



## ASCENSION

### REVISED EDITION OF THE LAWS, 2017

#### SECURITY & LAW ENFORCEMENT

#### PRISONS (ASCENSION) ORDINANCE, 1960<sup>1</sup>

*Ordinance SH3 of 1960<sup>2</sup>  
In force 7 June 1960*

*Applied to Ascension by Ord. A1 of 1976 with amendments which have been incorporated in the text.*

*Amended by SH Ordinances 4 of 1974, 17 of 1978, 14 of 2017.  
(Ord. SH14/2017 applied by L.N.A4/2017 w.e.f. 19 December 2017.)*

*The text also modifies the St Helena Ordinance to the circumstances of Ascension as required by section 2(2) of the St Helena Law (Application to Ascension) Ordinance, 1988<sup>3</sup>.*

*SH subsidiary legislation:*

#### **PRISONS RULES, 1999**

*Legal Notice 10/1999*

*Amended by L.N. 16/2000, L.N. 42/2013*

*Not included (see St Helena version):*

#### **COLONIAL PRISONERS REMOVAL ORDER IN COUNCIL, 1907 (UK)<sup>4</sup> COLONIAL PRISON SERVICE MEDAL REGULATIONS, 1956**

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#### PRISONS (ASCENSION) ORDINANCE, 1960

##### ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation

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<sup>1</sup> This text is not authoritative but was prepared by the Law Revision Commissioner under section 14 of the Revised Edition of the Laws Ordinance, 1999 as stating the law at 19 December 2017.

<sup>2</sup> Originally enacted as the ‘Gaols Ordinance’. All references to ‘gaol’ have been changed to ‘prison’ in this Revised Edition.

<sup>3</sup> “(2) The said law of St Helena applies to Ascension only in so far as it is applicable and suitable to local circumstances, and subject to such modifications, adaptations, qualifications, and exemptions as local circumstances render necessary.”

<sup>4</sup> The Colonial Prisoners Removal Act 1884 (UK), under which the 1907 Order was made, regulates the transfer of prisoners between the UK, St Helena, Ascension and Tristan da Cunha.

3. Appointment of prisons
4. Officers
5. Official visitors
6. Power to make rules
7. Release
8. Death
9. Sickness
10. Escape
11. Aiding escape
12. Allowing escape
13. Forbidden articles
14. Unlawful absence
15. Violence
16. Young prisoners

AN ORDINANCE for the regulation of prisons and for other connected purposes.

### **Short title**

1. This Ordinance may be cited as the Prisons (Ascension) Ordinance, 1960.

### **Interpretation**

2. In this Ordinance, unless the context otherwise requires—  
“**common prison**” means any prison commonly used for the confinement of prisoners sentenced by any court in Ascension;  
“**prison officer**” means any person employed in the service of the prison.

### **Appointment of prisons**

3. The Governor may from time to time appoint any place in Ascension to be a common prison.

### **Officers**

4. The Governor may appoint a Superintendent of Prisons and other prison officers to execute duties in connection with any prison.

### **Official visitors**

5. The Chief Justice, every Justice of the Peace and the Members of the Island Council are official visitors to all prisons.

### **Power to make rules**

6. (1) The Governor may make rules for the regulation and management of prisons, the maintenance of good order in them, the classification, treatment, employment, discipline and control of persons required to be detained in them, and the punishment of offences against such rules.

- (2) Rules made under this section must not contain provision for the infliction of corporal punishment.

## **Release**

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

(2) A prisoner whose sentence expires on Sunday, Christmas Day or Good Friday must be discharged on the preceding day.

## **Death**

8. The Superintendent of Prisons must give immediate notice of the death of any prisoner to the Coroner, and the Coroner must hold an inquest on the death.

## **Sickness**

9. If a certificate signed by a medical practitioner and by the Magistrate is delivered to the Superintendent of Prisons stating that the removal of a prisoner to hospital is necessary, the prisoner must be so removed.

## **Escape**

10. It is an offence for a prisoner to –

(a) escape or be unlawfully absent from a prison; or

(b) escape from or leave any prison officer under whose charge the prisoner is.

Penalty: Imprisonment for 2 years.

