



ST CHRISTOPHER AND NEVIS

CHAPTER 19.08

PRISON ACT

and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

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Prison Act

Act 4 of 1955 in force 1st July, 1956

Amended by Act 6 of 1976

Act 7 of 1976

Act 9 of 1986

Act 6 of 2000

Prison Rules – Section 26 – SRO 20 of 1956

Amended by SRO 17 of 1975

CHAPTER 19.08

PRISON ACT

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CHAPTER 19.08

PRISON ACT

AN ACT to provide for the regulation of prisons, and to provide for related or incidental matters.

1. Short title.

This Act may be cited as the Prison Act.

2. Interpretation.

In this Act,

“Minister” means the Minister responsible for National Security;

[Inserted by Act 6/1976 and amended by Act 6/2000]

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

“prison” means gaol, and includes the airing ground or other ground or buildings occupied by prison officers and contiguous thereto and any other place which the Minister shall by Notice published in the Gazette, declare to be a prison.

[Amended by Act 6/1976]

PROVISION, MAINTENANCE AND CLOSING OF PRISONS.

3. State to provide and maintain prison.

There shall be provided and maintained, at the expense of the State, adequate accommodation for its prisoners in a prison:

Provided however that the buildings and premises in the State now used as a prison shall continue to be used as the prison for the State.

4. Power to alter prisons and build new ones.

The Minister may, with the approval of the National Assembly, alter, enlarge or rebuild any prison in the State or may, if necessary, build new prisons in lieu of or in addition to any existing prisons.

5. Closing of prisons.

(1) The Minister may, at any time, by Notice published in the Gazette, declare any prison in the State to be closed; and every prison which the Minister shall so declare to be closed shall, as from the date of the Notice, cease to be used as a prison accordingly.

[Amended by Act 6/1976]

(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 Minister may appoint or determine.

VISITING JUSTICES.

6. Visiting Justices.

(1) Rules made under section 26 shall provide for the constitution by the Minister of a visiting committee of a prison consisting of Justices of the Peace of the State appointed at such times, in such manner and for such periods as may be prescribed by the Rules.

(2) Rules made under subsection (1) shall prescribe the functions of the Visiting Justices 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 Minister any matter which they consider it expedient to report; and any Visiting Justice may at any time enter the prison and shall have free access to every part of it and to every prisoner.

[Amended by Act 6/1976]

PRISON OFFICERS.

7. Prison Officers.

(1) The Governor-General shall appoint a Superintendent of Prisons who shall be in charge of the prisons in the State and shall superintend and manage the same.

[Amended by Act 6/1976]

(2) In addition to the Superintendent of Prisons, the Governor-General shall appoint such other officers including an honorary chaplain, as may be necessary, for the efficient management of the prison.

[Amended by Act 6/1976]

(3) The duties of the officers appointed by virtue of sub-sections (1) and (2) shall be such as may be prescribed by Rules made under section 26.

8. Powers of prison officers.

Every male prison officer while acting as such have all the powers, authority, protection and privileges of a constable.

CONFINEMENT AND TREATMENT OF PRISONERS.

9. Place of confinement of prisoners.

(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 Minister may, from time to time, direct and may, by direction of the Minister, be removed during the term of their imprisonment from the prison in which they are confined to any other prison in the State.

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(3) A writ, warrant or other legal instrument addressed to the Superintendent of Prisons 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.

10. Legal custody of prisoner.

(1) Every prisoner shall be deemed to be in the legal custody of the Superintendent of Prisons.

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

11. Corporal punishment in prisons.

(1) Except as provided by this section, corporal punishment shall not be inflicted in any prison.

(2) Rules made under section 26 may authorise the infliction of corporal punishment for mutiny, incitement to mutiny, or gross personal violence to an officer of a prison when committed by a male prisoner.

(3) The rules shall not authorise the infliction of corporal punishment except by order of the Visiting Justices made at a meeting at which not less than three Justices are present; and no such order shall be made except after an inquiry in which the evidence is given on oath:

Provided that the Minister may, if he or she thinks fit in any particular case, direct that the functions exercisable as aforesaid by the Visiting Justices shall be exercised by a Magistrate appointed by him or her on that behalf.

(4) The punishment which may be inflicted under such an order as aforesaid shall not exceed,

- (a) in the case of a person appearing to the Visiting Justices or Magistrate to be not less than eighteen years, eighteen strokes of a cat-o'-nine-tails or tamarind rod; or
- (b) in the case of a person appearing to them or him or her to be under that age, twelve strokes of a tamarind rod;

and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.

(5) Where an order for the infliction of corporal punishment has been made under this section, a copy of the notes of the evidence given at the inquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Minister; and the order shall be carried into effect only after confirmation by the Minister and, if the Minister confirms the order with modifications, in accordance with the modifications.

(6) A refusal by the Minister to confirm such an order as aforesaid shall not prejudice any power to impose another punishment for the offence for which the order was made.

12. Duty of Superintendent of Prisons to deliver calendar of prisoners.

The Superintendent of Prisons in which persons committed for trial before the High Court are confined shall deliver to that Court a calendar of those persons.

13. Removal of prisoners for judicial and other purposes.

(1) Rules made under section 26 may provide in what manner an appellant within the meaning of Court of Appeal Rules, when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he or she is entitled to be present for the purposes of those rules, or any place to which the Court of Appeal or any judge thereof may order him or her to be taken for the purpose of any proceedings of that Court.

(2) The Minister may,

- (a) if he or she is satisfied that the attendance at any place in the State of a person detained in a prison in the State is desirable in the interests of justice or for the purposes of any public inquiry, direct him or her to be taken to that place;
- (b) if he or she is satisfied that a person so detained requires medical or surgical treatment of any description, direct him or her 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 or she shall, unless the Minister 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 or she is required in accordance with law to be detained.

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

14. Calculation of term of sentence.

(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.

15. Remission for good conduct and award of gratuities.

(1) Rules made under section 26 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 or her industry and good

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conduct, and on the discharge of a person from prison in pursuance of any such remission as aforesaid his or her 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 with hard labour for a term of or exceeding twelve months.

16. Power to discharge prisoners temporarily on account of ill-health.

(1) If the Minister is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him or her 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 or her release should be temporary and conditional only, the Minister may, if he or she 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 or her case at which his or her 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 Minister, and if the prisoner fails so to comply or return, he or she 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 or she is discharged from the prison under the order to the day on which he or she 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 Minister does not think fit to discharge under this section.

OFFENCES.

17. Escape, attempt to escape, and prison breach.

Every prisoner who

- (a) escapes or attempts to escape from any prison wherein he or she is lawfully confined;
- (b) escapes or attempts to escape during the time of his or her conveyance to or from a prison, or whilst on his or her way to or from any road or public work, or during the time of his or her employment therein; or
- (c) forcibly breaks out of any cell or other place in which he or she is lawfully confined or makes any breach therein with intent to escape,

commits an offence against this Act and, on conviction on indictment, be liable to imprisonment for a period not exceeding two years.

18. Rescue, or promotion of rescue, of prisoners.

Every person who rescues, or attempts to rescue any person who has been convicted, or who is in custody, on a charge of felony, commits a felony and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years; and every person who rescues, or attempts to rescue, any person who has been convicted, or who is in custody, on a criminal charge other than felony, commits a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding eighteen months; and all persons aiding, assisting or abetting the commission of any such offence as aforesaid shall be liable to be prosecuted and punished in the same manner as principals.

19. Wilfully permitting prisoner to escape.

Every person having the custody of a prisoner, who knowingly and wilfully allows him or her to escape, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years.

20. Negligently permitting prisoner to escape.

Every person having the custody of a prisoner, who, through negligence or carelessness, allows any such prisoner to escape, shall be liable to a fine or imprisonment, or both, at the discretion of the Court.

21. Assaulting or resisting prison officers.

Any person who assaults or resists any prison officer in the execution of his or her duty, or aids or excites any person so as to assault or resist any such officer shall be liable, on summary conviction, to a penalty not exceeding one thousand dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months; or, if the offender be a prisoner, he or she shall be liable, on conviction on indictment, to be imprisoned, with or without hard labour, for a term not exceeding one year:

Provided however that no prisoner shall be liable both to punishment under this section and section 11 for an assault against a prison officer.

[Amended by Act 9/1986]

22. Assisting prisoner to escape.

Any person who aids any prisoner in escaping or attempting to escape from a prison or who, with intent to facilitate the escape of any prisoner, conveys any thing into a prison or to a prisoner or places any thing anywhere outside a prison with a view to its coming into the possession of a prisoner, commits a felony and liable to imprisonment for a term not exceeding two years.

23. Unlawful conveyance of spirits or tobacco into prison etc.

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 not exceeding one thousand dollars.

[Amended by Act 9/1986]

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24. Unlawful introduction of other articles.

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 or she is not thereby guilty of an offence under either section 22 or section 23, be liable, on summary conviction, to a fine not exceeding five hundred dollars.

[Amended by Act 9/1986]

25. Display of notice of penalties.

The Superintendent of Prisons shall cause to be affixed in a conspicuous place outside such prison a notice of the penalties to which persons committing offences under sections 22, 23 and 24 are liable.

RULES.

26. Power to make Rules.

(1) The Minister 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 6/1976]

(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 or her case.

SCHEDULE

(section 26)

THE PRISON RULES**PART I – PRELIMINARY****1. Short Title.**

These Rules may be cited as the Prison Rules.

2. Interpretation.

In these Rules,

“Act” means the Prison Act;

“appellant” has the same meaning as in the Eastern Caribbean Court of Appeal Rules;

“juvenile prisoner” means prisoners under sixteen years of age;

“prison”, “prisoner” have respectively the same meanings as are assigned to them in the Act;

“prison officer” means an officer appointed by virtue of subsections (1) and (2) of section 7 of the Act;

“subordinate officer” means any prison officer other than the Superintendent of Prisons and Prison Medical Officer;

“Superintendent of Prisons” means the prison officer appointed under section 7.(1) of the Act;

“Visiting Justices” means the Visiting Justices appointed under rule 3.

PART II – VISITING JUSTICES**3. Appointment of Visiting Justices.**

(1) The Minister shall appoint not less than three and not more than five Justices of the Peace of the State to be Visiting Justices of a prison.

(2) The Chairperson of the Visiting Justices shall be appointed by the Minister and shall preside at all meetings of the Visiting Justices but in his or her absence the Visiting Justices present shall elect one of themselves to be chairperson of the meeting.

(3) The Minister shall appoint a Secretary to the Visiting Justices of a prison.

(4) Subject to the provisions of paragraph (1) of rule 187, two Visiting Justices shall form a quorum and all questions arising for the decision of the Visiting Justices shall be decided by a majority of the votes of the Visiting Justices present and, when the votes are equal, the Chairperson shall have a casting vote.

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- (5) Every Visiting Justice shall hold office for five years from the date of his or her appointment and shall be eligible for re-appointment.
- (6) A Visiting Justice shall vacate his or her office
- (a) if he or she resigns in writing addressed to the Minister; or
 - (b) if he or she fails, without reasonable excuse (the sufficiency whereof shall be determined by the Minister) to attend three consecutive meetings of the Visiting Justices.
- (7) The Visiting Justices shall meet not less than once a month on a day to be fixed at their discretion, and more frequently if occasion may require.
- (8) Minutes of every meeting of the Visiting Justices shall be taken by the Secretary and shall be submitted to the Minister as soon as possible after every meeting.
- (9) At the monthly meetings or an adjournment thereof, the Visiting Justices shall visit the whole Prison and shall hear and investigate any application or complaint which any prisoner may desire to make to them and, if necessary, report the same, with their opinion, to the Minister, and they shall specially enquire into the condition of those prisoners who are undergoing solitary confinement.
- (10) The Visiting Justices shall have free access to all parts of the prison, to all prison records and to all prisoners and may see any such prisoners as they desire, either in their cells or in a room out of sight and hearing of prison officers.
- (11) The Visiting Justices shall co-operate with the Superintendent of Prisons in promoting the efficiency of the prison and shall make enquiry into any matter specially referred to them by the Minister and report their opinion thereon.
- (12) The Visiting Justices shall assist the Superintendent of Prisons with advice and suggestions as to the employment, education and recreation of the prisoners.
- (13) The Visiting Justices shall investigate at the prison all charges brought against prisoners (for the due punishment of which the Superintendent of Prisons' power is inadequate) and deal with them in the manner provided in the rules relating to punishment.
- (14) The Visiting Justices shall examine the "Prison Punishment Book" monthly and shall enquire into any irregularity or excessive punishment therein and shall, if necessary, communicate with the Minister on the subject.

PART III – OTHER OFFICERS

THE SUPERINTENDENT OF PRISONS.

4. Residence, Employment, etc.

- (1) The Superintendent of Prisons shall have the general control and management of a prison and shall reside in such quarters as may be assigned to him or her by the Minister.
- (2) The Superintendent of Prisons shall not follow or be concerned in any other occupation or trade, unless specially authorised by the Minister.

