

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Public Instrument	Date in Force
Prison (General) Regulations 2005	47/05	26/05/2005
Prison (General)(Amendment) Regulations 2009	32/09	29/09/2009
Prison (General)(Amendment) Regulations 2011	25/11	17/10/2011
Prison (General)(Amendment) Regulations 2013	14/13	25/04/2013
Prison (General)(Amendment) Regulations 2014	12/14	07/05/2014

P R I S O N (G E N E R A L) R E G U L A T I O N S 2 0 0 5

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PRISON (GENERAL) REGULATIONS 2005

REGULATIONS MADE BY THE ADMINISTRATOR UNDER SECTION 9 (1)

In exercise of the powers conferred upon him by section 9(1) of the Prisons Ordinance 1971, as amended by Ordinances 2 of 1985 and 14 of 2005, the Administrator hereby makes the following Regulations:—

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Prison (General) Regulations 2005 and shall come into force on the day they are published in the Gazette.

Interpretation

2. In these Regulations—

“communication” includes any written or drawn communication to or from a prisoner, however such communication is transmitted or intended to be transmitted, and any communication to or from a prisoner transmitted by means of a telecommunications system;

“~~imprisonment for life~~” means a sentence for a term of twenty years; (a)

“Police prison” means any police station set apart as a prison for prisoners serving a sentence not exceeding fourteen days for male and three days for female prisoners;

“Superintendent” means the Superintendent of Prisons and includes any officer who acts for him;

“telecommunications system” means any system (including the apparatus comprised in it) which exists for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electro-magnetic energy.

PART 2

Prisoners

Admissions and Release

Warrant for receipt of prisoner

3.—(1) No person shall be received into the prison as a prisoner except under court warrant or order.

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

(3) A prisoner shall be deemed to be in legal custody while—

(a) he is confined in, or is being taken to or from, the prison;

(b) he is working, or is for any other lawful reason, outside the prison;

(a) Definition deleted by Public Instrument 12/2014 – came into force on 07 May 2014

- (c) he is going to any place to which he is required or authorised by or under any Ordinance or regulation to go or is kept in custody in pursuance of any such requirement or authorisation.

Discharge of prisoner

4. No convicted prisoner shall be discharged from the prison before the expiration of his sentence except as provided in section 6(1) of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960^(a) or under section 10 of the Prisons Ordinance 1971.

Warrant sufficient authority

5. The warrant or order for imprisonment, detention or discharge shall be sufficient authority to the Superintendent to receive or discharge any prisoner.

Search on admission

6.—(1) Every prisoner shall be searched when taken into custody, on reception into prison, and subsequently as the Superintendent thinks necessary.

(2) A prisoner shall be searched in as seemly a manner as is consistent with discovering any concealed article.

(3) No prisoner shall be stripped and searched in the presence of another prisoner.

(4) A prisoner shall be searched only by a prison officer of the same sex.

Information to and complaints by prisoners

7.—(1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, or for any other reason cannot understand the written information provided, the information referred to in paragraph (1) shall be conveyed to him orally.

Applications

8. Every request or application by a prisoner to see the Superintendent, the Prison Board or one of its members, shall be recorded by the officer to whom it is made and promptly passed on to the Superintendent who will deal with such application at the earliest opportunity.

Registration, Personal Record and Photograph

9.—(1) A register with numbered pages shall be kept in which shall be entered in respect of each prisoner received—

- (a) information concerning his identity;
- (b) the reasons for his detention and the authority for it;
- (c) the day and hour of his admission and release.

(2) A personal record of each prisoner shall also be prepared and maintained, containing general information on the place of birth, residence and family status of each prisoner and the documents authorising his detention.

(3) Every prisoner shall be photographed on reception and subsequently as may be required but no copy of the photograph shall be given to any person not properly authorised.

Suspension of release due to illness

10. A prisoner due for discharge who suffers from an acute or dangerous illness may, at his own request, be permitted by the Superintendent to remain in prison until the Medical Officer shall certify that his discharge is safe.

No detention beyond term of imprisonment

11. No prisoner shall be detained in prison beyond the expiration of the term of imprisonment to which he was sentenced by a Court, unless he has been again brought before a Court and received a fresh sentence of imprisonment.

Time of discharge of prisoners

12.—(1) Prisoners shall be released not later than noon on the last day of their sentence.

(2) Prisoners due for release on a Sunday or a public holiday may be released on the previous day.

Prisoners' Property

Money and other effects

13.—(1) All money, clothing, or other effects belonging to a prisoner which he is not allowed to retain for his own use shall be placed in the custody of the Superintendent, who shall keep an inventory of the items, which shall be signed by the prisoner. Any such articles may be disposed of by the prisoner on the authority of the Superintendent.

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

Money and articles received by post

14.—(1) Any money or other article, other than a letter or other communication, sent to a convicted prisoner through the post shall be dealt with in accordance with the provisions of this regulation and the prisoner shall be informed of the manner in which it is dealt with.

(2) Any cash shall, subject to paragraph (3) and otherwise at the discretion of the Superintendent, be—

- (a) deposited to his credit in accordance with regulation 18;
- (b) returned to the sender; or
- (c) in a case where the sender's name and address are not known and the prisoner has been discharged and cannot be traced, retained by the Superintendent for a period of six months and then, if not claimed, paid into the SBA Community Relations Fund.

(3) In relation to a prisoner committed to prison in default of payment of a debt, fine, costs or compensation, the prisoner shall be informed of the receipt of the cash and, unless he objects to its being so applied, it shall be applied in or towards the satisfaction of the debt due by him.

(4) Any security for money shall, at the discretion of the Superintendent be—

- (a) kept with the prisoner's property at the prison;
- (b) returned to the sender; or
- (c) encashed and the cash dealt with in accordance with paragraph (2) of this regulation.

(5) Any other article to which this regulation applies shall, at the discretion of the Superintendent be –

- (a) delivered to the prisoner or kept with his property at the prison;
- (b) returned to the sender; or

- (c) in a case where the sender's name and address are not known or if the article is of such a nature that it would be unreasonable to return it, sold or otherwise disposed of.