## **Aiding escape**

11. It is an offence for a person to –

(a) aid a prisoner in escaping or attempting to escape from prison;

(b) with intent to facilitate the escape of any prisoner, convey anything into a prison or to a prisoner;

(c) place anything outside a prison with a view to its coming into the possession of a prisoner; or

(d) harbour or conceal or assist in harbouring or concealing any prisoner.

Penalty: Imprisonment for 2 years.

## **Allowing escape**

12. A prison officer who knowingly and wilfully allows a prisoner to escape commits an offence.

Penalty: Imprisonment for 3 years.

## **Forbidden articles**

13. A person who unlawfully conveys or attempts to convey into a prison or to a prisoner any article commits an offence.

Penalty: A fine of £5 or imprisonment for one month, or both.

### **Unlawful absence**

**14.** If a person sentenced to imprisonment is unlawfully at large during the period for which he or she is liable to be detained pursuant to a sentence, in calculating the period for which the person is liable to be so detained, no account is to be taken of any time during which the person is so at large.

### **Violence**

**15.** A person who resists or assaults, or aids or incites any other person to resist or assault any prison officer in the execution of his or her duty, commits an offence.

Penalty: A fine of £20 or imprisonment for 3 months, or both.

### **Young prisoners**

**16.** The Governor may release on conditional licence any prisoner serving a term of imprisonment who was under 21 years of age at the commencement of the sentence; but –

- (a) such licence does not have effect until the prisoner has become eligible for the remission of the remainder of the sentence on account of good conduct and industry in accordance with rules made under this Ordinance;
- (b) a person so licensed is until the expiration of the sentence under the supervision of another person who must be specified in the licence, and must comply with any requirements stated in the licence;
- (c) the Governor may at any time vary or cancel any requirement stated in the licence;
- (d) if the Governor is satisfied that a person so licensed has failed to comply with any requirement specified in the licence, the person may be recalled and detained in a prison until the expiration of his or her sentence.

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## **PRISONS ORDINANCE, 1960**

### **PRISONS RULES, 1999**

(Section 6(1))

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**PART I  
PRELIMINARY**

**Citation**

1. These Rules may be cited as the Prisons Rules, 1999.

**Interpretation**

2. In these Rules—  
“**adjudged term**” means the length of imprisonment by a court on passing sentence, and if it passes 2 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 V;  
“**medical officer**”, in relation to prisons, means the Senior Medical Officer of the Government or any other medical practitioner 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 or her 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 or her conviction;  
“**Superintendent**” means the Superintendent of Prisons appointed in accordance with section 4 of the Ordinance;  
“**unconvicted prisoner**” means a prisoner awaiting a trial, a prisoner on remand, a prisoner committed for contempt of court, a prisoner convicted but not sentenced, 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**” is to be construed accordingly.

**PART II  
GENERAL**

**Admission, search and briefing of prisoners**

3. (1) Immediately upon the admission of a prisoner into prison the

Superintendent must cause to be entered—

- (a) in the Prisoners Admission Book the name of the prisoner, whether he or she is convicted, and, if so, the date of commencement and expiration of the sentence, the prisoner's age, height, weight and other details relevant to his or her 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 or her admission into prison.

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

(3) Every prisoner must be provided, within 24 hours of his or her admission into prison, with sufficient information about these Rules and any other matters which it is necessary for the prisoner 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 must be made available to any prisoner who requests it.

### **Classification and separation of prisoners**

4. (1) Subject to Rule 5 the Superintendent must, at intervals of not more than 3 months, classify prisoners according to their age, temperament and record, with a view to categorising them in accordance with the security categorisation set out in the Schedule.

(2) Pursuant to sub-rule (1), the Superintendent must keep, maintain and make available for inspection by the Governor or the Committee at their request a Prisoner's Categorisation Book.

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

### **Female prisoners**

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

(2) The Superintendent may, subject to any conditions he or she 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 must be provided there.

### **Privileges**

6. (1) For the encouragement of the good conduct, industry and rehabilitation of prisoners the Superintendent must, subject to the approval of the Governor, establish a

system of privileges for the prison, including schemes for the employment of prisoners.

(2) The Governor must determine how money earned under any approved scheme for the employment of prisoners is to be utilised, including what percentage may be paid to any prisoner who participates in any such scheme.