(3) The Superintendent of Prisons shall not derive, directly or indirectly, any emolument or benefit, pecuniary or otherwise, from the supplies furnished for the use of the prison, or from the sale of any article produced in the prison.

(4) The Superintendent of Prisons shall not let for hire any portion of his or her quarters or any part of the prison buildings or grounds.

(5) The Superintendent of Prisons shall be allowed medical attendance for himself or herself at the public expense.

5. Absence.

The Superintendent of Prisons shall not absent himself or herself for a night from the quarters assigned to him or her without the permission of the Minister except in cases of emergency which shall be noted in his or her Journal.

6. Observance and Enforcement of Prison Laws.

(1) The Superintendent of Prisons shall strictly conform to the provisions of these rules and of the laws relating to the prison, and shall require obedience to the same from all subordinate officers, and rigidly enforce them on the prisoners.

(2) The Superintendent of Prisons shall be responsible for every relaxation or infringement of such rules and laws.

7. Inspection of Prison.

(1) The Superintendent of Prisons shall inspect every part of the men's prison, and see every prisoner at least once in every twenty-four hours, and shall in like manner inspect the women's prison at least twice a week, and in default of such inspections shall state in his or her journal how far he or she has omitted them, and the cause thereof.

(2) The Superintendent of Prisons shall at least five times in each month go through the men's prison at an uncertain hour of the night, which visit, with the hour and state of the prison at the time, he or she shall record in his or her journal.

(3) When visiting the women's prison the Superintendent of Prisons shall be accompanied by the matron.

8. Inspection of Cells.

The Superintendent of Prisons shall at least once in every twenty-four hours 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.

9. Medical Certificate Prior to Punishment.

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

- Exhibit KAH 29: E-mail chain from Mr Kempadoo.
- Exhibit KAH 30: Commissary order slips.
- Exhibit KAH 31: Page from my journal including Wednesday 11th January 2012
- Exhibit KAH 32: Application for Summary Judgement 16th January 2012.
- Exhibit KAH 33: Affidavit of Service produced and filed by Deborah Claxton, 27th January 2012.
- Exhibit KAH 34: St Christopher and Nevis Prison Act Chapter 19.08.
- Exhibit KAH 35: My daily journal for Wednesday 1st February 2012.
- Exhibit KAH 36: Application filed at the Court by on 10th February, 2012.
- Exhibit KAH 37: Affidavit of Service, produced and filed in Court by Deborah Claxton, on 29th February 2012.
- Exhibit KAH 38: My daily journal for Sunday 5th February 2012, Thursday 9th February 2012 and Friday 10th February 2012.
- Exhibit KAH 39: Fax to Henry Browne, stamped by HM Prison, 16th February 2012.
- Exhibit KAH 40: My poem "Each Day Eternity" written Thursday 8th March, 2012.
- Exhibit KAH 41: My daily journal for Friday 9th March 2012.
- Exhibit KAH 42: Letter to Henry Browne written on Monday 12th March, 2012.
- Exhibit KAH 43: Pages from my daily journal for 31st May 2012 and 1st June 2012.
- Exhibit KAH 44: Letter of 20th July 2012, written from cell 7.
- Exhibit KAH 45: Letter of 23rd July 2012, written from cell 7.
- Exhibit KAH 46: Page from my journal for the two days of Tuesday 24th July 2012 and Wednesday 25th July 2012.
- Exhibit KAH 47: Letter of 26th July 2012, written from cell 7.

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10. Prohibition of Unauthorised Person Sleeping in Prison.

The Superintendent of Prisons shall not allow any person unconnected with the prison to sleep therein, without the written permission of the Minister.

11. Communication with Prisoners.

The Superintendent of Prisons 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.

12. Precaution against Escape and Fires.

(1) The Superintendent of Prisons shall take every precaution to guard against the escape of any prisoner, and shall cause a daily examination to be made of all cells, bars, bolts and locks.

(2) In the event of an escape being effected, he or she shall immediately report it to the Minister and to the Police, and he or she shall also adopt proper precautions against fire.

13. Escape of Prisoners.

The Superintendent of Prisons shall enquire into the escape of any prisoner and the conduct of the officers in charge at the time.

14. Inspection of Supplies.

(1) The Superintendent of Prisons shall satisfy himself or herself 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.

(2) All contractors' accounts for articles supplied shall be certified by him or her and he or she shall frequently inspect the diets of prisoners and see that they are of the proper description, quantity and quality.

15. Prisoner's Complaints.

The Superintendent of Prisons shall at all reasonable times be ready to hear the complaints of any prisoner and, should he or she deem it necessary, shall report the same to the Minister, and all such complaints shall be entered in his or her journal.

16. Mechanical Restraint of Prisoners.

The Superintendent of Prisons shall, in cases of urgent necessity, have power to place a prisoner under mechanical restraint, but no such prisoner shall be kept under mechanical restraint for a longer period than twenty-four hours, unless his or her conduct is such as to render it absolutely necessary, when the restraint may be continued with the sanction of the Minister.

17. Circumstances and Type of Mechanical Restraint.

(1) Mechanical restraint shall only be resorted to in extreme cases, not as a punishment, but in order to prevent acts of violence.

(2) No mechanical restraint shall be used except of such patterns as shall have been approved by the Minister.

18. Publication in Prison of Abstract of Rules.

The Superintendent of Prisons shall cause an abstract of these Rules to be placed in conspicuous parts of the prison, and shall cause to be read to the prisoners once a month such of the rules as relate to their conduct, discipline and treatment.

19. Notification of Illness of Officer or Prisoner.

(1) The Superintendent of Prisons shall report to the Prison Medical Officer, without delay, the sudden illness of any officer or prisoner, and shall acquaint him or her, on his or her daily visits, with the names of all prisoners who complain of illness or are undergoing cellular confinement.

(2) The Superintendent of Prisons 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 any prisoner seems to him or her likely to be endangered by further continuance in prison or by the discipline thereof.

20. Observance of Medical Officers' Orders.

The Superintendent of Prisons 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 Senior Medical Officer any such order which he or she is unable to carry into effect.

21. Notification of Clergyman.

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

22. Notification of Relatives and Friends.

The Superintendent of Prisons shall notify, whenever practicable, the relatives or friends of any officer or prisoner whom the Prison Medical Officer reports to be seriously ill.

23. Prisoner whose Health is Endangered.

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 the Superintendent of Prisons shall give such directions as may be requisite, reporting in every such case to the Minister.

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24. Report of Death of Prisoner.

Upon the death of a prisoner, or an infant in the prison, the Superintendent of Prisons shall immediately report the same to the Minister, the Coroner of the District, and, when practicable, the nearest relatives of the deceased.

25. Employment of Prisoners.

The Superintendent of Prisons 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 or she shall, if practicable, provide suitable employment for all unconvicted prisoners who may desire to work.

26. Restriction on Employment of Prisoners.

The Superintendent of Prisons may authorise any prisoner to be employed within a prison in the service of the prison, but not in its discipline, nor in his or her own service, nor in the service of any officer thereof.

27. Corporal Punishment and Executions.

(1) The Superintendent of Prisons shall attend all corporal punishment and shall enter in his or her Journal any orders which the Prison Medical Officer may have given on such occasion.

(2) The Superintendent of Prisons shall make all necessary arrangements for the carrying out of all executions and shall be present thereat.

28. Prisoners' Letters.

The Superintendent of Prisons shall read every letter addressed to, or written by, a prisoner, and in every instance where he or she may deem it necessary to withhold any such letter he or she shall record the fact in his or her Journal:

Provided that the Superintendent of Prisons may delegate the duty of reading any such letter to the Chief Officer.

29. Responsibility for Prison Stores.

(1) The Superintendent of Prisons shall be responsible for all stores, clothing, etc., and for all deficiencies in the same.

(2) The Superintendent of Prisons 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.

(3) The Superintendent of Prisons shall carefully study the requirements of the prison for the purpose of promoting economy and preventing waste.

30. Condemnation of articles.

(1) On the 31st March, 30th June, 30th September, and 31st December in each year, the Superintendent of Prisons shall prepare and forward to the Minister a list of articles to be condemned as unfit for further use and shall dispose of such articles as directed.

(2) The Superintendent of Prisons shall take stock of all prison property on or before the 31st March each year, and shall keep a certified inventory thereof.

31. Weekly Returns.

The Superintendent of Prisons shall forward the following returns to the Minister every Monday morning:

- (a) a return showing the prisoners received during the week, their names, offences and sentences; likewise the prisoners released, and by what authority;
- (b) a return of the occupation and distribution of the prisoners during the week.

32. Annual Report.

The Superintendent of Prisons shall annually prepare and forward to the Minister a report upon the condition and working of the prison as required by the circular despatch of *the Secretary of State* numbered 12758/47 and dated 23rd June, 1947.

33. Notification of Religious Denomination of Prisoner.

The Superintendent of Prisons shall once a month forward to the ministers of religious denominations lists of the prisoners belonging to their respective persuasions.

34. Conduct of Officers.

(1) The Superintendent of Prisons shall exercise his or her authority with firmness, temper, and humanity, and abstain from all irritating language.

(2) The Superintendent of Prisons shall not strike a prisoner, unless compelled to do so in self-defence.

(3) The Superintendent of Prisons shall enforce similar conduct on the part of the subordinate officers.

35. Reports on Long Sentence Prisoners.

The Superintendent of Prisons shall bring to the notice of the Minister all long sentence convicts (both men and women) at the end of the fourth year of imprisonment and every fourth year thereafter, describing the prisoner's mental and bodily condition with particular reference to the effect of imprisonment upon his or her health, his or her demeanour and his or her attitude towards the offence and towards crime generally and upon his or her conduct and industry and on any other points which might be of assistance to the Minister in considering his or her case.

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36. Records.

The Superintendent of Prisons shall be responsible for 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;
- (b) a Journal of all occurrences of importance in the prison;
- (c) a Prisoners' Punishment Book;
- (d) a book recording interviews with prisoners by the Superintendent of Prisons;
- (e) an Inventory Book of all articles belonging to the prison;
- (f) an Order Book for the entry of any standing orders relative to the discipline of the prison;
- (g) a record of officers' services, defaults, etc.;
- (h) a Provision Ledger;
- (i) an Official Visitors' Book;
- (j) a General Visitors' Book;
- (k) a Diet Book, showing daily number of prisoners on each class of diet;
- (l) a record of previous convictions;
- (m) a Cash Book for all receipts and payments;
- (n) a Monthly Pay and Stoppage Book;
- (o) a Diary of daily occurrences;
- (p) a Prisoners' Property Book.

37. Visits of Inspection.

The Superintendent of Prisons shall accompany the Minister and the Visiting Justices on their inspection of the prison.

38. Notice of Approaching Release of Prisoner.

(1) The Superintendent of Prisons shall give notice to the Superintendent of Police of the approaching release of any prisoner under conviction who has been in prison six months and upwards.

(2) No prisoner shall be released before the termination of his or her sentence without competent authority being transmitted to the Superintendent of Prisons.

39. Release of Prisoners Unprovided with Clothing.

The Superintendent of Prisons shall, upon the release of any prisoner unprovided with clothing, ascertain whether his or her relatives or friends can furnish him or her with clothing, and, if not, he or she shall supply him or her with clothing of value not exceeding ten dollars at the public expense.

40. Prisoners Eligible for Licences.

The Superintendent of Prisons shall transmit to the Minister the names and descriptions of such prisoners as are eligible for discharge under the rules hereinafter provided for remission of sentences, and also of every prisoner under a life sentence who has served fifteen years of his or her sentence, or having served ten years, has attained or is believed to have attained the age of sixty.

41. Prisoners Liable to Pay for Wilful Damage to Prison Property.

The Superintendent of Prisons 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 prison property, or any other property in the prison.

42. Care of Prison Walls.

The Superintendent of Prisons shall see that no trees are allowed to grow against the outer walls of the prison and that no rubbish or other article is laid against them.

43. Limewashing of Buildings.

The Superintendent of Prisons shall have the prison walls and buildings limewashed once in six months, or more often if necessary.

44. Inspection of Prisoners' Work.

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

45. Duty in Case of Disturbance.

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

46. Issue of Firearms to Staff.

The Superintendent of Prisons 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 Minister, if in his or her 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:

Provided always that the previous sanction of the Minister shall be obtained, except in cases of emergency, when the same shall be reported as soon as possible to the Minister.

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47. Disposal of Fines and Costs Collected.

The Superintendent of Prisons shall forthwith forward to the proper authority all fines and costs received by him or her from prisoners committed in default of payment.

48. Prison Visitors.

(1) The Superintendent of Prisons may, with the assistance of the Visiting Justices, obtain a sufficient number of suitable prison visitors of both sexes for the purpose of instructing prisoners.