Clothing of prisoners

15. Such of the clothing, linen, and other articles belonging to prisoners as may be retained in the prison shall, if necessary, be washed, cleaned, or disinfected as soon as possible after they are received. A list of all his property is to be entered in the Property Book.

Transfer of prisoners to other prison

16. When a prisoner is drafted from one prison to another, all his property shall be sent with him and a receipt obtained from the Superintendent of the prison to which he is drafted.

Destruction of clothing

17. When it is thought necessary to destroy the personal clothing of any prisoner, a note will be made in the Property Book of any property so destroyed, of the authority for and date of such destruction and of the value of such property at such date. On the release from prison of the person concerned these articles will be replaced with articles of similar kind and value, if necessary.

Prisoner's money

18. A prison officer authorised by the Superintendent shall collect and pay daily to him all money taken from each prisoner after he has entered the amount taken in the Property Book and obtained the prisoner's signature to the entry. The Superintendent shall, on such money being handed to him, give a receipt from a special counterfoil book and record such payment in his Cash Book as "Deposits – Prisoners' Property" and on a prisoner being discharged, the Superintendent shall repay to the prisoner the amount standing to his credit, obtaining from him an acquittance on a proper voucher.

Entries in Property Book

19. The Superintendent will initial from day to day all fresh entries or alterations in the Property Book and at least once in each year he will check the money and effects in his possession belonging to prisoners and make a note of having done so.

Classification of Prisoners

Classification board

20. For the purpose of classification of prisoners there shall be a Classification Board, consisting of the Superintendent and any prison officers the Superintendent may from time to time designate.

General classification

21.—(1) Prisoners shall, for the purposes of these regulations, in so far as possible be divided into three classes—

- (a) prisoners before trial committed to prison by an order of a Court under any Ordinance in force for the time being;
- (b) defaulters, debtors and other civil prisoners;
- (c) convicted prisoners.

(2) Prisoners under the age of 21, whether convicted or unconvicted, shall, at all times, be kept in the Young Offenders' Section of the prison.

Special classification of convicted prisoners

22.—(1) In order, so far as possible, to prevent contamination and to facilitate therapy on the one hand and safe custody on the other hand, the Classification Board shall classify prisoners in proper divisions.

(2) The Classification Board may in its discretion at any time remove from the Young Offenders' Section a prisoner of 17 years of age or over, whom he regards as unsuitable for that Section.

(3) The Chief Officer may designate such special classes as may in his opinion be desirable for the purposes of paragraph (1) of this regulation

Women Prisoners

General arrangements

23.—(1) Women prisoners shall be attended by officers of their own sex and may not have any communication with male prisoners. They shall be classified into classes, as far as possible by the Classification Board.

(2) Known prostitutes and others of ill repute shall be kept in a ward separate from other women prisoners.

Employment

24. Women prisoners shall be employed on work appropriate to their sex.

Children

25. The child of a female prisoner may be allowed by the Superintendent to be received into prison with its mother provided it is at the breast and any child shall not be taken from its mother until the Medical Officer certifies that it is in a fit condition to be removed. Such child may be supplied with such diet and clothing as may be necessary at public expense but except under special circumstances to the satisfaction of the Superintendent, no such child shall be kept in prison after it has attained the age of two years.

Personal Welfare and Work

Accommodation

26.—(1) Prisoners shall be lodged in individual cells unless circumstances dictate otherwise.

(2) Where dormitories are used, they shall be occupied by prisoners suitable to associate with one another in those conditions. There shall be supervision by night in keeping with the nature of the institution.

Physical exercise and sport

27. Young prisoners and others of suitable age and physique shall receive physical and recreational training.

Bed and Bedding

28. Each prisoner shall be provided with a separate bed and with the necessary bedding.

Food

29.—(1) Prisoners shall be provided with food, suitably prepared and served and from the point of view of quality and quantity complying with the standards of dietetics and modern

hygiene. Account shall be taken, so far as possible, of any special diets or requirements imposed by certain religions.

(2) Subject to any directions of the Chief Officer, no convicted prisoner shall be allowed, except as authorised by the Medical Officer, to have any food other than that ordinarily provided.

(3) No convicted prisoner shall be given less food than is ordinarily provided, except upon the written recommendation of the Medical Officer.

(4) The food provided shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity taking into account the prisoners' age, health, the nature of their work and, as far as possible, their religious convictions.

(5) In this regulation "food" includes drink.

Alcohol, tobacco, etc

30.—(1) No prisoner shall be allowed to have any intoxicating liquor except under a written order of the Medical Officer specifying the quantity and the name of the prisoner.

(2) No prisoner shall be allowed to smoke or to have any tobacco or matches with the exception of those cigarettes which may be permitted under these regulations.

(3) The Superintendent may, at his discretion, permit the supply of additional cigarettes on special occasions such as during visits and on public holidays.

Hygiene

31.—(1) Every prisoner shall be required to shave or to be shaved regularly unless excused or prohibited on medical or other grounds.

(2) The hair of a female prisoner shall not be cut without her consent except on account of vermin or dirt or when the Medical Officer deems it requisite on the grounds of health.

(3) The hair of a male prisoner shall not be cut closer than may be necessary for the purposes of health and cleanliness, or cut at all within a period of one month prior to the expiration of his sentence, save with his consent or by order of the Medical Officer.

(4) Priests of any denomination shall be exempted from paragraphs (1) to (3), save where it may be otherwise ordered in writing by the Chief Officer.

(5) In no case shall the upper lip of a prisoner be shaved except with his consent.

(6) Every prisoner shall be required to wash at proper times, have a bath on reception and thereafter at least once a week.

Work

32.—(1) Prison labour must not be afflictive.

(2) All convicted prisoners shall be required to work, subject to their physical and mental fitness as determined by the Medical Officer. The Medical Officer may excuse a prisoner from work on medical grounds.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible, the work provided shall be such as will maintain or increase the prisoners' ability to earn a normal living after release.