### **Remission of sentence**

7. (1) Subject to this rule the Superintendent may, on account of a prisoner's good conduct and industry while in prison, grant him or her a remission of portion of his or her sentence not exceeding one third of the prisoner's adjudged term, if his sentence is 30 days or more.

(1A) The Superintendent may, on granting remission under sub-rule (1), impose any conditions that appear to him or her to be desirable either generally or in a particular case, and any such conditions may be varied from time to time or cancelled.

(2) A prisoner referred to in sub-rule (1) must be discharged when that part of the adjudged term of his or her sentence less the period of remission has been served.

(3) In calculating for the purposes of this rule how much of the adjudged term of a sentence of a prisoner remains to be served, account must be taken of the period during which that prisoner was, in respect of the offence for which he or she 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 the sentence, unless in passing sentence a court has specially directed that any such period is not to be taken into account.

(4) A prisoner eligible for remission of sentence under this rule who commits any offence against prison discipline may suffer total or partial loss of remission of sentence as provided for in rules 33 and 34, unless on account of his or her subsequent good conduct and industry the Superintendent directs otherwise.

(5) If a prisoner who has been granted remission under paragraph (1), after release fails to comply with any condition imposed under that sub-rule, the Superintendent may, on the recommendation of, or after consultation with the Committee, withdraw such remission and recall the prisoner to prison to continue to serve his or her sentence.

(6) The Superintendent may withdraw remission and recall a prisoner to prison without consulting the Committee, in any case in which it appears to him that it is expedient in the public interest so to do before such consultation is practical.

(7) A person recalled to prison under this rule may make representations in writing to the Governor with respect to the recall and must, on his or her return to prison, be informed in writing of the reasons for the recall and his or her right to make such representations.

(8) The Governor must refer to the Committee the case of a person recalled to prison who—

- (a) makes representations under sub-rule (7); or
- (b) is recalled under sub-rule (6) regardless whether or not the person makes representations under sub-rule (7).



(9) If upon a reference made under sub-rule (8) the Committee recommends the immediate release on remission of the prisoner, the Superintendent may give effect to that recommendation, but without prejudice to the power again to withdraw that remission and recall that person, under this rule, if new circumstances appear to require it.

(10) On withdrawal of remission of any person under this rule, the person is liable to be detained pursuant to his or her sentence, and, if at large, is deemed to be unlawfully at large and may be arrested by any police officer or prison officer.

(11) This rule does not apply to any prisoner serving a sentence of imprisonment for life or ordered to be detained in prison for an indefinite term during the pleasure of the Governor.

### **Temporary release**

8. (1) The Superintendent may, subject to any conditions he or she sees fit to impose, authorise the temporary unsupervised release of a convicted prisoner, to enable the prisoner to engage in employment, to receive training, or to participate in any special activity, which would be of assistance to the prisoner in his or hers transition to freedom.

(2) Sub-rule (1) applies to any prisoner serving a sentence of 9 months or more before remission is taken into account if the prisoner—

- (a) has served at least 50% of his or her remitted sentence and has demonstrated satisfactory behaviour as a prisoner;
- (b) has for himself or herself, obtained or arranged, as the case may be, paid employment, self employment, training, or a special activity, which is consistent with the prisoner being required to spend his or her evenings and nights at the prison;
- (c) has demonstrated that such employment, training or special activity would assist in his or her rehabilitation.

(3) Any unauthorised absence by any prisoner from any employment, training or special activity permitted under this rule, may lead to the immediate withdrawal of such prisoner's temporary release privileges.

(4) During any period of temporary release under sub-rule (1), a prisoner must return to prison immediately at the conclusion of his or her session of work, training or special activity, for which such release is authorised under this rule.

(5) The Governor must determine how any money earned by a prisoner under this rule is to be disposed of, including what proportions are to be applied towards the prisoner's upkeep, retained to be available for his or her benefit upon release, and available for his or her personal use.

(6) A prisoner temporarily released under sub-rule (1) may be recalled to prison at any time, whether the conditions of his or her release have been broken or not.