(2) All voluntary workers in a prison shall be requested by the Superintendent of Prisons to observe the usual rules and regulations which are binding upon prison officers and they shall conduct their work under the general guidance of the Superintendent of Prisons.

THE PRISON MEDICAL OFFICER.

49. Class of Labour to be Performed by Prisoner.

(1) The Prison Medical Officer shall certify the class of labour for which every prisoner is fit on admission, and from time to time thereafter, if necessary on medical grounds, and no prisoner shall be employed at any labour for which he or she is not certified as being fit.

(2) The Prison Medical Officer shall also assist, when necessary, in assigning the task of labour according to the physical capacity of a prisoner.

50. Sick Prisoners.

(1) The Prison Medical Officer shall attend to and prescribe for all sick prisoners, and all officers of the prison who shall require his or her attendance at the prison.

(2) The Prison Medical Officer shall examine all prisoners on admission and record in the Medical Minute Book the cases of any who are found to be in an unfit state to be sent to prison; he or she shall also certify that a prisoner, previous to his or her being transferred to any other legalised place of confinement, is in a fit state of health to be removed.

51. Health of Prisoner Endangered by Further Imprisonment.

(1) Whenever the Prison Medical Officer has reasons to believe that the mind or body of a prisoner is or is likely to be injuriously affected by the discipline or treatment of the prison he or she shall record the case in the Medical Minute Book for the information of the Superintendent of Prisons and shall give such directions as he or she may think proper.

(2) The Prison Medical Officer shall also report to the Superintendent of Prisons whenever he or she shall be of the opinion that the life of any prisoner is endangered by his or her continuance in prison, with the grounds of his or her opinion.

52. Visits.

(2) The Prison Medical Officer shall be in attendance at the prison not less than one day in every week before nine o'clock in the morning and shall arrange his or her several visits and duties so as not to disturb the routine or discipline of the prison.

(2) The Prison Medical Officer shall enter in the Medical Journal the name of each prisoner, together with such directions for his or her treatment, diet, clothing, exercise, etc., and such other observations as he or she shall see fit; the Journal shall be signed by him or her and handed over daily to the Superintendent of Prisons for his or her information and guidance.

53. Illness of Officers.

(1) The Prison Medical Officer shall keep a Medical Journal of all officers who may apply to him or her for advice, and shall, on receiving information from the Superintendent of Prisons that any subordinate officer has absented himself or herself on the plea of illness, visit such officer and shall record in the Journal whether such officer is fit or unfit for duty, and if unfit, the period of time for which he or she is excused.

(2) The Journal when signed by the Prison Medical Officer shall be handed over to the Superintendent of Prisons for his or her information and guidance.

54. Books to be Kept by Medical Officer.

(1) The Prison Medical Officer shall keep at the prison the following books:

- (a) a Prisoners' Medical Journal;
- (b) an Officers' Medical Journal;
- (c) a Medical Minute Book;
- (d) a Hospital Case Book.

(2) The form of these books shall be settled by the Prison Medical Officer from time to time with the approval of the Superintendent of Prisons, subject always to revision by the Minister.

55. Inspection of Prison.

(1) The Prison Medical Officer shall once a month inspect every part of the prison and record in the Medical Minute Book the result of his or her inspection, together with any observations he or she may think fit to make on the cleanliness, drainage, or ventilation, the quality of the provisions, the sufficiency of the clothing or bedding, the quantity or quality of the water, or anything which may in his or her opinion affect the health of the prisoners.

(2) The Prison Medical Officer shall also frequently inspect the prisoners' diet and satisfy himself or herself that it is of proper quantity, quality and description, and shall keep a record of any irregularity in the Medical Minute Book.

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56. Inspection of Prisoners at Labour.

The Prison Medical Officer shall occasionally inspect the prisoners at labour in order to observe the effect it has upon them.

57. Prisoners in Cellular Confinement.

The Prison Medical Officer shall daily visit every prisoner under punishment in cellular confinement and record the visit in his or her Journal.

58. Corporal Punishment and Executions.

The Prison Medical Officer shall attend all corporal punishment and his or her instructions for preventing injury to health shall be carried out, and he or she shall also be present at any execution.

59. Report of Dangerous Illness.

The Prison Medical Officer shall give notice to the Superintendent of Prisons when any case of illness appears to him or her to assume a dangerous aspect.

60. Operations.

(1) The Prison Medical Officer may, subject to the approval of the Superintendent of Prisons in case of danger or difficulty which appear to him or her to require it, call in additional medical assistance.

(2) No serious operation shall be performed without a previous consultation with another medical practitioner, except under circumstances not admitting of delay; such circumstances to be recorded in the Journal of the Prison Medical Officer.

(3) If the Prison Medical Officer recommends the removal of a prisoner to hospital in any case under this rule, under rules 50, 51 or 59 or under subsection (2) (b) of section 13 of the Act, he or she shall, in addition to his or her other records, submit to the Minister, through the Superintendent of Prisons, a medical certificate in the form set out in Schedule 1 to these Rules.

61. Death of Prisoner.

The Prison Medical Officer shall on the death of any prisoner enter in his or her Journal the following particulars, viz: at what time the deceased was taken ill; when the circumstances were first communicated to him or her; the nature of the disease, and when it assumed a dangerous aspect; whether there were any special circumstances connected with the case; when the prisoner died; when the Coroner sat; the verdict; and any comments made by the Coroner.

62. Appointment of Substitute.

In the event of the Prison Medical Officer being prevented from attending to his or her duties through illness or any other unavoidable cause, he or she may depute a qualified medical practitioner to act as his or her substitute for twenty-four hours, and any longer period shall require the approval of the Minister.

63. Annual Report.

The Prison Medical Officer shall furnish on or before the 31st January in each year, a report specifying, with reference to the past year, the health of the prisoners on admission, and the general state of health that has been maintained; the diseases which have been most prevalent and whether any connection can be traced between them and the locality; the state of the buildings, the diet, the employment, or other circumstances; the number of deaths; the number of prisoners admitted to the hospital; the number of cases of slight indisposition treated in the cells; the proportions of sick to the whole number of prisoners examined during the year, and any other circumstances with respect to the health of the prisoners that he or she may consider proper to bring to the notice of the authorities.

64. Discharge of Sick Prisoners.

No sick prisoner shall at the expiration of his or her sentence be released from prison, unless in the opinion of the Prison Medical Officer he or she can be released with safety to health, or such prisoner refuses to stay.

65. Capital Offences.

(1) A prisoner charged with a capital offence shall be kept under special observation, if practicable in the prison infirmary, at all times and the Prison Medical Officer shall keep a written record of the physical and mental condition of the prisoner in which entries shall be made from time to time daily if necessary.

(2) If deemed advisable, application may be made to the Attorney General for a copy of the records of the case, in order to assist the Prison Medical Officer in forming an opinion as to the mental condition of the prisoner, but he or she should bear in mind that records are furnished only that he or she may be in possession of important and true particulars of the prisoner's recent history, in so far as it has a bearing upon his or her mental state while under observation in prison.

(3) A report shall be submitted to the Attorney General on the mental condition of the prisoner a few days before the date of the trial, stating whether or not any indication of insanity has been exhibited and whether or not the prisoner is fit to plead.

(4) The report should not express any opinion as to the prisoner's degree of responsibility at the time the offence was committed, this being a matter for the finding of the jury on the evidence submitted, but, if from symptoms exhibited while under observation in the prison it is clear that definite insanity exists and has done so for some time previous to the offence, or if the Prison Medical Officer is of the opinion that there is a distinct history of periodical attacks of insanity, followed by intervals of mental clearness, and the prisoner has been enjoying a lucid interval while under observation in the prison, his or her report would embody this opinion.

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SUBORDINATE OFFICERS (GENERALLY).

66. Training and Examinations.

(1) Subordinate 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 prison officer as may be prescribed and to pass, from time to time, examinations on such rules and training.

(2) Failure to pass such examinations may result in the termination of a probationer's engagement.

(3) Promotion of officers will depend largely on the passing of these examinations.

67. Maintenance of Order and Discipline.

Subordinate officers shall strictly conform to and obey all rules and orders of the Superintendent of Prisons and assist to their utmost in maintaining order and discipline, and to this end punishment for prison offences may sometimes be resorted to upon their report, but good temper and good example on their part will have great influence on prisoners in preventing the frequent recurrence of offences and the necessity for such punishments.

68. Conduct Towards Prisoners.

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

69. Reports of Prisoners' Complaints, etc.

Subordinate officers shall inform the Superintendent of Prisons of any prisoner who desires to see him or her or to make any complaint or prefer any request to him or her or to any other superior authority, and any neglect in carrying out this rule will be severely dealt with.

70. Visitors.

Subordinate officers shall not be permitted to receive any visitors in a prison without the special permission of the Superintendent of Prisons.

71. Report of Prisoners' Illness.

(1) Subordinate officers shall not compel any prisoner to go to labour who complains of illness but shall report all such cases to the Superintendent of Prisons.

(2) Subordinate Officers shall direct the attention of the Superintendent of Prisons to any prisoner who may appear to them to be suffering from illness, although he or she may not complain, or whose state of mind may appear to them deserving of special notice and care.

72. Responsibility for Stores, Tools, etc.

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

73. Duties on Relieving Each Other.

(1) Subordinate 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 of the Superintendent of Prisons affecting any particular prisoner or the work to be performed.

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

74. Prisoners in Cellular Confinement.

Subordinate officers shall pay particular attention to prisoners under punishment in cellular confinement and see that they are provided with necessities, that their slops are frequently removed, and that they are visited at the regular times, and that they receive one hour's exercise daily in the open air.

75. Correspondence, etc., with Prisoners' Friends.

(1) No subordinate officer shall correspond or hold any intercourse with the friends or relations of any prisoner, unless expressly authorised by the Superintendent of Prisons, nor shall he or she make any unauthorised communication concerning the prison or prisoners to any person whatsoever.

(2) Subordinate Officers shall also carefully abstain from forming acquaintance with discharged prisoners.

76. Occupation of Officers.

Subordinate officers shall not be allowed to follow or be concerned in any other trade or business nor, without special permission, to hold any office of a public character unconnected with the prison.

77. Divine Service.

Subordinate officers shall punctually attend divine service with the prisoners, unless off duty, on other duty, or excused by the Superintendent of Prisons; their absence, with the cause thereof, being entered in the Superintendent of Prisons Journal.

78. Absence of Officers.

(1) No subordinate officer shall be absent during the regular hours of attendance without the permission of the Superintendent of Prisons.

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(2) When absent for his or her meals, or on other authorised occasions, a subordinate officer is to return to his or her duty at the appointed time.

79. Prison Keys.

A subordinate 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 or her keys to such officer as the Superintendent of Prisons may depute for that purpose.

80. Attendance at Posts.

Subordinate officers shall at all times confine themselves to their respective posts, unless specially ordered to go to any other part of the establishment in the performance of other duties.

81. Report of Misconduct, etc.

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

82. Conversations, etc.

(1) Conversations between subordinate officers on duty and between subordinate 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, and conversation between subordinate officers on duty and civilians is prohibited.

(2) Conversations between prisoners at labour shall be limited to such remarks as the work requires, and there shall be no idle talking on general subjects.

(3) Out of working hours the making of a remark or two need not be forbidden, and when, however, the remarks are continued and the officer sees a gossiping conversation is developing he or she should direct the prisoners to stop, and if they fail to do so after one or more such orders, he or she should report them.

(4) Reports should not be for "talking," but for "disobedience of orders by talking after being told to stop," and if there are any special reasons for preventing all communication between prisoners, the right plan is to keep them separated.

83. Dress and Appearance.

Subordinate officers shall at all times pay strict attention to cleanliness of persons and dress and shall always appear, when on duty, properly shaved and dressed in such uniforms as may be allowed them, and all accoutrements, badges, etc. shall be kept clean and bright at all times.

84. Wearing of Uniforms.

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

85. Combination Amongst Subordinate Officers.

It is the duty of all subordinate officers to report to the Superintendent of Prisons any proceedings that may come to their knowledge having the character of a combination amongst the subordinate officers with regard to their duties or positions in the prison; and any complaint of one officer against another shall be made within twenty-four hours of the occurrence complained of.

86. Restriction on Striking Prisoners.

(1) No subordinate officer shall strike a prisoner unless compelled to do so in self-defence or when ordered to inflict corporal punishment.

(2) When in charge of a gang beyond the prison walls, a subordinate officer may place a prisoner in handcuffs in case of gross misconduct, or for the purpose of security, reporting the occurrence to the Superintendent of Prisons on his or her return to the prison.

87. Observation of Prisoners Character, etc.

Subordinate 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 of Prisons shall be fully informed on these points.

88. Prisoners' Labour.

Subordinate Officers in charge of gangs shall ascertain carefully the amount of work done by prisoners under their care and report the result to the Superintendent of Prisons faithfully and accurately on the diligence of prisoners at work, and any unfairness or partiality in this respect will be dealt with as a serious offence.