(5) Vocational training in useful trades shall, so far as possible, be provided for prisoners able to profit from such training and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, every prisoner shall be employed, as far as possible, at a type of work he wishes to perform.

(7) The organisation and methods of work in the institution shall resemble as closely as possible those of similar work outside the institution, so as to prepare prisoners for the conditions of normal occupational life.

(8) The interests of the prisoners and of their vocational training, however, shall not be subordinated to the purpose of making a financial profit from an industry in the institution.

(9) The precautions laid down to protect the safety and health of free workmen shall be equally observed in the institution.

(10) Provisions shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

(11) The maximum daily and weekly working hours of the prisoners shall be fixed by the Chief Officer, taking into account conditions in regard to the employment of free workmen.

(12) Prisoners should have at least one rest day a week and sufficient time for education and other activities required as part of their treatment and rehabilitation.

Allowances

33.—(1) When eligible under this regulation a convicted prisoner may be credited with an allowance at a rate fixed by the Administrator for each full day's work completed by him.

(2) No allowance under this regulation shall be payable in respect of a prisoner who is sentenced to a term of less than one month in prison.

(3) A prisoner sentenced to more than one month in prison, will become eligible to receive such an allowance on completion of the first month of his sentence.

(4) No payments in cash shall be made to any convicted prisoner except in special cases authorised by the Superintendent but he may, at the discretion of the Superintendent, for good and sufficient reason, be permitted to send out such sum of money standing to his credit as his property at the prison, as may be allowed by the Superintendent.

(5) Prisoners to whom this regulation applies may be allowed to purchase through the Prison Authority such articles for their own use, not exceeding such cost, and subject to such conditions, as may be determined by the Superintendent from time to time, the cost of such articles being debited against the prisoner's credited allowance.

(6) The Superintendent shall have power to stop any allowance or supply of articles under this regulation to any prisoner undergoing punishment for any violation of these regulations or whose work or conduct is unsatisfactory, for such period as he may consider fit.

(7) Any prisoner eligible for an allowance under this regulation who is unable to work by reason of some permanent disability or who is certified as sick or unfit to work by the Medical Officer may, by good conduct, be credited with an allowance at such rate per day as may be fixed by the Administrator. No allowance will be credited in respect of Sundays or of public holidays.

(8) For the purpose of this regulation "work" shall not include the cleaning of a prisoner's own cell, the washing of his own clothes or his attendance at the prison or otherwise for medical examination or treatment.

Religious Instruction

Ministers of Religion

34. Any prisoner may be visited by a minister of his own religion whom he may, for devotional purposes, express a wish to see, subject to the suspension of this privilege by the Superintendent for such time as the Superintendent may determine, in case of any abuse in its exercise or for any misconduct.

Religious Services and meetings

35. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and having in his possession any necessary books.

Medical Treatment

Medical Services

36.—(1) A Prison Medical Officer shall be appointed by the Chief Officer to have the medical charge of all prisoners and of their treatment as required.

(2) The Medical Officer shall report to the Superintendent and the Chief Officer from time to time as may be directed, upon the sanitary conditions of the prison, the health of the prisoners and of the prison officers and in reference to any other point upon which he may be directed to report.

Information to Prison Authorities

37. It shall be the duty of the Medical Officer to afford at all times information direct to the Superintendent, when required to do so, on all health matters connected with the prison and the prisoners.

Prison Regulations

38. The Medical Officer shall make himself thoroughly acquainted with the Prison Regulations so far as his own duties are concerned.

Visits by Medical Officer

39.—(1) The Medical Officer shall see and examine every prisoner promptly after his admission with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures and the determination of the capacity of every prisoner for work.

(2) The Medical Officer shall visit the prison regularly, unless prevented by some unavoidable cause, at such hour as the Chief Officer, after consultation with the Superintendent, shall appoint.

(3) At such visit the Medical Officer shall see all sick prisoners, those who complain of illness and any prisoner to whom his attention is specially directed and shall decide whether such prisoner shall be sent to hospital or treated in his cell; in the latter case, he shall give directions for the treatment of such prisoner but all prisoners suffering from serious illness shall be sent to hospital. The Medical Officer shall pay such further visits during the day as the severity of the illness of any prisoner may require.

(4) In cases of epidemics or other emergencies he shall visit the prison at least twice every day.

(5) In all cases he is to examine every prisoner at least once every six months.

Discharge of sick prisoners

40.—(1) The Medical Officer shall examine all prisoners immediately before their discharge.

(2) If a prisoner about to be discharged is found to be suffering from any acute or serious disease, he shall on his discharge be removed to the nearest hospital, as soon as this can be done with safety to the patient, unless other arrangements have been made for the reception of the prisoner by his relations or friends.

Arrangements during absence of Medical Officer

41. If prevented from attending to his duties by illness or other unavoidable cause, the Medical Officer shall communicate to the Superintendent the circumstances without delay and inform him of the arrangements that have been made for his replacement.

Journal

42.—(1) The Medical Officer shall keep a journal, in which he shall enter—

- (a) the date of every visit to the prison;
- (b) the name of every prisoner brought under his treatment or observation;
- (c) the nature of the disease for which any prisoner is treated and the medicines given for each such prisoner;
- (d) the names of all prisoners discharged from the hospital;
- (e) the names of all prisoners who are unfit for work or who are only fit for light labour;
- (f) any observations or recommendations which he may deem necessary to record in connection with each case or the prison.

(2) The journal is to be kept in the prison and shall be open to the inspection of the Superintendent, the members of the Prison Board and the Head of the Medical Services.

(3) After each visit of the Medical Officer, his journal shall be sent to the appropriate officer of the prison for the immediate issue of such orders as the officer may find it necessary to pass. The appropriate officer of the prison shall countersign the journal and return it on the same day.

Visit during epidemic diseases

43. The Medical Officer shall visit every part of the prison daily when an epidemic disease exists and shall enter in his journal the results of such inspection, recording any want of cleanliness, drainage, heating or ventilation, any bad quality or insufficiency of the provisions or any other cause which may affect adversely the health of the prisoners.