### **Requests by prisoners to see certain authorities**

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

**(2)** The Superintendent, as soon as practicable after being informed of a request under sub-rule (1) must—

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

### **Religious ministrations**

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

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

**(3)** A chaplain or minister of religion must—

- (a)* interview every prisoner individually as soon as practicable after the prisoner's admission into and release from prison;
- (b)* unless other arrangements are made, read the burial service at the funeral of any prisoner of his or her denomination who dies in prison;
- (c)* visit prisoners of his or her denomination as regularly as practicable; and
- (d)* conduct divine service for the prisoners of his or her denomination at intervals approved by the Superintendent and on the special days of religious observance pertaining to that denomination.

**(4)** If a prisoner belongs to a denomination for which no minister has been approved under sub-rule (2), the Superintendent must do what he or she reasonably can, if so requested by the prisoner, to arrange for the prisoner to be visited by a minister or other member of that denomination.

**(5)** The Superintendent must not require prisoners to do unnecessary work on any day that is their particular sabbath day.

**(6)** So far as is reasonably practicable, there must 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 is to have the care of the mental and physical health of the prisoners.

**(2)** Every request by a prisoner to see the medical officer must be recorded in the

Medical Book by the prison 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 must 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 must, if satisfied that there are reasonable grounds for the request, allow the prisoner to be attended by that practitioner or dentist, with or without the consultation of the medical officer.

(5) The medical officer must report in writing immediately to the Superintendent on the case of any prisoner—

(a) suffering from a contagious disease; or

(b) whose health is likely to be injuriously affected by continued imprisonment or any conditions of imprisonment;

and the Superintendent must thereupon without delay send a copy of the report to the Governor with his or her recommendation as to what requires to be done.

(6) The medical officer must 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 must inform the Superintendent if he or she suspects any prisoner of having suicidal intentions, and such prisoner must 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 must, if the address concerned is known to him or her, 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 must immediately notify the Coroner, the Committee, and the Governor.

### **Clothing of prisoners**

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

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

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

(4) Subject to sub-rule (5), a convicted prisoner must only wear the clothing provided for him or her under this rule unless the Superintendent directs otherwise.

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

### **Food**

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

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

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

(b) given less food than is ordinarily provided:

but the Superintendent in his or her discretion may permit a prisoner to receive prepared food.

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

(4) The Environmental Health Officer must regularly inspect the food both before and after it is cooked, and must report any deficiency or defect to the Superintendent.

### **Alcohol and tobacco**

14. (1) A prisoner must not 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) A prisoner must not 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) A room or cell must not be used as sleeping accommodation unless certified by the Governor as being—

(a) 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 must not be exceeded without the authority of the Governor; and

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

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

(3) Every prisoner must be provided with toilet articles necessary for his or her health and cleanliness, and the articles must be replaced as necessary.

(4) Every prisoner is required to wash at proper times, have a shower on admission into prison and thereafter at least once per day and to have his or her hair cut as may be necessary for neatness; but a prisoner is not required to have his or her hair cut if he or she

keeps his hair tidy, unless the medical officer directs this to be done for the sake of health or cleanliness.

**(4A)** Every male prisoner not excepted by the Superintendent must shave or be shaved daily, but need not have any beard or moustache usually worn by him shaved off if he keeps it tidy, unless the medical officer directs this to be done for the sake of health or cleanliness.

**(5)** A female prisoner's hair must not be cut without her consent unless the medical officer certifies in writing that this is necessary for the sake of health or cleanliness.

### **Power of search**

**16. (1)** A prison officer may search any—  
 (a) prisoner; or  
 (b) cell occupied by a prisoner,  
 for the purpose of ascertaining whether a prisoner has any prohibited or unauthorised article on his or her person or in his or her cell.

**(2)** A prison officer searching a prisoner or cell by virtue of this rule—  
 (a) must have every regard for decency and if conducting a strip search must do so out of sight of other prisoners;  
 (b) may use reasonable force where necessary; and  
 (c) may seize and detain any prohibited or unauthorised article found on the prisoner or in his or her cell during the course of the search.

**(3)** In this rule “**prohibited or unauthorised article**”, in relation to a prison, means any article which the prisoner is not authorised by these Rules or by the Superintendent to have in his or her possession or, as the case may be, in his or her possession in any particular part of the prison.

**(4)** The Superintendent may authorise the medical officer to—  
 (a) 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; and  
 (b) obtain samples from a prisoner of any bodily fluids necessary to detect illness or drug abuse;  
 but no sample other than urine or saliva may be obtained from the prisoner without his or her consent.