89. Counting, etc., of Prisoners.

(1) Subordinate Officers shall count the prisoners under their charge at 2.00 p.m. every day as well as at locking up and at unlocking time and shall report the state of their respective divisions and the number present.

(2) Subordinate Officers shall examine daily the state of the cells, bedding, locks, bolts, etc., and shall seize all prohibited articles and deliver them to the Superintendent of Prisons.

90. Duty of Subordinate Officers in Charge of Gangs at Outside Labour.

(1) A subordinate officer proceeding with prisoners to work beyond the prison walls shall be furnished with a book with the name of each prisoner entered therein.

(2) A subordinate officer shall, before leaving with prisoners to move beyond the prison walls, check the name of each prisoner with the Superintendent of Prisons or other appointed officer, after which he or she shall be held responsible for the safe custody and proper conduct of such prisoners.

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(3) A subordinate officer having charge of prisoners working beyond the prison walls shall see that they do not straggle, or hold communication with any unauthorised person.

(4) A subordinate officer upon return to the prison shall check the name of each prisoner as before with the appointed officer and give up his or her book to be signed.

91. Searching of Prisoners on Return to Prison.

(1) An officer shall thoroughly search every prisoner on the prisoner's return to the prison for the purpose of ascertaining whether he or she has any prohibited articles secreted on his or her person.

(2) All tools and other implements are to be checked at the commencement and completion of work and handed over to the officer deputed for that purpose.

92. Standard of Conduct Required of Subordinate Officers.

(1) All subordinate officers placed in authority over prisoners shall be persons of good moral principles.

(2) Any disreputable conduct will render an officer liable to dismissal.

(3) Intoxication will be liable to be visited with dismissal and it will not be taken into consideration at what place it occurred or whether it be a greater or less degree of intoxication, nor will it be regarded as any excuse that the person offending may claim to have been at the time capable of performing his or her duties; it being absolutely necessary that all persons connected with the prison shall be perfectly sober at all times.

(4) Swearing, cursing, the use of improper language, incurring debts which he or she is unable to pay, frequenting public houses, keeping bad company and gambling will be considered sufficient grounds for the discontinuance of an officer's service.

93. Pecuniary Dealings, etc., with Prisoners Forbidden.

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

94. Interest in Prison Contracts Forbidden.

No subordinate officer shall directly or indirectly have any interest in any contract or agreement for the supply of the prison; nor shall he or she receive, directly or indirectly, under any pretence whatever, any fee or present from any contractor or person tendering any contract with the establishment, but he or she may, if the terms of the contract permit it, purchase provisions for the use of himself or herself and family at the contract rates.

95. Receipts of Fees Prohibited.

No subordinate 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.

96. Using or Bringing in Prohibited Articles.

(1) No subordinate officer shall introduce into, keep or use in the prison tobacco or liquor of any kind or any newspaper, book or other publication, except under such restrictions as may from time to time be laid down by the Superintendent of Prisons.

(2) Subordinate Officers in charge of gangs employed outside the prison walls shall on no account use tobacco or spirituous liquors whilst in charge of such gangs.

97. Punishment for Dealing with Prohibited Articles.

Every subordinate officer or servant of the establishment who shall (except for lawful purposes and with the authority of the Superintendent of Prisons) bring in or carry out, or endeavour to bring in or 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 for 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 or her duties and placed under arrest by the Superintendent of Prisons who shall forthwith report the offence to the Minister, and such conduct shall be liable to be punished by fine or imprisonment under the provisions of the law relating to prisons.

98. Introduction of Prohibited Articles by Outside Persons.

(1) All subordinate 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.

(2) Subordinate Officers shall especially guard against the clothes of workers or others being left lying about in place accessible to the prisoners and shall report at the earliest opportunity any circumstance of this kind or the loitering of improper or suspicious persons about the prison or in the vicinity of prisoners working outside.

99. Search of Officers or Servants.

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

100. Removal of Articles Facilitating Escape.

(1) Special care shall be taken that no ladder, ropes, implements or materials of any kind likely to facilitate escape are left lying about the yard or elsewhere, and all such articles when not in use shall be kept in their appointed places.

(2) Every subordinate officer shall immediately report any instance of such articles being left about in contravention of this rule.

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101. Officers not to Serve as Jurors.

No officer of the prison shall be a juror on any inquest.

102. Entering Cell at Night.

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

103. Hours of Return to Quarters at Night.

(1) All subordinate officers residing in the prison and off duty shall be in their quarters punctually at 10.00 p.m.

(2) Subordinate Officers will not be admitted to the prison after that time until next morning at 5.30.

104. Complaints and Requests.

(1) A subordinate officer having any complaint or request to make connected with his or her duty or situation shall state the same respectfully in writing through the Chief Officer for the decision of the Superintendent of Prisons or other superior authority.

(2) The Superintendent of Prisons shall put forward to the *Minister all such* complaints or requests with such explanations or remarks as may be requisite in each case.

105. Wrangling among Officers Forbidden.

All wrangling or disputes between subordinate officers on private matters within a prison, or elsewhere when on duty, is strictly prohibited.

106. Subordinate Officers to be Ex-Officio Constables.

A subordinate officer, while acting as such, by virtue of his or her 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 or her duty as a prison officer, as any constable duly appointed has by common law, statute or custom.

107. Duty when Superintending Interviews.

Subordinate officers shall, when superintending interviews between prisoners and their friends, repress and prevent as far as may be in their power all improper communication.

108. Medical Attendance.

Subordinate officers shall be entitled to medical attendance and medicine at the public expense.

109. Officers' Reward Fund.

(1) Fines imposed on officers and deducted from their pay shall be placed on deposit by the Superintendent of Prisons in the Treasury to a separate account to be called the "Prison Officers' Reward Fund Account," which will be administered and distributed for the reward of deserving officers in such manner as may from time to time be directed by the Minister; but no officer shall have any claim on such fund as a matter of right.

(2) Grants from the Officers' Reward Fund may be made by the Minister to any prison officer in the following cases and under the following circumstances, that is to say,

- (a) long and continued illness of an officer involving loss or suspension of pay;
- (b) loss of spouse when the officer is put to the expense of arranging for someone to take care of his or her children;
- (c) illness of an officer's family, or of those dependent on him or her, 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 widower 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 or her retirement leaving a widow or widower or children;
- (f) any unexpended balance of the fund may be applied to assist in the education of any children of an officer who has died in the service, or to establishing and maintaining officers' reading rooms, or to some similar purpose by which the general body of officers may be benefited;
- (g) to any officer who has been exceptionally capable and diligent, and who has not committed any serious breach of discipline for a number of years, and this grant may be awarded in addition to his or her pension and gratuity from the fund as recognition for such good service;
- (h) loans may be made to subordinate officers by the Minister, on the recommendation of the Superintendent of Prisons, such loans shall not exceed one and a half times the monthly salary of the borrower, and these loans shall be free of interest and shall be repaid by monthly instalments of not less than \$4.80, to be deducted from the salary of the borrower by the Superintendent of Prisons.

110. Hours of Work.

The minimum hours of work for subordinate officers shall be forty-eight hours in every week, and the hours of commencing and ceasing to work will be decided by the Superintendent of Prisons.

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111. Good Conduct Badges and Pay.

Every subordinate officer shall, for continuous good service after the first day of January, 1955, be entitled to good conduct badges and pay thereafter at the following rates:

- (a) service for two years during which he or she has not been punished "except for a trivial offence," one badge and two cents per day;
- (b) service for five years under the same conditions two badges and four cents per day;
- (c) service for eight years under the same conditions three badges and six cents per day;
- (d) service for twelve years under the same conditions four badges and eight cents per day:

Provided always that a subordinate officer who has earned good conduct pay on subsequently becoming entitled to a higher rate of such pay shall not be entitled thereafter to both rates but only to the higher rate of pay, and provided also that such good conduct pay and badges may be forfeited by order of the Visiting Justices for any period for misconduct or indifference in discharge of duty.

112. Offences by Subordinate Officers.

(1) If a subordinate officer is found 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;
- (f) cursing, swearing, or using indecent or immoral language;
- (g) neglecting to guard, supervise, or attend prisoners under his or her charge;
- (h) speaking of the prison arrangements in the hearing of a prisoner or of any person not connected with the prison;
- (i) carelessly searching, or neglecting when necessary or directed, to search a prisoner or a visitor;
- (j) neglecting to have the lamps lighted at the proper times and places;
- (k) neglecting to examine the cells and fastenings of the cells under his or her charge, and to examine and search the wards, cells, bedding and clothing;
- (l) allowing tools, materials, or other articles to be lying about out of their appointed places;
- (m) allowing dirt to accumulate in the wards, cells, passages, or other places under his or her charge;

- (n) omitting to report any misconduct, breach of rules, or omission of duty in himself or herself, another subordinate officer, or a prisoner, or any injury done to the prison furniture, or to the walls, windows, partitions, or any part of the prison;
- (o) inattention when in charge of prisoners;
- (p) allowing unauthorised persons to remain in the vicinity of prisoners;
- (q) appearing on duty out of uniform, or improperly or slovenly dressed or dirty;
- (r) quitting his or her post without authority, and before being properly relieved;
- (s) wrangling, talking of his or her own private affairs in the hearing of prisoners or making unnecessary noise, either within the prison or when on duty outside;
- (t) in any way obstructing the duties of the prison;
- (u) omitting, when sick and unable to attend the prison, to send notice to the Superintendent of Prisons and the Prison Medical Officer;
- (v) neglecting to count the prisoners at the time prescribed by these rules, or by the Superintendent of Prisons;
- (w) allowing prisoners to stray from their work, neglecting to keep them in view, or enforce silence among them;
- (x) smoking or reading unauthorised material whilst on duty;
- (y) drunkenness, disobedience of, or negligence in carrying out, the Prison Rules, or any orders or directions given by any proper authority;
- (z) when on duty as Gate Superintendent of Prisons
 - (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 warder;
 - (iii) allowing unauthorised persons or improper things to go in or out of the prison;
 - (iv) allowing any person to loiter about the gate;
 - (aa) omitting to peg the tell-tale clock or clocks;
 - (bb) disobedience of, or negligence with respect to, these rules or any lawful order given by any person in authority connected with the prison;
 - (cc) conduct to the prejudice of good order or prison discipline;

the Superintendent of Prisons may, unless he or she considers the offence to be of a serious nature, impose a fine not exceeding fifty-five dollars for each such offence.

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(2) If the Superintendent of Prisons considers the offence to be of a serious nature he or she shall report the matter to the Chairperson of the Visiting Justices, who may summon a meeting of the Visiting Justices and cause an inquiry upon oath to be made before them and if after such inquiry the Visiting Justices are satisfied that the offence with which the officer has been charged be proved to their satisfaction, they may award any of the following punishments:

- (a) reduction in rank or grade;
- (b) suspension, stoppage or deferment of increment;
- (c) forfeiture of good conduct pay or of any benefit arising from service;
- (d) forfeiture of not more than half a month's salary;
- (e) admonition;
- (f) reprimand;
- (g) severe reprimand;
- (h) recommendation for dismissal.

(3) Any subordinate officer against whom any such fine is imposed or any such punishment awarded may, within seven days of his or her conviction, appeal in writing to the Minister, and the Minister may allow the appeal, reduce or confirm the fine or punishment or make such other order as he or she may deem fit.

(4) Where an offence against a subordinate officer is to be tried by the Visiting Justices, the Superintendent of Prisons may suspend such subordinate officer from his or her duties pending the decision of the Visiting Justices or the Minister, as the case may be, and while his or her suspension continues such subordinate officer shall be allowed to receive such portion of his or her salary, not being less than one half, as the Minister shall think fit.

(5) Where a subordinate officer has been guilty of and fined for any offence under paragraphs (1) and (2) of this rule, the name of the offender, the date and description of the offence, the amount of the fine and the authority by whom he or she was punished shall be entered in the subordinate officers' Punishment Book.

THE CHIEF OFFICER.

113. **Duties.**

(1) The general duty of the Chief Officer shall be to assist the Superintendent of Prisons, 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 or her duties.

(2) Duties as provided for in sub-rule (1) shall include the proper keeping of all books and records which the Superintendent of Prisons may, from time to time, require him or her to keep.

114. Conduct of Subordinate Officers and Prisoners.

The Chief Officer shall restrain by his or her authority any tendency to oppression or undue harshness on the part of the subordinate officers and likewise any rudeness and insubordination on the part of prisoners.

115. Observance of Rules.

(1) The Chief Officer shall refrain from undue familiarity with the subordinate officers and shall diligently observe their behaviour as well as that of the prisoners.

(2) The Chief Officer shall see that they strictly adhere to the rules and shall report to the Superintendent of Prisons any neglect or misconduct that comes to his or her notice.