Death of prisoner

44. In the event of a prisoner's death, the Medical Officer shall with the least possible delay furnish the Superintendent with a certificate stating the cause of death. He shall record in a Register, kept in the hospital for that purpose, the disease with a brief statement of its main characteristics, the treatment and any remarks which he may deem necessary to give on the general or particular characteristics, causes or other circumstances connected with the particular case, and shall report the manner forthwith to Her Majesty's Coroner of the Areas.

Notification of death, illness, transfer, etc.

45.—(1) Upon the death or serious illness of, or serious injury to, a prisoner or his removal to an institution for the treatment of mental illnesses, the Superintendent shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) Every prisoner shall be informed at once of the death or serious illness of any near relative. In these cases and whenever circumstances allow, the Superintendent may authorise the prisoner to go to his sick relative or see the deceased either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Diet of sick prisoners

46. The Medical Officer shall recommend by entry in writing in his journal any increase, diminution or change of food for any sick prisoner which he may deem to be necessary.

Examination of food

47. The Medical Officer shall periodically examine the food provided for the prisoners in order to see that it is of proper quality, and shall enter in his journal any defect in quantity or quality which he may note.

Foreible feeding (a)

~~48.—(1) In the event of a prisoner refusing to take food, the Medical Officer shall consider the advisability of foreible feeding at an early stage.~~

~~(2) When, in the opinion of the Medical Officer, foreible feeding will shortly become necessary, he shall so inform the Superintendent and shall, if the prisoner is fit for this treatment, furnish a certificate in writing to that effect. If the Medical Officer is of opinion that the prisoner is unfit for such treatment he shall submit a full medical report to the Superintendent and recommend the most suitable method for coping with the said situation.~~

~~(3) Whenever it becomes necessary that a prisoner should be forcibly fed, he will be treated as a hospital patient. A bed head diet card and hospital case paper will be kept as usual in hospital cases and appropriate food will be placed in the cell or room at the usual hours.~~

Particulars of prisoners forcibly fed (b)

~~49.—(1) The Superintendent shall keep a record of the following particulars of every prisoner who is forcibly fed—~~

- ~~(a) name and age;~~
- ~~(b) offence for which he has been convicted;~~
- ~~(c) reason, if any, given by the prisoner for refusing food;~~
- ~~(d) date upon which foreible feeding is began and number of times fed;~~
- ~~(e) mode of foreible feeding;~~
- ~~(f) date upon which prisoner resumed taking food naturally.~~

~~(2) Where abstention from food has continued for 48 hours, the person immediately in charge of the prisoner shall forward to the Superintendent the particulars set out in sub paragraphs (a), (b), (e) and (d) together with a report by the Medical Officer upon the physical and mental condition of the prisoner and his fitness or otherwise for undergoing foreible feeding.~~

~~(3) The particulars set out in items (e) and (f) shall be furnished to the Superintendent by the person immediately in charge of the prisoner as soon as foreible feeding has begun and further daily reports shall be submitted to the Superintendent so long as foreible feeding continues, unless instructions to the contrary are received.~~

~~(4) As soon as the prisoner resumes taking food normally, the circumstances will be reported to the Superintendent and a report shall be submitted by the Medical Officer as to the result of the foreible feeding upon the physical and mental health of the prisoner.~~

Particulars of prisoners refusing food

49.—(1) The Superintendent is to keep a record of the following particulars of every prisoner who refuses food—

- (a) name and age;*
- (b) offence for which the prisoner has been convicted;*
- (c) reason, if any, given by the prisoner for refusing food;*
- (d) date on which the prisoner started refusing food; and*

(a) Regulation 48 revoked by Public Instrument 25/2011 – came into force on 17 October 2011

(b) Regulation 49 revoked and replaced by Public Instrument 25/2011 – came into force on 17 October 2011

- (e) *date upon which prisoner resumed taking food.*
- (2) *If a prisoner refuses food for a continuous period of more than 48 hours, the person immediately in charge of the prisoner is to forward to the Superintendent—*
- (a) *the particulars set out in paragraph (1)(a) to (d); and*
- (b) *a report by the Medical Officer on the physical and mental condition of the prisoner.*
- (3) *The person immediately in charge of the prisoner and the Medical Officer are each to provide a daily update to the Superintendent for so long as the prisoner continues to refuse food.*
- (4) *The reports referred to in paragraph (3) may be provided in a single document.*
- (5) *The person immediately in charge of the prisoner is to notify the Superintendent as soon as the prisoner resumes taking food and a report is to be submitted by the Medical Officer to the Superintendent as to the effect on the prisoner of the refusal to take food.*

Separation of prisoners having infections

50. The Medical Officer shall give written directions for separating prisoners having infectious diseases, or suspected of having such diseases, and for cleansing, disinfecting, or destroying any infected apparel or bedding. The separation ends upon certification by the Medical Officer.

Medical Reception Register

51.—(1) The Medical Officer shall enter in a Register (“the Medical Officer’s Reception Register”) the result of the examination and, having regard to the prisoner’s physical and mental condition, classify him as follows—

Class A – Prisoners fit for any kind of work including manual labour;

Class B – Prisoners fit for work specially chosen for its light character and subject to such qualifications as the Medical Officer may think advisable to impose;

Class C – Prisoners not fit for any work.

(2) The Medical Officer may from time to time revise the case of prisoners in order to classify them in the proper class.

(3) A copy of the entry made in the Medical Officer’s Reception Register shall be entered in the Prisoner’s Personal Record under the heading “Health”.

(4) The Superintendent in consultation with the Medical Officer shall decide under which category of labour the occupations available in the prison shall be classified.

Annual Return of sickness and mortality

52. An Annual Return of the sickness and mortality in the prison under his charge shall be forwarded by the Medical Officer before the end of every January to the Chief Officer and the Superintendent. The return shall give details of the admissions, discharges and deaths in the hospital during the previous year, as well as a general report on the health situation of the prison.

Chief Officer

53. The Chief Officer shall be allowed free access to any prison and is authorised to make such inquiries as he may deem proper with regard to all matters coming within his competence.