**(5)** For the purposes of sub-rules (1) and (2) a prisoner must be searched only by prison officers of the same sex as the prisoner.

### **Daily exercise**

**17. (1)** A prisoner not engaged in outdoor work must be given exercise in the open air for not less than one hour each day, if health permits; but exercise consisting of physical training may be given indoors instead of in the open air.

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

(3) The medical officer must 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

### **Work**

18. (1) A convicted prisoner must be required to do useful work, for not more than 8 hours a day, and arrangements must 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 a prisoner must not be set to do work which is not of a class for which he or she has been passed by the medical officer as being fit.

(3) A prisoner must not work in the service of another prisoner or a prison officer, or for the private benefit of any person, without the authority of the Governor.

(4) An unconvicted prisoner may, if he or she wishes, with the approval of the Superintendent, do work as if he or she were a convicted prisoner.

(5) Prisoners may be paid for their work at rates approved by the Governor, either generally or in relation to particular cases.

(6) Every prisoner must be searched immediately on return from outside work.

(7) Prisoners at work outside the prison must at all times be under supervision of a prison officer or of a person approved by the Superintendent as being responsible for the supervision of any prisoner.

(8) No prisoner categorised as a Category A or B prisoner in terms of the Schedule may be permitted to work outside the prison except with the consent of the Governor.

### **Education and social welfare**

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

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

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

(4) Subject to the direction of the Superintendent, every prisoner must be allowed to have library books and exchange them at the Public Library.

### **Outside contacts and aftercare**

**20. (1)** The Superintendent must endeavour to facilitate such relations between a prisoner and his or her family as are desirable in the best interests of both.

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

**(3)** From the beginning of a prisoner's sentence, consideration must be given, whenever possible, in consultation with the appropriate aftercare organisation, to the prisoner's future and the assistance to be given to the prisoner after 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 must not be permitted to communicate with any person outside the prison, or that person with the prisoner, without the leave of the Superintendent.

**(3)** Except as provided by this rule, every letter or communication to and from a prisoner may be read or examined by the Superintendent or a prison officer deputed by him or her, and the Superintendent may, at his or her discretion, stop any letter or communication on the ground that its contents are objectionable or could lead to a breach of prison security.

**(4)** Every visit to a prisoner must take place within the sight and, except as provided by rule 22, the hearing of a prison officer, 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 or she wishes within such limits and subject to such conditions as the Superintendent directs, either generally or in a particular case.

**(7)** A convicted prisoner is entitled to—

- (a)** send and receive a letter on his or her admission into prison and thereafter once a week; and
- (b)** receive a visit every Saturday between the hours of 1.00 p.m. and 4.00 p.m..

**(8)** The Superintendent may allow a prisoner an additional letter or visit where necessary for the prisoner's welfare or that of his or her 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 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 class of prisoner.

(13) A prisoner is not entitled under this rule to receive a visit from any person other than a relative or friend, except with the leave of the Superintendent.

### **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 Director of Police, interview any prisoner willing to see the police officer.

(2) A person detained in prison in default 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 payment in order to secure the person's release from prison.

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

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

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

(6) A prisoner must on request be provided with any writing materials necessary for the purpose of sub-rule (5).

(7) 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 must be afforded reasonable facilities for examining the prisoner in connection with the proceedings, and may do so out of hearing but in the sight of a prison officer.

(8) Subject to any directions of the Superintendent, a prisoner may correspond with a lawyer or lay advocate 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 lawyer or lay advocate to issue such proceedings.

### **Custody outside prison**



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

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

### **Prisoners' property**

**24. (1)** Subject to any directions of the Superintendent, an unconvicted prisoner may have supplied at his or her own expense and retain for his or her 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)** Any property of a prisoner, other than cash or other property which a prisoner is allowed to retain for his or her own use, must be taken into the Superintendent's custody. An inventory of the prisoner's property must be kept, and he or she must 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, must be paid into a bank account in the prisoner's name opened or approved by the Superintendent, who is to have custody of the book giving access to the account.

**(4)** Any article belonging to a prisoner which remains unclaimed for a period of more than 3 years after he or she leaves prison, or dies, may be sold or otherwise disposed of, and the net proceeds of any sale must be paid into the Consolidated Fund.