116. Absence of Subordinate Officers.

The Chief Officer shall see that the absence of subordinate officers for their meals, or on other authorised occasions, takes place at the proper hours and that they return to their duties at the appointed time.

117. Inspection of Prison.

The Chief Officer shall frequently inspect every part of a prison, especially the cells and bedding, and shall report to the Superintendent of Prisons any irregularity he or she may observe.

118. Report on Welfare of Prisoners.

The Chief Officer shall lose no time in communicating to the Superintendent of Prisons any circumstances which may come to his or her knowledge affecting the safety, health or comfort of the prisoners.

119. General Superintendence of Prisoners.

The Chief Officer shall generally superintend the arrangements for the regular messing of the prisoners and distribution of their meals, and shall take care that their clothing is in good repair and their hair kept properly cut; that washing, bathing, and shaving are attended to according to the rules and that the prescribed hours for exercise are duly observed.

120. Searching of Prisoners on Admission.

(1) The Chief Officer shall see that all male prisoners on admission are strictly and minutely searched, but with all regard to decency, handing over any prohibited articles and personal effects to the Superintendent of Prisons.

(2) The Chief Officer shall also be responsible for the bathing, shaving and hair-cutting of all male prisoners on admission, and shall see that they are properly clothed with the prison dress, except when otherwise directed by the rules.

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121. Permission to Leave Prison.

The Chief Officer shall not leave the prison on any account whatever without the authority of the Superintendent of Prisons.

122. Absence of Superintendent of Prisons.

The Chief Officer shall take charge of the prison during the illness or temporary absence of the Superintendent of Prisons and exercise powers of the Superintendent of Prisons and perform the duties of the Superintendent of Prisons subject to the discretion of the Minister with whom he or she shall communicate in every emergency; he or she shall on no occasion, during the absence of the Superintendent of Prisons, leave the prison without the permission of the Minister.

123. Custody of Keys.

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

(2) The Chief Officer shall on no account deliver up to another officer the keys of the storerooms under his or her charge, without special directions from the Superintendent of Prisons.

124. Execution of Orders, etc.

(1) The Chief Officer shall specially 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 necessities and food, that they are visited regularly and that they are made to wash daily.

(2) The Chief Officer shall attend specially to the carrying into effect of any orders of the Superintendent of Prisons as to the classification of prisoners in order that the risk of contamination may be reduced to the minimum.

(3) The Chief Officer 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 to the infirmary.

(4) The Chief Officer 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 the prison.

(5) The Chief Officer shall visit daily every party of prisoners while at work inside the prison and see that discipline and order are maintained.

(6) The Chief Officer 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.

125. Superintendence of Interviews with Prisoners.

The Chief Officer shall generally superintend all interviews with prisoners and repress and prevent, so far as lies in his or her power, all improper communications.

126. Care and Employment of Prisoners.

The Chief Officer shall take care that prisoners are duly supplied with all articles allowed for their use and that they are regularly worked, and shall report to the Superintendent of Prisons every instance in which they may be unemployed, with the cause therefor.

127. Responsibility for Stores, etc.

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

128. Roll Call.

The Chief Officer shall call the roll every morning at 6:40, before the prisoners proceed to their appointed tasks, and again at 4:45 p.m., and shall then see that every prisoner is in his or her cell and shall report the same to the Superintendent of Prisons.

129. Receipts of Stores.

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

130. Performance of Chief Officer's Duties in his or her Absence.

During the absence of the Chief Officer from a prison all his or her duties shall be performed by the next officer in order of seniority who shall strictly observe all the rules relating to the Chief Officer.

THE MATRON.**131. Residence and Duties.**

(1) The Matron shall reside in the Women's Prison and shall be under the immediate direction of the Superintendent of Prisons.

(2) The Matron shall be entrusted with the care, safe custody and superintendence of the women prisoners, and the keys of the Women's Prison shall be kept by her.

132. Enforcement of Rules.

The Matron shall make herself fully acquainted with the Prison Rules and shall enforce them so far as they apply to the women prisoners and any officers under her.

133. Absence.

The Matron shall not absent herself from the prison at any time without leave from the Superintendent of Prisons and during her absence she shall give charge to such other woman officer as the Superintendent of Prisons may direct.

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134. Night Inspections.

The Matron shall make such visits of inspection during the night as the Superintendent of Prisons may direct.

135. Visits to Women's Prison.

The Matron shall, unless unavoidably prevented, attend the Visiting Justices, the Superintendent of Prisons and the Prison Medical Officer in their visits to the Women's Prison and she shall especially take care that no male officer or visitor or prisoner enters the Women's Prison unless accompanied by herself or some other woman officer.

136. Superintendence of Meals.

The Matron shall be directly responsible in the Women's Prison for the distribution of the prisoners' meals according to the prescribed scale of diet, and shall report to the Superintendent of Prisons whether the food is properly cooked and of sufficient quantity.

137. Instruction of Prisoners in their Work.

The Matron shall give instruction to women prisoners in sewing, washing and other approved labour, and shall be directly responsible under the Superintendent of Prisons for the enforcement of the proper tasks.

138. Misconduct of Woman Prisoner.

The Matron shall report to the Superintendent of Prisons any misconduct or breach of the rules by a woman prisoner and also touching anything in the discipline and condition of the Women's Prison.

139. Subject to General Rules for Subordinate Officers.

The Matron and every other woman officer shall be subject to the general rules for subordinate officers so far as they apply to them.

140. Powers and Duties in Absence of the Superintendent of Prisons.

In the absence of the Superintendent of Prisons the Matron shall perform in the Women's prison such of the duties, and shall have such of the responsibilities and powers (except as to the punishment of prisoners) as may be required from, or conferred upon, the Superintendent of Prisons by these Rules.

UNIFORMS.

141. Uniforms for the Superintendent of Prisons etc.

(1) The Superintendent of Prisons and subordinate officers may be allowed uniforms as follows:

(A) Superintendent of Prisons:

1	khaki tunic	}	Annually
2	white shirts		
2	black ties		
3	khaki shirts		
3	khaki trousers		
2	pairs shoes	}	renewable when no longer serviceable
1	belt (Sam Browne)		
1	cap (silver lace, Principal Officer, Home Prison Service)		
	buttons (white metal)		
1	cape, khaki coloured		
1	whistle		

(B) Male subordinate officers:

1	khaki tunic	}	Annually
3	khaki shirts		
3	khaki trousers		
2	pairs black boots		
1	pair canvas shoes with India rubber soles		
1	helmet, khaki	}	Every two years
1	cap (Home Prison Service)		
1	cape, khaki coloured	}	renewable when no longer serviceable
1	pair shoulder titles		
1	belt (waist) black		
1	whistle and chain		
1	truncheon		

(C) Female subordinate officers:

3	blue dresses	}	Annually
3	white collars		
6	white cuffs		
3	white aprons		
2	straw hats		
2	pairs black shoes	}	renewable when no longer serviceable
1	cape (blue)		

(2) The above articles of uniform shall be issued when necessary on the approval of the Superintendent of Prisons, but the issues shall not exceed the limit fixed.

(3) The uniforms shall remain the property of the Government and all worn articles shall be returned for condemnation before any fresh issues are made.

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142. Officers Responsible for Upkeep of Uniforms.

The Superintendent of Prisons and subordinate officers shall keep all articles of uniform in proper repair at their own expense, unless the Superintendent of Prisons is satisfied that any damage to an article of uniform was incurred whilst in the execution of duty and through no fault of an officer.

143. Return of Uniforms on Leaving the Service.

Whenever the Superintendent of Prisons or a subordinate officer quits the Service on resignation, dismissal or otherwise, he or she shall return into store all articles of uniform in his or her possession and all bedding and equipment issued to him or her, and in default of so doing, their value at the time may either be charged to him or her and deducted out of any salary due at the time of his or her quitting the Service or he or she may be proceeded against for unlawful detention of prison property.

PART IV – PRISONERS

144. Application of Part IV.

The Rules in this Part shall apply to all classes of prisoners except in so far as they may be inconsistent with the special rules for particular classes of prisoners.

145. Time of Admission.

Prisoners shall not be received at a prison earlier than 6.00 a.m. and later than 6.00 p.m. or on any Sunday, Christmas Day or Good Friday, except with the special permission of the Superintendent of Prisons.

146. Committal Form.

Before any prisoner shall be received into a prison the usual form of committal, properly filled up in all parts, shall be put into the hands of the Superintendent of Prisons or other officer in charge.

147. Searching of Prisoners on Admission.

Prisoners on admission shall be minutely searched (men by a male officer, women by a female officer) but with all regard to decency and privacy; they shall be deprived of their personal effects which shall be taken by the Superintendent of Prisons or Matron and a list of them entered in the "Prisoners' Property Book," and each such entry shall be signed by the prisoner concerned in acknowledgement of its correctness, and these effects shall be given up to the prisoner on his or her discharge.

148. Confiscation of Prohibited Articles.

(1) No prisoner shall have in his or her possession any food, money, clothing, provisions, liquor, tobacco, matches, letters, papers, books, or any other articles prohibited by these Rules, or any other article whatsoever, and no such article whatsoever shall be conveyed or thrown into or out of any prison, or conveyed to any prisoner while in custody outside a prison, unless expressly allowed by the rules or for a lawful purpose under such

restrictions as may be laid down by the Superintendent of Prisons with the approval of the Minister.

(2) Any article brought, thrown, conveyed or carried contrary to this rule may be confiscated by the Superintendent of Prisons.

149. Medical Examination of Prisoners on Admission.

Every prisoner shall, as soon as possible after admission, be separately examined by the Prison Medical Officer.

150. Bathing.

Every prisoner shall take a bath on arrival at the prison and at the prescribed times, unless it shall be otherwise directed in any particular case by the rules or by the Superintendent of Prisons or the Prison Medical Officer.

151. Eradication of Vermin, etc.

If any prisoner is found on admission to have any cutaneous disease or to be infested with vermin, means as laid down by the Prison Medical Officer shall be taken effectually to eradicate and destroy the same.

152. Reading of Prison Rules.

An abstract of the Prison Rules relating to the discipline, conduct and treatment of prisoners shall be read to prisoners on admission and once in each month.

153. Weighing of Prisoners.

(1) Every prisoner on admission and on discharge, shall be weighed and the weight recorded in a book kept for that purpose.

(2) Every prisoner sentenced to six months' imprisonment and upwards shall, in addition, be weighed once in each month.

(3) Prisoners may also be weighed at any time by order of the Superintendent of Prisons or the Prison Medical Officer.

154. Photographs and Finger-Prints.

Every prisoner may, if required for the purposes of justice, be photographed and his or her finger-prints taken on reception and subsequently, but no copy of such photograph or finger-print shall be given to any person except those officially authorised to receive it.

155. Admission of Infant with Mother.

The child of a woman prisoner may be received into prison with its mother, provided it is at the breast, and any such child so admitted shall not be taken from its mother until the Prison Medical Officer certifies that it is in a fit condition to be removed, and in all such cases an authority from the committing Court for its admission should accompany the prisoner on reception.

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156. Clothing and Removal of Infants.

(1) When any child admitted with its mother has attained the age of nine months, the Prison Medical Officer shall report whether it is desirable or necessary that it shall any longer be retained; but, except under special circumstances, no such child shall be kept in prison after it has arrived at the age of twelve months.

(2) Any such child while in prison may be supplied, if necessary, with clothing at the public expense.

157. Delivery of Body of Prisoner Dying in Prison.

Whenever the relations of a prisoner who has died in prison of natural causes are desirous of having the body of such prisoner delivered to them for burial, they shall apply to the Superintendent of Prisons who, after ascertaining from the Prison Medical Officer that it would not be injurious to the public health to grant such request, may deliver up the body and it shall be taken away from the prison in a decent manner.

158. Time of Release.

(1) Prisoners shall be released on the day on which the sentence expires, or on the previous day, whenever the sentence expires on Sunday, Christmas Day or Good Friday.

(2) Prisoners shall be discharged at such hour of the day as the Superintendent of Prisons thinks fit in the circumstances of the particular case, but not later than five o'clock p.m. for residents in the town of Basseterre and eleven o'clock a.m. for residents elsewhere.

159. Passage to Prisoners on Discharge.

A prisoner residing in town other than Basseterre shall, on discharge, if the Superintendent of Prisons thinks it necessary be provided with free passage to the town nearest his or her place of abode.

160. Payment or Part-Payment of Fines, etc. by Prisoners.

(1) Where any person has been committed to prison by the 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 of Prisons the sum mentioned in the committal warrant together with the amount of the costs, charges and expenses, if any, also mentioned therein, and the Superintendent of Prisons shall receive the same and thereupon, discharge such person, unless he or she is in his or her custody for some other matter.

(2) Where a term of imprisonment is imposed by the Court for non-payment of any sum adjudged to be paid by an order, that term shall, on payment of a part of such sum to the Superintendent of Prisons be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid.