Special reports by Medical Officer

54. In the case of any prisoner to whom the Medical Officer is of opinion that, for medical reasons, special attention should be given or for whom he is of opinion that further detention is dangerous to his life, he shall without delay transmit a full medical statement of the case to the Superintendent, who shall immediately forward it with his remarks to the Chief Officer for such action as he may consider necessary.

Examination by private practitioner

55. A prisoner shall not be examined by a private medical practitioner except with the consent of the Medical Officer and in his presence. The Medical Officer shall be responsible for any subsequent treatment of the prisoner and in the case of a disagreement between the two doctors, application may be made by the private practitioner to the Chief Officer.

Medical or scientific experiments on prisoners

56. Prisoners shall not be submitted to any medical or scientific experiments.

Training, Education, Recreation and Privileges

Education, Training and Recreation

57.—(1) Every prisoner able to profit from the educational facilities provided at the prison, shall be encouraged to do so.

(2) Programmes of educational classes shall be arranged at the prison and subject to any directions of the Chief Officer, reasonable facilities shall be afforded to prisoners who wish to improve their education or training by attending classes in or outside the prison by correspondence courses or private study, or to practise handicrafts.

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

(4) Recreational and cultural activities shall be provided in the prison for the benefit of the mental and physical health of prisoners.

Library

58. A library shall be provided in the prison for use by all categories of prisoners, adequately stocked with both recreational and educational books.

Newspapers, etc

59. Prisoners shall be allowed to keep themselves informed regularly of the news by the reading of newspapers, periodicals or special institutional publications, by radio or television transmissions, by lectures or by any similar means as authorised or controlled by the prison administration.

Letters

60.—(1) An unconvicted prisoner may send and receive as many letters as he wishes within such limits and subject to such conditions as the Chief Officer may direct, either generally or in a particular case.

(2) A convicted prisoner shall be entitled to send and to receive a letter on his reception into prison and thereafter once a week.

(3) The Superintendent may allow a prisoner to receive and send additional letters where necessary for his welfare, private affairs or those of his family. The Superintendent shall make an entry in the Convicts' Record of the date on which such additional letters were sent or received and the reason for which permission was given.

Interception of communications

61. The Administrator may give directions to the Superintendent concerning the interception in a prison of any communication to or from a prisoner or class of prisoners if he considers that the directions are—

- (a) necessary on grounds specified in paragraph (4) below; and
- (b) proportionate to what is sought to be achieved.

(2) Subject to any directions given by the Administrator and to regulation 62, the Superintendent may make arrangements for any communication to or from a prisoner or class of prisoners to be intercepted in prison by any officer if he considers that the arrangements are—

- (a) necessary on grounds specified in paragraph (4) below; and
- (b) proportionate to what is sought to be achieved.

(3) Any communication to or from a prisoner may, during the course of its transmission in a prison, be terminated by any officer if he considers that to terminate the communication is—

- (a) necessary on grounds specified in paragraph (4) below; and
- (b) proportionate to what is sought to be achieved by the termination.

(4) The grounds referred to in paragraphs (1)(a), (2)(a) and (3)(a) above are—

- (a) the interests of national security;
- (b) the prevention, detection, investigation or prosecution of crime;
- (c) the interests of public safety;
- (d) securing or maintaining prison security or good order and discipline in prison;
- (e) the protection of health and morals; or
- (f) the protection of the rights and freedoms of any person.

(5) For the purposes of this regulation, “interception”—

- (a) in relation to a communication by means of a telecommunications system, means any action taken in relation to the system or its operation so as to make some or all of the contents of the communication available, while being transmitted, to a person other than the sender or intended recipient of the communication; and the contents of a communication are to be taken to be made available to a person while being transmitted where the contents of the communication, while being transmitted, are diverted or recorded so as to be available to a person subsequently; and
- (b) in relation to any written or drawn communication includes opening, reading, examining and copying the communication.

Correspondence with legal adviser

62.—(1) A prisoner may correspond with his legal adviser and any court and such correspondence may only be opened, read or stopped by the Superintendent in accordance with the provisions of this regulation.

(2) Correspondence to which this regulation applies may only be opened by the Superintendent if he has reasonable cause to believe that it contains an illicit enclosure and any such enclosures shall be dealt with in accordance with the other provisions of these Regulations.

(3) Correspondence to which this regulation applies may be opened, read and stopped by the Superintendent if he has reasonable cause to believe its contents endanger prison security or the safety of others or are otherwise of a criminal nature.

(4) A prisoner shall be given the opportunity to be present when any correspondence to which this regulation applies is opened and shall be informed if it or any enclosure is to be read or stopped.

(5) In this regulation, “court” includes the European Commission of Human Rights, the European Court of Human Rights and the European Court of Justice; and “illicit enclosure”

includes any article possession of which has not been authorised in accordance with the other provisions of these Regulations and any correspondence to or from a person other than the prisoner concerned, his legal representative or a court.

Visits to prisoners

63.—(1) Convicted prisoners shall be allowed after the first fortnight, to invite and see visitors not exceeding three per fortnight, unless such visits are prohibited for misconduct.

(2) The Superintendent may permit any prisoner to see one or more visitors for the purpose of making arrangements respecting his family or other personal affairs.

Days and hours of visits

64. The days and hours for visits to prisoners shall be fixed by the Superintendent and shall be publicly notified at the gates of the prison.

Communication by prisoners committed in default of payment

65. If any prisoner is committed to prison in default of the payment of any sum which, in pursuance of any conviction or order he is required to pay, such prisoner shall be allowed to communicate by letter with and see any of his relations or friends or his advocate at any reasonable time, for the purpose of providing for the payment which would release him from prison.

Conditions as to visits

66.—(1) A visit to a prisoner shall not, subject to paragraph (2), exceed half an hour and shall always be made in the presence of an officer of the prison under such restrictions as may be imposed, including search of prisoners and their visitors, for guarding against the introduction of prohibited articles and for preventing improper communication.

(2) In the case of prisoners who have undergone a year's imprisonment during which period they have been of exemplary behaviour and industrious in labour, the duration of visits may be extended to an hour.