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

### **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 must be dealt with in accordance with this rule, and the prisoner must be informed of the manner in which it is dealt with.

**(2)** Any cash must, at the discretion of the Superintendent, but subject to sub-rule (2A), be—

- (a)* dealt with in accordance with rule 24(3);
- (b)* returned to the sender; or
- (c)* in a case where the sender's name and address are not known, paid into the Consolidated Fund.

**(2A)** In relation to a prisoner committed to prison in default of payment of any sum of money, the prisoner must be informed of the cash and, unless he or she objects to it being so applied, it must be applied in or towards the satisfaction of the amount due from him or her.

**(3)** Any security for money must, at the discretion of the Superintendent—

- (a) be delivered to the prisoner or placed with his or her property at the prison;
- (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 sub-rule (2).

### **PART III DISCIPLINE**

#### **Removal from association**

**26.** (1) If it appears desirable, for the maintenance of good order and discipline or in his or her own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Superintendent may arrange for that prisoner's removal from association accordingly.

(2) A prisoner must not be removed under this rule for a period of more than 24 hours without the authority of a member of the Committee. An authority given under this sub-rule must be for a period not exceeding one month, but may be renewed from month to month.

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

#### **Use of force**

**27.** (1) A prison officer in dealing with a prisoner must not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary is to be used.

(2) A prison officer must not 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 must not be so confined as a punishment, or after he or she ceases to be refractory or violent.

#### **Restraints**

**29.** (1) The Superintendent may order a prisoner to be put under restraint if this is necessary to prevent the prisoner from injuring himself or herself or others, damaging property or creating a disturbance.

(2) Notice of an order under sub-rule (1) must be given without delay to a member of the Committee, and to the medical officer.

(3) On receipt of the notice, the medical officer must inform the Superintendent

whether he or she concurs in the order. The Superintendent must give effect to any recommendation by the medical officer.

(4) A prisoner must not be kept under restraint longer than is necessary, nor be so kept for longer than 24 hours without a direction in writing given by a member of the Committee. Such a direction must 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 rule must be forthwith recorded.

(6) Except as provided by this rule, no prisoner may be kept under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer. A prisoner must not be put under restraint as a punishment.

### **Offences against discipline**

- 30.** A prisoner commits an offence against discipline if he or she—
- (a) mutinies or incites another prisoner to mutiny;
  - (b) commits an assault;
  - (c) detains any person against that person's will;
  - (d) denies access to any part of the prison to any prison officer;
  - (e) fights with any person;
  - (f) intentionally endangers the health or personal effects of others or, by his or her conduct, is reckless whether such health or personal safety is endangered;
  - (g) intentionally obstructs an officer in the execution of his or her duty;
  - (h) escapes from prison or legal custody;
  - (i) fails to—
    - (i) return to prison when he or she should return after being temporarily released under rule 8;
    - (ii) comply with any condition upon which he or she is so released;
  - (j) has in his or her possession—
    - (i) any prohibited article; or
    - (ii) a greater quantity of any article than he or she 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 the prisoner is allowed to have only for his or her own use;
  - (m) takes improperly any article belonging to any other person or to the prison;
  - (n) intentionally or recklessly sets fire to any part of the prison or any other property, whether or not his or her own;
  - (o) destroys or damages any part of the prison or any other property other than his or her own;
  - (p) absents himself or herself from any place where he or she is required to be or is present at any place where he or she is not authorised to be;
  - (q) is disrespectful to the Superintendent or to any prison officer or to any person visiting the prison;
  - (r) uses threatening, abusive or insulting words or behaviour;
  - (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 regulation applying to him or her;

- (v) makes any false and malicious allegation against a prison 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)** If a prisoner is to be charged with an offence against discipline, the charge must be laid as soon as possible, and, save in exceptional circumstances, within 48 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 the case.

**(3)** Every charge must be inquired into by the Superintendent.

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

### **Rights of prisoners charged**

**32. (1)** If a prisoner is charged with an offence against discipline, he or she must be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the Superintendent.

**(2)** At any enquiry into a charge against a prisoner, he or she must be given a full opportunity of hearing what is alleged against the prisoner and of presenting his or her own case.