FOOD, CLOTHING, AND BEDDING.**161. Dietary.**

(1) Subject as hereinafter provided by way of punishment, every prisoner shall be supplied with a sufficient quantity of plain and wholesome food in accordance with Schedule 2 to these Rules, which may from time to time be varied by order of the Minister.

(2) No prisoner shall receive or have in his or her possession any food other than the allowance authorised in Schedule 2 to these Rules except

- (a) with the authority of the Minister in special circumstances, or
- (b) with the authority of the Prison Medical Officer if a variation of diet is desirable on medical grounds for an individual prisoner.

(3) The diet of an individual prisoner who persistently wastes his or her food may be reduced on the written recommendation of the Prison Medical Officer.

(4) The Superintendent of Prisons may award prisoners an extra bread ration, not exceeding eight ounces, for special work done in addition to the daily task.

(5) No prisoner shall be given or allowed to have any intoxicating liquor except in pursuance of a written order of the Prison Medical Officer specifying the quantity to be given and the name of the prisoner for whom it is intended.

162. Complaints as to Diet.

(1) A prisoner who has any complaint to make regarding his or her diet, or who wishes it to be weighed to ascertain whether it contains the authorised quantity shall make his or her request as soon as possible after the diet is handed to him or her, and it shall be weighed in his or her presence and in that of the officer deputed for that purpose.

(2) Should, however, repeated complaints of a groundless nature be made by any prisoner under colour of this rule, with the evident purpose of giving annoyance or trouble it shall be treated as a breach of prison discipline and the offender will be liable to be punished accordingly.

163. Prison dress.

(1) The prison dress of every convicted prisoner shall consist of the following:

- (a) for men, a shirt, a merino, a pair of trousers, a belt, a cap, a handkerchief and a sleeping suit;
- (b) for women, a dress, a headkerchief, combination under-clothes, a handkerchief and a night gown.

(2) Additional underclothing and slippers or shoes shall be supplied on the written authority of the Prison Medical Officer.

164. Private Clothing of Prisoners.

The clothing of prisoners shall be returned to them on their release, unless it has been found necessary to destroy it, in which case they shall be provided with clothes at the public expense.

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165. Cell Furniture.

- (1) Every prisoner shall be supplied with
 - (a) a wooden bunk;
 - (b) a blanket;
 - (c) a pillow;
 - (d) a utensil.
- (2) Additional bedding shall be supplied on the recommendation of the Prison Medical Officer.

PERSONAL CLEANLINESS AND HEALTH.

166. Washing, etc.

Prisoners shall obey such regulations and orders for their washing, bathing, hair-cutting, shaving and exercise as may from time to time be established by the Superintendent of Prisons with a view to the proper maintenance of health and cleanliness.

167. Cleaning of Cells.

Prisoners shall keep their cells, utensils, clothing, books and bedding clean and neatly arranged, unless provision for the performance of these duties is otherwise made in accordance with the rules.

168. Cutting of Women Prisoners' Hair.

The hair of a woman prisoner shall not be cut without her consent, except by order of the Prison Medical Officer on account of vermin or dirt, or when he or she deems it requisite on the ground of health.

169. Exercise.

Prisoners shall be permitted to take such exercise in the open air for the purposes of health as may be ordered by the Prison Medical Officer:

Provided that notwithstanding any other provision of these rules prisoners who are either excluded from labour (such as those under sentence of death) or are not compelled to labour (such as those awaiting trial, committed for contempt of Court, for want of sureties, non-criminal debtors and first class misdemeanants) shall be given thirty minutes exercise every morning and afternoon.

RELIGIOUS AND SECULAR INSTRUCTION.

170. Bible and Prayer Book.

(1) Every prisoner who can read shall be furnished with a Bible and Prayer Book or with such other religious books of the denomination to which he or she belongs as the Superintendent of Prisons may deem necessary.

(2) Adequate arrangements shall be made for the provision of religious ministrations to all prisoners.

171. Divine Service.

(1) Every prisoner shall attend Divine Service whenever it is performed within a prison, unless specially excused, prevented by illness, or under punishment.

(2) No prisoner shall be compelled to attend the religious service of a denomination to which he or she does not belong.

172. Educational Classes.

Provision may be made for educational classes for the benefit of prisoners who are likely to benefit thereby.

173. Unauthorised Books, etc., Prohibited.

No books or printed paper shall be permitted in a prison for the use of the prisoners except such as are sanctioned by proper authority.

VISITS AND COMMUNICATIONS.

174. Special Letters and Visits.

The Superintendent of Prisons may allow any prisoner on admission or at any time during his or her sentence to write and receive a special letter or letters and to receive a special visit or visits in connection with any of the following circumstances:

- (a) the death or serious illness of a near relative;
- (b) business or family affairs of an urgent nature;
- (c) the payment or part-payment of any sum which, in pursuance of any conviction or order, he or she is required to pay to procure his or her release from prison;
- (d) arrangements for obtaining employment or assistance from relatives or friends on discharge.

175. Ordinary Letters.

Every prisoner may be allowed to write a letter on his or her admission and to receive a reply thereto, and he or she may further be permitted to write and receive letters at intervals of not less than two months.

176. Visits.

A prisoner, on his or her admission, may be allowed a visit, and every two months thereafter may be allowed to receive visits of fifteen minutes duration between 10.00 a.m. and 4.00 p.m. from his or her relatives or friends not exceeding three in number at the same time.

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177. Forfeiture of Visits and Letters.

The Superintendent of Prisons may deprive any prisoner of a visit or writing a letter as prescribed in rules 175 and 176 for misconduct or breach of the Prison Rules.

178. Official Supervision of Visits.

Men prisoners shall be visited in the sight and hearing of a male officer, and women prisoners in the sight and hearing of a female officer.

179. Visit of Legal Advisers.

The legal adviser of a prisoner shall be allowed to see such prisoner, with reference to any legal business, in the sight, but not in the hearing, of a prison officer.

180. Visit of Police.

A police officer not lower than the rank of corporal may visit any prisoner who is willing to see him or her in the presence of a prison officer.

181. Non-Admission of Certain Visitors.

(1) Any visitor to a prisoner who introduces or attempts to introduce any article or money shall be refused re-admission and shall be liable to prosecution, and any visitor who misconducts himself or herself may be summarily ejected.

(2) No person of loose or immoral character shall be admitted on any account.

182. Reading of Letters.

Every letter to or from a prisoner shall be read by the Superintendent of Prisons or by the Chief Officer, if so instructed by the Superintendent of Prisons and it shall be within the discretion of the Superintendent of Prisons to stop any letter on the grounds that the contents are objectionable.

PUNISHMENTS.

183. Power to Punish.

(1) When a prisoner has been reported for an offence, the Superintendent of Prisons may order him or her to be kept apart from other prisoners pending adjudication.

(2) No punishment or privation of any kind shall be awarded except by the Visiting Justices or the Superintendent of Prisons and no prisoner shall be punished until he or she has had an opportunity of hearing the charges and evidence against him or her and given an opportunity to state his or her defence.

(3) Every offence against prison discipline shall be reported forthwith and the Superintendent of Prisons shall investigate such reports not later than the following day, unless that day be a Sunday or public holiday.

184. Dietary and Corporal Punishment.

Cellular punishment, corporal punishment, or restriction of diet shall in no case be awarded unless the Prison Medical Officer has certified that the prisoner is in a fit condition of health to sustain it.

185. Punishment Awardable by Superintendent of Prisons.

Any prisoner, who shall disobey any proper order of an officer, or treat him or her with disrespect, or be idle or negligent at his or her work, or behave irreverently at Divine Service, or be guilty of swearing, or of any indecent or immoral conduct, or assault, quarrel or hold intercourse with another prisoner, or cause disturbance by singing, whistling or other noise, or leave or attempt to leave his or her cell, ward or work without permission, or disfigure the walls or other parts of the prison by writing on them or otherwise, or deface, secrete or destroy any paper or notice hung up in the prison by proper authority, or have in his or her cell or possession any article prohibited under rule 148, or wilfully injure any prison property, or commit any nuisance, or conduct himself or herself in any way to the prejudice of good order and prison discipline, or malingering or feign disease, or disobey any of the rules of the prison, shall be liable, after inquiry as set out in rule 183 to be punished by the Superintendent of Prisons as follows:

- (a) by cellular confinement, or Restricted Diet No. 1 contained in Schedule 3 to these Rules, for any term not exceeding three days;
- (b) by deprivation of morning tea and bread, or fish or meat for a period not exceeding seven days;
- (c) by imposing a period not exceeding fifteen days on restricted Diet No. 2 contained in Schedule 3 to these Rules;
- (d) by exclusion from associated work for a period not exceeding fourteen days;
- (e) by reduction from a higher to a lower stage or postponement of promotion to a higher stage for a period not exceeding one month;
- (f) by forfeiture of a number of remission days not exceeding fourteen.

186. Grave Offences Punishable by Visiting Justices.

Any prisoner who shall offer violence to an officer of the prison, being in the execution of his or her duty, or shall escape or attempt to escape from custody before being set at liberty by proper authority, or shall be guilty of repeated offences against the Prison Rules, or of grave misconduct to the due punishment of which the power of the Superintendent of Prisons is inadequate, shall forthwith be reported by the Superintendent of Prisons to the Visiting Justices, who shall attend at the prison and inquire into the charge upon oath in the presence of the prisoner who shall be given an opportunity to state his or her defense, and may, subject to the approval of the Minister order him or her to undergo any of the following punishments, in addition to or substitution for any other punishment provided for by the laws relating to prisons for such offences:

- (a) to be placed in cellular confinement on Restricted Diet No. 1 contained in Schedule 3 to these Rules, for any terms not exceeding fourteen days;

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Provided that such cellular confinement shall not be continuous for more than seven days, and that an interval of seven days shall elapse before a further period of such cellular confinement is undergone:

and provided further that the said restricted diet shall not be imposed for more than three days continuously, with an interval of one day on the diet to which the prisoner is entitled before it is again imposed and that, if the cellular confinement exceeds seven days, an interval of seven days must elapse on the diet to which the prisoner is entitled before a further term of restricted diet is imposed;

- (b) to forfeit a number of remission days not exceeding one hundred and twenty;
- (c) to forfeit any gratuity earned or to be earned or any part thereof.

187. Powers of Visiting Justices.

(1) A meeting of the Visiting Justices at which not less than three members are present may, after inquiry in which evidence is given on oath in the presence of the prisoner, order corporal punishment to be inflicted on a male prisoner for any of the following offences:

- (a) mutiny;
- (b) incitement to mutiny; and
- (c) gross personal violence to an officer of a prison.

(2) The punishment which may be inflicted under an order of the Visiting Justices shall not exceed,

- (a) in the case of a person appearing to the Visiting Justices to be not less than eighteen years, eighteen strokes of a cat-o'-nine-tails or tamarind rod; or
- (b) in the case of a person appearing to them to be under that age, twelve strokes of a tamarind rod,

and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.

(3) Where an order for the infliction of corporal punishment has been made under this rule, a copy of the notes of evidence given at the inquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Minister; and the order shall be carried into effect only after confirmation by the Minister and, if the Minister confirms the order with modifications, in accordance with the modifications.

(4) A refusal by the Minister to confirm such an order as aforesaid shall not prejudice any power to impose another punishment for the offence for which the order was made.

188. Infliction of Corporal Punishment.

Corporal punishment shall be inflicted in strict compliance with the provisions of any law in force in the State governing the infliction of corporal punishment for offences against prison discipline.

189. Witnesses to Corporal Punishment.

Prisoners shall not be paraded to witness corporal punishment, which shall be inflicted in the presence of the Superintendent of Prisons, the Prison Medical Officer and such prison officers as the Superintendent of Prisons may think proper.

190. Record of Punishment.

Every punishment inflicted on a prisoner shall, with the statement of the offence and the written certificate of the Prison Medical Officer, where necessary, be recorded in the "Prisoners' Punishment Book."

191. Prisoners' Liability for Wilful Damage to Prison Property.

The money or any other property of a prisoner may be ordered by the Superintendent of Prisons to be applied towards the repair of any injury done by him or her wilfully to the prison or to prison property or to any other property therein.

192. Punishment in Addition to Deprivation of Remission.

No punishment in connection with the remission system shall exempt a prisoner from any other punishment to which he or she would be liable for misconduct or breach of prison discipline.

EMPLOYMENT.**193. Employment of Prisoners.**

(1) Every prisoner unless excused by the Prison Medical Officer on medical grounds shall, from the beginning of his or her sentence, be employed on useful work.

(2) No prisoner shall be employed on any class of work unless he or she has been certified by the Prison Medical Officer as fit for that class of work.

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(3) Work shall be of three classes as follows:

1st Class.