Visits by Police Officers

67. Police officers duly authorised by a senior police officer may visit prisoners officially upon giving notification of the proposed visit to the Superintendent.

Serving of warrants, etc.

68. Public officers with warrants or orders for service on persons within the prison, may be admitted into the Prison for that purpose.

Petitions by prisoners

69. Prisoners may petition the Administrator once after conviction if they wish but not again, unless there are any special circumstances which the Superintendent may consider should be brought to the notice of the Administrator.

Special visits

70. If any person satisfies the Superintendent that he has important business to transact with a prisoner, he may be granted permission to see the prisoner.

Outside contacts

71.—(1) Special attention shall be paid to the maintenance of such relations between a prisoner and his family as are desirable in the best interest of both.

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

(3) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the state to which they belong.

Eligibility for temporary release (a)

71A.—(1) *For the purpose of regulation 71B, an eligible prisoner is a prisoner who—*

- (a) has served at least one third of a term of imprisonment exceeding 3 months, subject to having served a minimum period of 3 months;*
- (b) has demonstrated good conduct for 3 months before the grant of temporary release; and*
- (c) is not disqualified from obtaining temporary release.*

(2) In determining the proportion of the sentence which a prisoner has served, the term of imprisonment must be reduced by remission which may be granted under regulation 90.

(3) For the purpose for paragraph (1)(c), a prisoner is disqualified from obtaining temporary release if the prisoner—

- (a) is serving a term imprisonment for life, whether or not the court has recommended a minimum term; or*
- (b) in accordance with the laws of the Republic, does not have the right or permission to be in the Republic.*

Grant of temporary release

71B.—(1) *The Chief Officer may grant temporary release to an eligible prisoner for a purpose specified in paragraph (2), if the Chief Officer considers it is appropriate to do so.*

(2) Temporary release may be granted to enable an eligible prisoner to—

- (a) engage in employment or voluntary work;*
- (b) receive education, instruction or training which cannot be provided in the prison;*
- (c) assist the prisoner in maintaining family ties or in the transition from prison to release.*

(3) The period of temporary release may not exceed 120 hours at one time.

(4) In considering whether it is appropriate to grant temporary release to an eligible prisoner, the Chief Officer must assess the risk that the prisoner may—

- (a) abscond; or*
- (b) pose a danger, or cause harm, to the public.*

(5) On a grant of temporary release the Chief Officer may impose such conditions as the Chief Officer considers appropriate having regard to the individual circumstances of the eligible prisoner.

(6) An eligible prisoner granted temporary release under this regulation may be recalled by the Chief Officer at any time, whether or not the prisoner has broken the conditions of the temporary release.

(a) Section 71A & 71B inserted by Public Instrument 12/2014 – came into force on 07 May 2014

After-care

72.—(1) When practical, after-care organisations in the Republic shall be contacted by the Superintendent to assist released prisoners to re-establish themselves in society, in particular with regard to work.

(2) Steps must be taken to ensure that on release, prisoners have suitable homes to go to, be provided with immediate means of subsistence, are suitably and adequately clothed having regard to the climatic conditions and have sufficient means to reach their destination.

(3) The approved representatives of the organisations or services mentioned in paragraph (1), may after consultation with the Superintendent, have all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisons.

Security Measures

Instruments of restraint

73.—(1) The use of chains and similar means shall be prohibited.

(2) Handcuffs, restraint-jackets and other body restraints shall never be applied as a punishment and shall not be used except in the following circumstances—

- (a) as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;
- (b) on medical grounds by direction of the Medical Officer;
- (c) by order of the Superintendent, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the Superintendent shall at once consult the Medical Officer and report to the Chief Officer.

(3) A prisoner shall not be kept under restraint longer than is strictly necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by the Chief Officer. Such a direction shall state the grounds for the restraint and the time during which it may continue.

(4) Particulars of every case of restraint under the provisions of paragraph (2) of this regulation shall be forthwith recorded by the Superintendent.

Refractory or violent prisoners

74. The Superintendent may order a refractory or violent prisoner to be confined temporarily in a special cell but a prisoner shall not be so confined after he has ceased to be refractory or violent.

Segregation of prisoners

75.—(1) Where it appears desirable, for the maintenance of good order or discipline or in the interests of the prisoners, that a prisoner should not associate with other prisoners, the Superintendent may arrange for the prisoner's segregation accordingly.

(2) A prisoner shall be segregated under this regulation for such period as the Superintendent may think necessary.

(3) Any segregation imposed as a disciplinary measure as well as any other punishment which may adversely affect the physical or mental health of a prisoner shall be imposed only after the Medical Officer examines the prisoner and confirms in writing that he is in a position to undergo such punishment.

Escape of prisoners

76. Prisoners escaping from lawful custody before the expiration of sentence and recaptured subsequent to the date on which such sentence would have expired should not be detained in the

prison on the original warrant but be handed over to the police, who should re-arrest and charge such prisoners before the Court.

Prevention of escapes, etc.

77. Where any prisoner attempts to escape or assault any prison officer or guard, such officer or guard may use such force as may be required for the purpose of preventing such escape or assault, or for compelling such prisoner to desist from any such attempt.