### **Punishments**

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

- (a) a caution;
- (b) forfeiture for a period not exceeding 28 days of any privileges under rule 6;
- (c) exclusion from associated work for a period not exceeding 14 days;
- (d) stoppage of earnings for a period not exceeding 28 days;
- (e) cellular confinement for a period not exceeding 3 days;
- (f) forfeiture of remission of sentence for a period not exceeding 28 days;
- (g) in the case of an unconvicted prisoner - forfeiture for any period of the right under rule 24(1) to have the 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 or her 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 21 years when it was committed, sub-rule (1) has effect but—

- (a) the maximum period of forfeiture of privileges is 14 days; and
- (b) the maximum period of stoppage of earnings is 14 days.

### **Referrals to Visiting Committee**

**34. (1)** If on an enquiry held pursuant to rule 31(3) the Superintendent 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 may refer the charge to the Committee.

**(2)** If a charge is referred to the Committee, the Chair must summon a special meeting at which not more than 5 nor fewer than 2 members must be present.

**(3)** The Committee must inquire into the charge, and if it finds the prisoner guilty it may, subject to sub-rule (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 56 days;
- (d) exclusion from associated work for a period not exceeding 56 days;
- (e) forfeiture of remission of sentence of a period not exceeding 120 days;
- (f) the punishments referred to in rule 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 must not exceed 180 days.

**(5)** In the case of an offence against discipline committed by a prisoner who was under the age of 21 years when it was committed, sub-rule (3) has effect but—

- (a) the maximum period of forfeiture or postponement of privileges is 28 days;
- (b) the maximum period of exclusion from associated work and stoppage of earnings is 28 days;
- (c) the maximum period of forfeiture of remission of sentence is 90 days; and
- (d) the maximum period of forfeiture of remission arising from punishments ordered to run consecutively on charges arising from an incident is 135 days.

### **Particular punishments**

**35. (1)** A punishment of stoppage of earnings may, instead of forfeiting all of a prisoner's earnings for a specified period not exceeding 28 or 56 days, as the case may be, be expressed so as to forfeit a proportion (not being less than one half) of his or her earnings for a period not exceeding a correspondingly greater number of days.

**(2)** No punishment of cellular confinement may 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; but such punishment has effect only if a sentence of imprisonment is imposed upon conviction of the prisoner, in which case it has effect even if the sentence is stated to be reduced by the

period during which the prisoner was an unconvicted 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 includes the power to suspend for up to 6 months the operation of the punishment unless, within the period of the suspension, the prisoner commits another offence against discipline.

**(2)** If a prisoner upon whom a suspended punishment is imposed commits another offence against discipline, the Superintendent or Committee, 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 further period of up to 6 months; or
- (d)* give no directions with respect to the suspended punishment.

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

**(4)** Subject to any directions of the Governor, the Committee may remit or mitigate any punishment imposed by the Superintendent.

## **PART IV FUNCTIONS AND CONDUCT OF PRISON OFFICERS**

### **General duties of prison officers**

**37. (1)** It is the duty of every prison officer to conform to these Rules, to assist and support the Superintendent in the observance of them, and to obey the lawful instructions of the Superintendent.

**(2)** A prison officer must inform the Superintendent promptly of any abuse or impropriety which comes to his or her knowledge.

### **Search of prison officers**

**38.** A prison officer must submit himself or herself to be searched in the prison if so required by the Superintendent.

### **Dealings with prisoners**

**39. (1)** A prison officer must not take part in any business or pecuniary transaction with or on behalf of a prisoner without leave of the Superintendent.

**(2)** A prison officer must not, without the knowledge of the Superintendent, communicate with any person whom the officer knows to be a relative or friend of a prisoner.

### **Communications to the press, etc.**

**40. (1)** A prison officer must not make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning matters that have become known to the officer in the course of his or her duty.

**(2)** A prison officer must not, without authority, publish any matter or make any public pronouncement relating to the prison administration.

### **Code of discipline**

**41.** The Governor may approve a code of discipline that is to have effect in relation to the conduct of all prison officers.

## **PART V 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 is to be a body to be known as the Visiting Committee, consisting of a Chair and not less than 2 nor more than 6 other members appointed by the Governor.

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

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

**(4)** The Chair presides at meetings of the Committee but in the event of his or her absence from any meeting the members present must 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 may be a member of the Committee.