Men: Trades, handicrafts, agriculture, farming and such hard bodily labour as may, from time to time, be appointed by the Superintendent of Prisons either within or without the walls of the prison. The daily tasks for stone breaking shall be four bushels of stone of a size to pass through an inch ring and a corresponding increase in quantity according to any larger size. The daily task for quarrying stones shall be fifteen cubic feet.

2nd Class.

Men: Slightly less hard bodily labour as may, from time to time, be appointed by the Superintendent of Prisons either within or without the walls of the prison and in the workshops. The daily tasks for stone-breaking shall be three bushels of stone of a size to pass through an inch ring, and a corresponding increase in quantity according to any large size. The daily task for quarrying stone shall be twelve cubic feet.

Women: Cooking, laundry, sewing, sweeping and cleaning, sifting of stone, and such form of handicrafts as may be appointed by the Superintendent of Prisons. Women prisoners shall not work outside the walls of the prison.

3rd Class.

Men and Women: Light occupation within the prison in accordance with the directions of the Prison Medical Officer.

(4) No prisoner shall be employed on any work not authorised by the Minister.

(5) No prisoner shall, except in pursuance of special rules, be employed in the service of any other prisoner, or of any officer of the prison, or for the private benefit of any person.

(6) No prisoner shall be employed in any disciplinary capacity.

(7) Arrangements shall be made for the avoidance of all unnecessary work on Sundays, Christmas Day, Good Friday, and public holidays.

194. Daily Routine.

(1) Except on Saturdays, prisoners employed within the prison shall perform eight hours' labour daily on week days as follows: From 7.00 a.m. to 4.00 p.m. with an hour's interval from 11.00 a.m. to 12 noon for lunch.

(2) Prisoners employed without the prison walls shall leave for work at 7.00 a.m., cease work for breakfast at 10.00 a.m. and return to the prison at 4.00 p.m.

(3) On Saturdays work in the prison shall be suspended and all outside gangs shall return at 2.00 p.m. for purposes of washing, shaving, hair clipping, etc.

195. Work in Cell.

(1) If at any time it appears to the Visiting Justices that it is desirable for the maintenance of good order or discipline or that it is in the interest of a prisoner that he or she should not be employed in association with others, the Superintendent of Prisons may be authorised to arrange for the prisoner to work temporarily in a cell and not in association.

(2) It shall be within the discretion of the Superintendent of Prisons to arrange for such prisoner to be employed in association again whenever he or she considers this desirable, and such prisoner shall do so in any case if the Prison Medical Officer so advises on medical grounds, or at the expiration of one month, unless further authority is given from month to month by the Visiting Justices.

196. Labour for Prisoners not Sentenced to Hard Labour.

Convicted prisoners not sentenced to hard labour shall be employed within the prison walls at work of the nature of second class labour until they earn the privilege of remission to third class labour within the prison walls:

Provided that such prisoners shall not be employed at stone-breaking, or be punished for neglect of work except by alteration of diet.

197. Disposal of Prisoners when not at Work or Exercise, etc.

Prisoners when not at work, or exercise, or attending divine service shall be confined to their respective cells or wards.

COMPLAINTS BY PRISONERS.**198. Requests of Prisoners.**

(1) Any request by a prisoner to see the Superintendent of Prisons shall be attended to by the officer to whom it is made and conveyed without delay to the Superintendent of Prisons through the Chief Officer.

(2) Applications by prisoners to see a member of the Visiting Justices shall be recorded by the Superintendent of Prisons, and should the application require immediate attention a member of the Visiting Justices shall at once be informed, otherwise the prisoner shall be placed before them on their next visit to the prison.

(3) The Superintendent of Prisons shall hear the applications of all the prisoners, who have requested to see him or her, daily at the orderly room.

JUVENILES.**199. Juveniles.**

(1) Juvenile prisoners sentenced to imprisonment shall be kept separated from all other prisoners.

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(2) The Superintendent of Prisons shall report the circumstances to the Minister, forwarding the commitment and stating the age and previous convictions as far as is known, with a view to the prisoner being disposed of as may appear advisable.

REMISSION.

200. Remission.

Every prisoner sentenced to a term of imprisonment whether by one sentence or by consecutive sentences for a period exceeding one month shall become eligible for unconditional release when he or she shall have completed two-thirds of the said term of imprisonment in addition to any number of days forfeited under rules 185, 186 and 192:

Provided that nothing in this rule shall authorise the reduction of a period of imprisonment to a period less than thirty-one days.

201. Award of Extra Remission by Minister.

Extra remission may be granted to any prisoner by the Minister, on the recommendation of the Superintendent of Prisons, for any special service.

202. Stages.

(1) There shall be three stages: first, second and third, and every prisoner shall pass through these stages or through as many of them as the term of his or her imprisonment admits.

(2) The promotion of a prisoner from stage to stage shall be gained by industry and good conduct.

(3) The Superintendent of Prisons shall have the power to postpone promotion of any prisoner to a higher stage or to reduce such prisoner to a lower stage if he or she thinks that misconduct or lack of industry on the part of the prisoner warrants such action.

First Stage. Prisoners on admission shall be put in the first stage for the first three months of their sentence. They shall wear ordinary prison dress and be treated in accordance with the general rules for prisoners. They shall be allowed to earn other privileges which the Superintendent of Prisons may accord to prisoners in this stage.

Second Stage. Prisoners, after having served the first three months of their sentence, shall be promoted to the second stage and shall remain therein until they shall have served the first nine months of their sentence. They shall wear ordinary prison dress with the addition of one blue stripe on the left sleeve above the elbow. They shall be eligible for all privileges accorded to prisoners in the first stage and any additional privileges which the Superintendent of Prisons may accord to prisoners in this stage.

Third Stage. Prisoners, after having served the first nine months of their sentence, shall be promoted to the third stage and shall remain therein for the remainder of their sentence. They shall wear ordinary prison dress with the addition of two blue stripes on the left sleeve. They shall be eligible for all privileges accorded to prisoners in the second stage and any additional privileges which the Superintendent of Prisons may accord to prisoners in this stage.

203. Aid on Discharge.

(1) Prisoners who have been sentenced to imprisonment for a term of or exceeding six months shall be granted on discharge financial aid from a fund set aside for that purpose at the rate of twenty-four cents per week of sentence served.

(2) The Superintendent of Prisons may, in his or her discretion, increase such aid according to the needs and prospects of rehabilitation of the individual cases.

CLASSIFICATION.

204. Classes of Prisoners.

(1) With a view to facilitating the training of convicted prisoners and to minimising the danger of undesirable associations, the Superintendent of Prisons shall classify them in accordance with the following provisions:

- (a) *Star Class.* Those who are in the prison for the first time or those whose previous sentences were for trivial offences and whose character is otherwise good shall wear a red star on the left shirt sleeve, above the elbow, shall occupy cells in a part of the prison especially set apart, and be worked in association and, when practicable, apart from hardened criminals. Their cell badge, worn on the left breast, shall be white.
- (b) *Ordinary Class.* All convicted prisoners not in the star class shall be placed in the ordinary class. Their cell badge, worn on the left breast, shall be black.
- (c) *Young Prisoners.* Convicted prisoners under eighteen years shall be placed in the young prisoners class, and, as far as facilities permit, shall be employed separately from adult prisoners.

(2) The Superintendent of Prisons may, in his or her discretion, exclude or remove from the star class any prisoner whose character or conduct renders him or her unfit to associate with other prisoners of that class.

PART V – SPECIAL RULES FOR PARTICULAR CLASSES OF PRISONERS

PRISONERS UNDER SENTENCE OF DEATH.

205. Search and Medical Report.

(1) A prisoner under sentence of death shall, immediately on his or her reception at the prison, be specially searched and every article shall be taken from him or her which the Superintendent of Prisons deems dangerous or inexpedient to be left in his or her possession.

(2) In the case of a prisoner under sentence of death, if it appears to the Minister either by means of a certificate signed by two members of the Visiting Justices of the Prison, or by any other means, that there is reason to believe such prisoner to be insane, the Minister shall appoint a special medical board composed of two or more government medical officers to examine such prisoner and inquire as to his or her insanity and after

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such examination and enquiry the Board shall make a report in writing to the Minister as to the insanity of the prisoner and the Board, or the majority of the Board, may certify in writing that he or she is insane.

206. Confinement and Observation.

(1) A prisoner under sentence of death may be visited by such of his or her relations, friends and legal advisers as he or she may desire to see, and if any person makes it appear that he or she has important business to transact with the prisoner such person may have a conference with the prisoner on getting permission, in writing, from the Superintendent of Prisons, and such conference, when permitted shall take place in the presence of the Superintendent of Prisons or the Chief Officer.

(2) A prisoner under sentence of death shall be confined in a cell apart from all other prisoners and shall be placed by day and night under the constant charge of an officer.

(3) A prisoner under sentence of death shall be allowed special facilities to correspond with his or her legal advisers, his or her relatives and friends.

207. Visitors Liable to be Searched.

Any person holding communication with a prisoner under sentence of death shall, at the discretion of the Superintendent of Prisons, be liable to be searched.

208. Attendance at Execution.

During the preparation for an execution and the time of the execution no person shall enter the prison or place of execution who is not legally entitled to do so, unless in pursuance of an order, in writing, from the Superintendent of Prisons.

209. Food and Exercise.

A prisoner under sentence of death shall be allowed such dietary and amount of exercise as the Prison Medical Officer, with the approval of the Superintendent of Prisons, may direct.

210. Religious Ministration.

A Minister of his or her religious persuasion, or any Minister of Religion whom he or she may desire to see, shall have free access to a prisoner under sentence of death at all reasonable hours.

OFFENDERS OF THE FIRST DIVISION.

211. First Division Prisoners.

Persons committed to prison

- (a) under any rule, order or attachment for contempt of Court; or
- (b) for default in payment of any non-criminal debt or for non-payment of any tax or rate,

shall be placed in the first division.

212. Cutting of Hair.

First division prisoners shall not be compelled to have their hair cut or to shave except when the Prison Medical Officer deems it necessary on the grounds of health or cleanliness, and their hair shall not be cut closer than may be necessary for such purposes.

213. Clothing.

First division prisoners may be permitted to wear their own clothing and have necessary changes supplied, from time to time, provided that

- (a) the clothing is sufficient and suitable;
- (b) it is disinfected if the Prison Medical Officer so requests.

(2) If they do not provide their own clothing they shall wear prison dress of blue with the figure 1 stamped on the left sleeve of the shirt, above the elbow.

214. Bedding.

(1) The Superintendent of Prisons may on application of any first division prisoner (if having regard to such prisoner's ordinary habits and conditions of life he or she thinks such special provision should be made) permit such prisoner to have at his or her own cost the use of private bedding, necessities, or furniture; but such privileges shall be withdrawn on any abuse thereof, or misconduct on the part of any such prisoner.

(2) If unprovided with bedding, such prisoners may, at the discretion of the Superintendent of Prisons, be allowed a fibre pillow, a blanket, and a mattress.

215. Food.

(1) First division prisoners shall be allowed to procure food for themselves at their own expense and to receive same at prescribed hours, subject to strict examination.

(2) This privilege may, at any time, be withdrawn by the Superintendent of Prisons on proof of abuse thereof.

(3) They shall not be allowed any prison diet when providing themselves with food, but if not otherwise provided for, they shall be allowed prison diet as prescribed by Schedule 2 to these Rules.

216. Visits and Letters.

(1) If their conduct and industry are satisfactory first division prisoners may be permitted to be visited once a week by not more than two relatives or friends at the same time for a period of fifteen minutes between the hours of 10.00 a.m. and 2.00 p.m. on week days.

(2) First division prisoners may also be allowed to write and receive one letter a week.

(3) Visits shall be in the sight and hearing of a prison officer, and letters shall be subject to inspection by the Superintendent of Prisons and may be refused, if objectionable.

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217. Books, Newspapers, etc.

(1) First Division prisoners may be permitted to have supplied to them, at their own expense, books, newspapers or other means of occupation except such as are, in the opinion of the Superintendent of Prisons, of an objectionable kind.

(2) This privilege may be withdrawn by the Superintendent of Prisons on proof of abuse thereof.

218. Accommodation.

First division prisoners shall be confined in such part of the prison as may be set apart for them.

219. Class of Work.

(1) First division prisoners shall be required to work within the prison at work of the 2nd Class.

(2) When practicable first division prisoners shall work apart from other convicted prisoners but, should this be impracticable, the Superintendent of Prisons shall endeavour to minimise the risk of contamination and the loss of self-respect to this class of prisoner.

220. Subject to General Rules.

First division prisoners shall be subject to the general rules for prisoners except so far as the same are inconsistent with rules 212 to 219.

OFFENDERS OF THE SECOND DIVISION.

221. Second Division Prisoners.

Persons committed to prison for default of entering into recognisances or finding sureties for keeping the peace or for being of good behaviour unless they are convicted prisoners, shall be called second division prisoners.