Removal to hospital outside prison (a)

~~78. The Superintendent may permit the removal of prisoners from a prison under proper escort to a hospital outside the precincts of the prison only on a report from the Medical Officer, except in cases of urgency when such removal may be permitted by the Superintendent or the Duty Officer.~~

Medical treatment

78.—(1) *The Superintendent may issue an authorisation that a prisoner requiring medical treatment be taken to a hospital or a medical centre outside the precincts of the prison accompanied by 1 or more prison officers.*

(2) *The authorisation may impose such conditions on the prisoner as the Superintendent determines are necessary in all the circumstances of the case.*

(3) *Except in the case of an emergency, the Superintendent may issue an authorisation under paragraph (1) only where the Medical Officer determines that medical treatment outside the precincts of the prison is necessary.*

(4) *Without limit to the generality of paragraph (2), the Superintendent may impose 1 or more of the following conditions—*

(a) *that the prisoner (P) remains at all times in the presence of the prison officer or officers accompanying P;*

(b) *that P obeys any instruction given by the prison officer or officers accompanying P;*

(c) *that P returns to the prison immediately on completion of the medical treatment with the prison officer or officers accompanying P.*

(5) *Except where paragraph (6) applies, the Superintendent must inform the prisoner of the conditions imposed under paragraph (2), orally and in writing, before the prisoner is taken from the precincts of the prison.*

(6) *This paragraph applies where—*

(a) *the authorisation is in the case of an emergency; or*

(b) *the Superintendent determines that the medical condition of the prisoner (P) is such that P is not capable of understanding the conditions imposed under paragraph (2).*

(7) *Where paragraph (6) applies, the prisoner must be informed of the conditions imposed under paragraph (2) orally and in writing as soon as reasonably practicable, which in the case of paragraph (6)(b) is as soon as reasonably practicable in the event of the prisoner becoming capable of understanding them.*

Service of writs

79. The Superintendent shall serve any writ or process issued by a Court which may have been given to him for service upon a prisoner in his charge.

(a) Regulation 78 revoked and replaced by Public Instrument 14/2013 – came into force on 25 April 2013

Prisoners attending Court

80. No prisoner shall be permitted to leave the prison for the purpose of attending a Court, except under an order of the Court.

Application to attend Court

81. In case a prisoner applies to the Superintendent for permission to attend a Court without an order of the Court requiring his attendance, the Superintendent shall forward the application to the Court for instructions.

Discipline

Disciplinary Offences

82. A prisoner is guilty of an offence against discipline if he commits any offence specified in Schedule 1.

Inquiry into disciplinary offence

83.—(1) Where a prisoner is charged with an offence against discipline, the charge shall be laid as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence.

(1A) In the case of a prisoner (P) who escapes from lawful custody or fails to comply with the conditions imposed in an order or in a licence which require P to return to the prison at a specified time, discovery of the offence is the time P is returned to prison custody (a)

(2) Every charge shall be inquired into by the Superintendent or, as the case may be, the adjudicator.

(3) ~~Every~~ Subject to regulation 89, every (b) charge shall be first inquired into not later, save in exceptional circumstances, than –

- (a) where it is inquired into by the Superintendent, the next day, not being a Sunday or public holiday, after it is laid;
- (b) where it is referred to the adjudicator under regulation 84, 28 days after it is so referred.

(4) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending the Superintendent's first inquiry or determination under regulation 84.

Determination of seriousness of offence

84.—(1) Before inquiring into a charge the Superintendent shall determine whether it is so serious that forfeiture of remission should be imposed as a sentence for the offence, if the prisoner is found guilty.

(2) Where the Superintendent determines—

- (a) that it is so serious, he shall—
 - (i) refer the charge to the adjudicator forthwith for him to inquire into it;
 - (ii) refer any other charge arising out of the same incident to the adjudicator forthwith for him to inquire into it; and
 - (iii) inform the prisoner who has been charged that he has done so;
- (b) that it is not so serious, he shall proceed to inquire into the charge.

(3) If—

- (a) at any time during an inquiry into a charge by the Superintendent; or

(a) Regulation (1A) inserted by Public Instrument 14/2013 – came into force on 25 April 2013

(b) Text deleted and new text inserted by Public Instrument 14/2013 – came into force on 25 April 2013

- (b) following such an inquiry, after the Superintendent has found the prisoner guilty of an offence but before he has imposed a punishment for that offence,

it appears to the Superintendent that the charge is so serious that forfeiture of remission should be imposed as a sentence for the offence if (where sub-paragraph (a) applies) the prisoner is found guilty, the Superintendent shall act in accordance with paragraph (2)(a)(i) to (iii).

Inquiry into a charge

85.—(1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is to be inquired into by the Superintendent or, as the case may be, the adjudicator.

(2) At an inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

(3) Where it is necessary to do so, a prisoner shall be permitted to present his case through an interpreter.

(4) At an inquiry into a charge which has been referred to the adjudicator, the prisoner who has been charged shall be given the opportunity to be legally represented.

(5) *Where a charge has been referred to the adjudicator, the inquiry may be heard by an adjudicator outside the Areas using a live link. (a)*

(6) *In this regulation “live link” is to be construed, subject to all necessary modifications, in accordance with section ~~27B~~ 2A (b) of the Courts (Constitution and Jurisdiction) Ordinance 2007(c).*

Disciplinary Sentences imposed by Superintendent

86. If he finds a prisoner guilty of an offence against discipline, the Superintendent may impose one or more of the following disciplinary sentences—

- (a) caution;
- (b) cellular confinement for any period not exceeding 12 days;
- (c) suspension of privilege of smoking during the period of cellular confinement;
- (d) forfeiture of allowances for compensating any damage caused to prison property;
- (e) ~~suspension of visits for a period not exceeding 1 month;~~(d)
- (f) suspension of the right to send and to receive letters for a period not exceeding 1 month.

Disciplinary sentences imposed by adjudicator

87. If he finds a prisoner guilty of an offence against discipline, the adjudicator may impose one or more of the following sentences—

- (a) any of the sentences set out in regulation 86;
- (b) forfeiture of remission not exceeding 90 days.

Abolition of corporal punishment etc.

88.—(1) Corporal punishment, punishment by placing in a dark cell and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

(a) Paragraphs (5) and (6) inserted by Public Instrument 14/2013 – came into force on 25 April 2013
(b) Amended by Public Instrument 12/2014 – came into force on 07 May 2014
(c) Ordinance 5/2004; section 27B was inserted by Ordinance 10/2011
(d) Regulation 86(e) is revoked by Public Instrument 12/2014 – came into force on 07 May 2014

(2) The Medical Officer shall visit daily prisoners undergoing the punishment of solitary confinement and shall advise the Superintendent if he considers the termination or alteration of the punishment necessary on grounds of the physical or mental health of the prisoner.