**(6)** The Committee must meet at the prison once each month or, if it resolves for reasons specified in the resolution that less frequent meetings are sufficient, not less than 8 times over a period of 12 months.

**(7)** The proceedings of the Committee are not invalidated by any vacancy in the membership or any defect in the appointment of a member.

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

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

### **Duties of Committee**

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

- (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 or her imprisonment;
- (d) inquire into and report upon any matter into which the Governor asks it to inquire;
- (e) direct the attention of the Superintendent to any matter it considers calls for his or her attention, and report to the Governor on any matter which it considers expedient to report upon;
- (f) inform the Governor immediately of any abuse that comes to its knowledge.

(2) The Committee must, in a case of any abuse or neglect by a prison officer of his or her functions involving any prisoner, immediately report the matter to the Superintendent who may suspend the officer until an enquiry into the matter has been completed.

### **Visiting of prisons**

**44.** (1) The members of the Committee must arrange a rota whereby at least one member visits every prison at least once in every month.

(2) A member of the Committee may have access to the records of any prisoner.

### **Annual report**

**45.** The Committee must 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 VI SUPPLEMENTARY**

### **Control of access to and viewing of prisons**

**46.** (1) Any person 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) A person outside a prison must not be permitted to view it unless authorised by the Superintendent.

(4) A person viewing a prison must not be permitted to take a photograph or make a sketch of the prison, or to communicate with a prisoner, unless authorised by the Superintendent.



### **Delegation by Superintendent**

**47.** Where by these Rules powers and duties are conferred or imposed upon the Superintendent, he or she may, unless expressly prohibited from so doing, depute any subordinate officer to exercise the powers and perform the duties on his or her behalf, subject to any conditions, exceptions and qualifications the Superintendent prescribes.

## **PART VII RELEASE ON LICENCE**

### **Early release on licence**

**48. (1)** The Governor, if recommended to do so by the Committee in consultation with the Superintendent, may order the release on licence of a person serving a sentence of imprisonment of 3 years or more after that person has served not less than one-third of the sentence.

**(2)** Any person released on licence under this rule must comply with any conditions from time to time specified in the licence.

**(3)** A licence granted to a prisoner under this rule may be made subject to any conditions that appear to the Governor to be desirable either generally or in any particular case, and any such conditions may be varied from time to time or cancelled. Before imposing, varying or cancelling any conditions, unless doing so upon the recommendation of the Committee, the Governor must consult the Committee.

### **Revocation of licences**

**49. (1)** The Governor –

- (a)** on the recommendation of, or after consultation with the Committee, may revoke any licence granted to a prisoner and recall him or her to prison to continue to serve his or her sentence;
- (b)** if the Committee so recommends, must revoke a licence in a case in which the person subject to the licence has failed to comply with any condition of it.

**(2)** The Governor, without consulting the Committee, may revoke any licence granted to a prisoner and recall him or her to prison to serve his or her sentence, in any case in which it appears to the Governor that it is expedient in the public interest so to do before such consultation is practical.

**(3)** A person recalled to prison under this rule may make representations in writing to the Governor with respect to the recall and must, on his or her return to prison, be informed in writing of the reasons for the recall and his or her right to make such representations.

**(4)** The Governor must refer to the Committee the case of a person recalled to prison under sub-rule (1) who makes representations under sub-rule (3), and must refer to the Committee the case of a person recalled to prison under sub-rule (2) whether or not that person makes representations with respect to the recall.

(5) If upon a reference made under sub-rule (4) the Committee recommends the immediate release on licence of a prisoner whose case is referred to it under sub-rule (4), the Governor may give effect to that recommendation, but without prejudice to the power again to recall that person, under this rule, if new circumstances appear to require it.

(6) On the revocation of the licence of any person under this rule the person is liable to be detained pursuant to the person's sentence, and, if at large, is deemed to be unlawfully at large and may be arrested by any police officer or prison officer.

**SCHEDULE**  
(Rule 4(1))

**SECURITY CATEGORIES**

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 or the police.

Category B

A prisoner who needs to be held in accommodation to the highest level of security available and 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.

Category D

A prisoner who is not considered to be a security risk and who can serve his or her sentence in open accommodation.

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