222. Dress.

Second division prisoners shall wear prison dress with the figure 2 stamped on the left sleeve of the shirt above the elbow.

223. Visits and Letters.

(1) If their conduct and industry are satisfactory second division prisoners may be permitted to be visited once a month by not more than two relatives or friends at the same time for a period of fifteen minutes between the hours of 10.00 a.m. and 2.00 p.m. on week days, and they may be allowed to write and receive one letter a month.

(2) Visits shall be in the sight and hearing of a prison officer, and letters shall be subject to inspection by the Superintendent of Prisons and may be refused, if objectionable.

224. Work.

Second division prisoners shall be required to work, but not outside the prison.

225. Subject to General Rules.

Second division prisoners shall be subject to the general rules for prisoners except so far as the same are inconsistent with rules 222 to 224.

UNCONVICTED PRISONERS.**226. Unconvicted Prisoners.**

Persons committed to prison for safe custody in any of the following circumstances:

- (a) on commitment for trial for any indictable offence;
- (b) pending the preliminary hearing before a Magistrate of a charge of any indictable offence, or pending the hearing of an information or complaint;
- (c) on commitment to await the hearing of an appeal or who, after admission as a convicted prisoner shall enter an appeal against such conviction or sentence;
- (d) on commitment to await extradition;

shall be called unconvicted prisoners.

227. Haircutting.

(1) The hair of an unconvicted male prisoner shall not be cut, or his beard, if any, shaved unless the Prison Medical Officer considers it to be necessary on the ground of health or cleanliness or the Superintendent of Prisons considers it to be necessary on the ground of cleanliness but his hair shall not be cut shorter than may be necessary for such purposes.

(2) The hair of an unconvicted male prisoner may be cut, or his beard, if any, shaved if he so desires.

(3) The hair of an unconvicted female prisoner shall not be cut unless the Prison Medical Officer considers it to be necessary on the ground of health or cleanliness or if she so desires.

[Substituted by SRO 17/1975]

228. Clothing.

(1) Unconvicted prisoners may be permitted to wear their own clothing and have necessary changes supplied from time to time: Provided that

- (a) the clothing is sufficient and suitable;
- (b) it is not required for the purpose of justice;
- (c) it is disinfected, if the Prison Medical Officer so requires.

(2) A prisoner who does not wear his or her own clothing may be required to wear blue prison dress.

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229. Bath.

Unconvicted prisoners shall not be required to take a bath on admission, and at the prescribed times, if on the application of any such prisoner the Superintendent of Prisons shall decide that it is unnecessary, or the Prison Medical Officer shall think it inadvisable on medical grounds.

230. Food.

(1) Unconvicted prisoners shall be allowed to procure food for themselves at their own expense and to receive same at prescribed hours and subject to strict examination.

(2) The privilege may, at any time, be withdrawn by the Superintendent of Prisons on proof of abuse thereof.

(3) Unconvicted prisoners shall not be allowed any prison diet when providing themselves with food but, if not otherwise provided for, they shall be allowed prison diet as prescribed by Schedule 2 to these Rules.

231. Visits.

(1) Unconvicted prisoners shall be permitted to be visited on any week day between the hours of 10.00 a.m. and 2.00 p.m. by not more than two relatives or friends or legal advisers at the same time for a period of fifteen minutes.

(2) The Superintendent of Prisons may in any special case or for special reasons, prolong the period of the visit or allow them to be visited by more than two persons at the same time, such interviews to be in the presence and hearing of a prison officer, except in the case of legal advisers, when the interview shall be in the sight, but not in the hearing of a prison officer.

(3) An unconvicted prisoner shall, if necessary for the purpose of his or her defence, be allowed to see a registered medical practitioner appointed by himself or herself or by his or her friends or legal advisers, on any work day at any reasonable hour, in the sight but not in the hearing of a prison officer.

232. Letters.

(1) Any unconvicted prisoner shall be allowed to communicate by letter with his or her relatives, friends or legal advisers.

(2) Any confidential written communication prepared as instructions for his or her legal adviser may be delivered personally to him or her or his or her authorised clerk without being examined by the Superintendent of Prisons, unless the Superintendent of Prisons has reason to believe that it contains matter not relating to such instructions.

(3) All other communications shall be subject to inspection by the Superintendent of Prisons, and may be refused, if objectionable.

233. Books, Newspapers, etc.

Unconvicted prisoners may be permitted to have supplied to them, at their own expense, such books, newspapers or other means of occupation, other than those furnished by the prison as are not, in the opinion of the Superintendent of Prisons of an objectionable kind.

234. Documents in Connection with Defence.

Unconvicted prisoners may, on application to the Superintendent of Prisons, be permitted to receive any books, papers or documents required for the preparation of their defence.

235. Abuse of Privileges.

Such of the special privileges as are allowed by rules 230 to 232 may be forfeited for any abuse thereof, except in the cases of visits and letters required for the purposes of securing bail or preparing a defence.

236. Accommodation.

Unconvicted prisoners shall be confined in such part of a prison as may be set apart for them and, as far as the circumstances of a prison allow, shall be kept entirely separate from other prisoners.

237. Exercise, etc.

Unconvicted prisoners shall be allowed such exercise as may be laid down for them from time to time by the Superintendent of Prisons and shall at all times, except when at exercise or attending divine service, or when permitted to work, occupy the cells assigned to them.

238. Computation of Sentence.

The time served by a prisoner before entering his or her appeal (as in paragraph (c) of rule 226) shall be taken into account in computing the length of his or her sentence, should such sentence be confirmed by the court of appeal.

239. Work Optional.

(1) Unconvicted prisoners shall not be required to work but may, with their own consent, at the discretion of the Superintendent of Prisons, be employed within a prison.

(2) If employment apart from convicted prisoners is impracticable, they may be associated with this class of prisoner should they so elect.

240. Subject to General Rules.

Unconvicted prisoners shall be subject to the general rules for prisoners except so far as the same are inconsistent with rules 227 to 239.

APPELLANTS.**241. Appellants.**

(1) Where under the Eastern Caribbean Court of Appeal Rules, an appellant who is in custody is entitled as of right or by leave of the Court of Appeal for the Eastern Caribbean (hereinafter referred to as "the Court") to be present at the final hearing of his or her appeal or on any application for leave to appeal or on any proceedings preliminary or

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incidental to an appeal, the appellant shall be taken to, kept in custody at, and brought back from, the Court or other place to which the Court or a Judge thereof may order him or her to be taken for the purpose of any proceedings of the Court, by a police officer.

(2) An appellant who is absent from prison in connection with his or her appeal shall during such absence be permitted to wear his or her own clothes, or clothing different from prison dress.

(3) An appellant shall be treated in the same manner as an unconvicted prisoner for the purposes of rules 232, 233 and 234 and shall be permitted to see his or her legal adviser in connection with his or her appeal on any working day at any reasonable hour, in the sight but not in the hearing of a prison officer.

PART VI – RULES TO BE OBSERVED IN CASE OF FIRE

242. Summoning of Officers.

(1) If any part of a prison is found to be on fire, or in danger from fire, the Superintendent of Prisons shall immediately be communicated with whether the fire be at once extinguished or not.

(2) If it is not at once extinguished all officers, sleeping in or living near the prison, shall at once be summoned by the alarm bell and keys shall be issued to them.

(3) Notice shall also be given to the Police at Headquarters by telephone, and, if possible, to the Minister.

243. First Consideration.

If a fire occurs in any building occupied by prisoners or contiguous thereto, safety of life is the first matter to be attended to; the secure custody of the prisoners and steps for extinguishing the fire shall be the next consideration. The prisoners shall at once be removed to the yard or other place of safety, the Superintendent of Prisons using his or her discretion as to the use of shackles or handcuffs.

244. Fire in Infirmary.

If the fire is in the infirmary, the patients shall be removed to some portion of the building or some other place out of danger and shall be provided for as comfortably as circumstances will admit.

245. Prevention of Draughts.

All doors and windows shall, if possible, be kept closed, to prevent draughts adding intensity to the flames.

246. Lighting of Yard.

If the fire occurs at night, the whole of the yard shall be lighted up, as far as practicable, and held in readiness to receive prisoners.

247. Stores and Records.

After due attention has been paid to the life and safe custody of the prisoners, the prison stores and records shall receive attention for the purpose of preventing loss or damage through fire or water.

248. Firebuckets and Hand Grenades.

Buckets, always to be kept filled, some with water and some with sand, and fire-extinguishing hand grenades shall be kept ready for use in easily accessible positions in different parts of the men's and women's prisons.

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SCHEDULE 1 TO THE RULES

(Regulation 60)

Her Majesty's Prison, Basseterre.

Date

REMOVAL OF PRISONER TO HOSPITAL UNDER SECTION 13 (2) (b) OF THE PRISON ACT.

Name Age on conviction

Court

Offence

Sentence Date

Number of previous convictions

(1)

Here state condition
and whether
treatment or
operation is
recommended.

I have the honour to report that the above-named prisoner is suffering from

Here state which
Hospital.

I recommend removal to and certify that he or she is in a fit state of health to
be removed.

Here state the
treatment or
operation.

The prisoner is willing to undergo and understands that removal does not
mean discharge.

.....
Prison Medical Officer.

(2)

Here delete words
not required.

Submitted and recommended. I consider that judging from the prisoner's past
record and from his or her behaviour in prison a guard will be/will not be
required, and I have arranged accordingly.

.....
Superintendent of Prisons.

(3)

Transfer approved.

.....
Minister.

(4)

Progress in hospital of prisoner to be recorded after each month of absence on
this paper.

.....
Medical Superintendent of Hospital.

(5)

The prisoner was transferred to hospital on

Returned to prison on

.....
Superintendent of Prisons.

.....20.....

SCHEDULE 2 TO THE RULES

(Regulation 161)

DAILY DIETARY SCALE**ORDINARY DIET.**

1. (a) Week days
 - (i) Early parade (6.15 a.m.)
 - 6 ounces bread
 - ½ ounce skimmed milk powder
 - 1¼ ounces sugar
 - ½ ounce cocoa.
 - Limes if available should be issued at Early parade three times weekly.
 - (ii) Forenoon Parade (10 a.m.)
 - 4 ounces bread
 - 1¼ ounces sugar
 - 1 pint porridge
 - ¼ ounce skimmed milk powder.
 - One guava or other fresh fruit when available.
 - (b) Sundays
 - Breakfast (8 a.m.)
 - 8 ounces bread
 - ½ ounce skimmed milk powder
 - 2½ ounces sugar
 - ½ ounce cocoa.
2. Dinner
 - Two days a week
 - 8 ounces fresh soup meat
 - 4 ounces beans or peas
 - 1 ounce flour
 - 16 ounces yellow sweet potato.
 - When yellow sweet potato is not available there may be substituted 15 ounces sweet potato or other starchy root (yam, tannia, eddo, dasheen, etc.) and
 - 2 ounces carrots or spinach *or*
 - 7 ounces sweet potato (or other starchy root) *or*
 - 4 ounces pumpkin and
 - 1½ ounces flour.
 - Three days a week
 - 5 ounces salt fish
 - 9 ounces cornmeal or rice
 - ½ ounce margarine
 - 4 ounces pumpkin.
 - When pumpkin is not available there may be substituted 2 ounces carrots or dark green leaves (spinach, etc.).

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Two days a week
2 ounces salt pork
4 ounces peas or beans
4 ounces yellow sweet potato
8 ounces bread.

SCHEDULE 3 TO THE RULES

(Regulations 185 and 186)

RESTRICTED DIETS

NO. 1 DIET.

1. This diet, when given for a period of three days or less, shall consist of one pound bread per diem with water.
2. This diet, when given for more than three days shall be as stated in rule 186 (a).
3. No task of labour shall be enforced on any one of the days on which bread and water constitute the sole food supplied to the prisoner who may, nevertheless, be allowed the option of performing suitable labour in the cell.
4. No prisoner who has been on No. 1 diet shall be placed upon this diet for a fresh offence until an interval has elapsed equal to the period already passed by the prisoner on No. 1 diet.

NO. 2 DIET.

1. This diet, when given for a period of 15 days or less, shall consist of—Tea—Bread 8 ounces, with water.

Breakfast—one pint of cornmeal gruel containing 3 ounces cornmeal flavoured with salt. Bread 8 ounces, with water. Potatoes, 8 ounces with water.

Supper—Bread 8 ounces with water.

2. If a prisoner while on No. 2 diet should be guilty of misconduct, No. 2 diet may be temporarily interrupted and the prisoner may be placed on No. 1 diet for a period not exceeding three days; on the expiration of the period awarded on No. 1 diet the prisoner shall resume the diet originally ordered and the period passed upon the No. 1 diet shall count as part of the period originally amended on No. 2 diet provided that no prisoner who has been on No. 2 diet for a period of 15 days continuously shall be again placed on either No. 1 or No. 2 diet until after the expiration of one week.