period of qualifying service; but such police force service must be continuous with prison staff service in Montserrat; and for that purpose an interval of not more than six months between any two period of such police force service or between any such period and a period of prison staff service shall not be regarded as breaking the continuity of such police force service with the prison staff service.

### **Exemplary character**

4. (1) For the purpose of these Regulations service shall only be reckoned as qualifying service if it is certified that the character and conduct of the person recommended for the grant of the Medal or Clasp has been exemplary.

(2) Such person shall be deemed to be in possession of an exemplary character if—

- (a) he has not been convicted of an offence involving moral turpitude;
- (b) he has not been guilty frequently of minor disciplinary offences;
- (c) he has not been guilty of any serious disciplinary offences during the last six years of his service; and
- (d) he has, in the opinion of the recommending authority set a high example by his conduct.

### **Recommending authority**

5. Recommendations for the award of the Medal or Clasp shall be submitted by the Superintendent of Prisons to the Governor. The medal will be awarded on the authority of the Governor, and a notification of such award shall be published in the *Gazette*.

### **Forfeiture and restoration**

6. (1) A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the Prison Service for misconduct shall forfeit the Medal and Clasp unless the Governor otherwise directs.

(2) A Medal or Clasp forfeited under subregulation (1) may be restored to the recipient by the Governor at his discretion.

(3) A notice of forfeiture or restoration shall in every case be published in the *Gazette*.

### **Replacement of Medal or Clasp in event of loss**

7. (1) Where a Medal or Clasp is lost through carelessness or neglect, the loser may be recommended by the recommending authority to be provided with a new Medal or Clasp at his own expense. If the loss is accidental, the loser may be recommended to be supplied with a new Medal or Clasp, either at his own or at the public expense, according to the circumstances of the case.

(2) An application for a new Medal or Clasp to replace one that has been lost must be accompanied by a declaration as to the circumstances under which the original Medal or Clasp was lost. A replacement will not be issued until a period of six months has elapsed since the date upon which the loss occurred.



