



**TRISTAN DA CUNHA**

**REVISED EDITION OF THE LAWS, 2017**

**SECURITY AND LAW ENFORCEMENT**

**PRISON (EXTRAMURAL EMPLOYMENT)  
(TRISTAN DA CUNHA) ORDINANCE, 1965<sup>1</sup>**

*Ordinance T1 of 1965  
In force 29 January 1965*

*No amendments to 1 November 2017*

*No subsidiary legislation to 1 November 2017*

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**PRISON (EXTRAMURAL EMPLOYMENT)  
(TRISTAN DA CUNHA) ORDINANCE, 1965<sup>2</sup>**

AN ORDINANCE to provide for extramural employment in lieu of imprisonment in Tristan da Cunha.

**ARRANGEMENT OF SECTIONS**

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2. Interpretation
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4. Period of extramural employment
5. Daily task
6. Failure to comply with order

**Short title**

**1.** This Ordinance may be cited as the Gaol (Extramural Employment) (Tristan da Cunha) Ordinance, 1965.

**Interpretation**

**2.** In this Ordinance, unless the context otherwise requires—

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

<sup>2</sup> Enacted as Gaols (Extramural Employment)(Tristan da Cunha) Ordinance. See also the Prisons Ordinance, 1960 (SH) as applied to Tristan da Cunha

“**court**” means the Magistrate’s Court for Tristan da Cunha;

“**fine**” includes any sum of money which a court orders to be paid;

“**order of extramural work**” means an order for the employment of a person made under section 3 of this Ordinance.

### **Extramural employment**

- 3. (1)** Any person who—
- (a) is sentenced by a court to imprisonment for a term not exceeding six months; or
  - (b) is liable under a sentence or order of a court to be committed to prison for non-payment of a fine,

may be ordered by the court, either at the time of or subsequent to the passing of the sentence or making of the order mentioned in paragraph (a) or (b), to be employed, in lieu of imprisonment, on public work outside the prison under the supervision and control of such person or authority as the Administrator directs.

- (2)** Every order of extramural work must specify—
- (a) the date of commencement of the period of extramural work; and
  - (b) the time and place at which the person in respect of whom the order is made must report daily, excluding Sundays and public holidays, during that period to the person supervising the work.

### **Period of extramural employment**

**4. (1)** The period during which a person in respect of whom an order of extramural work is made must work is a period equal to the term of imprisonment to which the person has been sentenced or, as the case may be, which the person is liable to undergo:

But if, at the time when the order takes effect, the person has already served any part of such term of imprisonment, the period is to be equal to the balance of that term then remaining.

**(2)** If a person who has been ordered to perform extramural work in default of payment of a fine pays the fine in full to the court, the order thereupon determines.

**(3)** If a person who has been ordered to perform extramural work in default of payment of a fine pays any sum in part satisfaction of it to the court, the period of such work is to be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days comprising that period, together with any period of imprisonment which the person has served before the order of extramural work took effect in substitution for such imprisonment, as the sum so paid bears to the amount of the fine imposed.

### **Daily task**

**5. (1)** The daily task for a person performing extramural work must be such as, in the opinion of the person supervising the work, he or she can reasonably be expected to complete in 8 hours of labour.

- (2)** No daily task may be required to be performed on a Sunday or public holiday.

**Failure to comply with order**

**6. (1)** If any person in respect of whom an order of extramural work has been made—

- (a) fails to comply with any requirement of the order;
- (b) absents himself or herself from his task without permission or reasonable excuse; or
- (c) works or conducts himself in a manner which the person supervising the work considers unsatisfactory,

the person supervising the work must make a report thereof to the court.

**(2)** On receipt of such report the court must cause the person in respect of whom the report was made to be brought before it and must inquire into the facts reported; and on such inquiry the court may either—

- (a) order the person to serve his or her sentence in gaol, due allowance being made for the number of days on which the person has completed his or her daily task, and commit the person to gaol accordingly; or
  - (b) confirm or vary the terms of the order of extramural work and direct the person to continue to be employed in such work in accordance with the order as so confirmed or varied.
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