Charging of prisoners before Court (a)

~~89. Nothing in these regulations relating to disciplinary punishment of prisoners shall prevent the charging of the offender before a Court provided that no offender shall be charged for any offence in respect of which he has been dealt with under these regulations.~~

Criminal offences

89.—(1) Where the Superintendent considers that a prisoner may have committed a criminal offence arising from the same facts as an offence against discipline, the Superintendent must—

- (a) refer the case to the Attorney-General and Legal Adviser immediately after laying a charge under regulation 83(1); and*
- (b) suspend an inquiry under these Regulations.*

(2) Following a referral under paragraph (1)(a), the Attorney-General and Legal Adviser must decide as soon as reasonably practicable whether or not to prosecute the prisoner for a criminal offence arising from the same facts for which the charge has been laid, and notify the Superintendent of the decision.

(3) Where the decision under paragraph (2) is to prosecute the prisoner, the Superintendent must withdraw the charge.

(4) Where the decision under paragraph (2) is not to prosecute the prisoner, the Superintendent must—

- (a) inquire into the charge within 7 days of notification of the decision; or*
- (b) refer the charge to the adjudicator as soon as reasonably practicable, who must inquire into the charge within 28 days of the referral.*

Remission of Sentences

Remission of sentence due to good conduct and industry

90.—(1) Every prisoner serving a sentence of imprisonment other than life imprisonment, may by good conduct and industry earn a remission of his sentence.

(2) The remission of sentence for each prisoner shall be calculated in accordance with the factors for each scale set out in paragraph (5) below and subject to paragraphs (3) and (4) below.

(3) Remission shall be calculated accumulatively and on the aggregate sentence of each prisoner, applying the factors for each scale set out in paragraph (5) below within the limits of which the corresponding part of sentence falls.

(4) Remission of sentence shall not be granted if it shall result in the prisoner being released before one calendar month has been served.

(5) The scale referred to in paragraph (2) and (3) is as follows—

(a) Regulation 89 revoked and replaced by Public Instrument 14/2013 – came into force on 25 April 2013

Table 1(a)

First Column	Second Column		
	1st and 2nd sentence of imprisonment	3rd sentence of imprisonment	4th sentence of imprisonment
For each completed month of imprisonment if the sentence is less than 2 years	6 days	4 days	2 days
For each completed month of imprisonment if the sentence is 2 years or more but less than 5 years	8 days	6 days	4 days
For each completed month of imprisonment if the sentence is 5 years or more but less than 8 years	10 days	8 days	6 days
For each completed month of imprisonment if the sentence is 8 years or more but less than 12 years	12 days	10 days	8 days
For each completed month of imprisonment if the sentence is 12 years or more	14 days	12 days	10 days

Prisoners in default of payment of a fine etc.

91.—(1) For the purposes of regulation 90—

- (a) any person imprisoned in default of payment of any sum of money shall be treated as a person under sentence of imprisonment;
- (b) when a sentence of imprisonment for an offence is immediately followed by a sentence in default of payment of any sum of money, such latter sentence shall commence from the expiration of the sentence of imprisonment for an offence or if a remission has been earned in respect thereof immediately prior to the commencement of the period of remission.

Calculation of remission

92.—(1) For the purposes of calculating any remission under these regulations:—

- (a) where one term of imprisonment is to be served after the expiration of another term, the aggregate of the two terms shall be treated as one sentence;

(a) Table revoked and replaced by Public Instrument 32/2009 – came into force on 29 September 2009

- (b) where a term of imprisonment is partly concurrent with but partly overlaps another, the overlapping term shall wholly supersede such other sentence;

(2) Nothing in this regulation shall apply to the sentence of a prisoner who has been sentenced to life imprisonment, which shall be subject only to the powers of the Administrator, exercisable under section 10(1) Prisons Ordinance and section 6(1) of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960.

Calculation of abatement of sentence

93. For the purposes of calculating any abatement of sentence under these regulations –

- (a) where a prisoner is sentenced to a term of imprisonment after the expiration of another term, the aggregate of the two terms will be treated as one sentence;
- (b) where a term of imprisonment is partly concurrent with but partly overlaps another, the overlapping term will wholly supersede such other term;
- (c) where a term of imprisonment is interrupted by a period of detention in a mental institution, any such period of detention shall be deemed to constitute part of the term of imprisonment.

Date of expiration of sentence

94. The date of the expiration of the sentence and the earliest possible date of discharge, shall be entered in the Personal Record of each prisoner and in the Discharge Book to be kept at the prison and the Superintendent shall inspect such records and Discharge Book at frequent intervals so as to ensure that the provisions of this regulation are strictly carried out.

Prisoners under sentence of ten years or over

95. Notwithstanding anything in these regulations contained, the Superintendent shall, at the expiration of every fourth year of the sentence of every prisoner under sentence of ten years or more, submit to the Chief Officer for transmission to the Attorney-General of the Areas the name of such prisoner for consideration of his case and shall attach thereto a report stating the prisoner's conduct in prison and his physical and mental condition.

Prisoners under life sentence

96.—(1) The Superintendent shall submit to the Chief Officer for transmission to the Attorney-General of the Areas, the name of every prisoner under a life sentence who has served ten years of such sentence, or of every prisoner under a sentence exceeding fifteen years who has served eight years of his sentence, who has attained or is believed in the absence of positive evidence, to have attained the age of 60, for consideration of his case.

(2) The Superintendent shall communicate this rule to every such prisoner.

(3) Prisoners must be made distinctly to understand that the submission of their name to the Chief Officer in no way implies that any remission of sentence will necessarily be granted.

PART 3

Other Classes of Prisoners

Prisoners awaiting trial or sentence

To be kept separately

97.—(1) Prisoners before trial shall be kept apart from convicted prisoners as far as possible but may associate with convicted prisoners under such circumstances as may be approved by the Superintendent.

(2) Young unconvicted prisoners shall be detained under conditions which take account of the needs peculiar to their age.

Food etc.

98. No part of any food, bedding, or other necessities procured by prisoners before trial shall be sold or transferred to any other prisoner and any prisoner violating this regulation shall, for such time as the Superintendent may think necessary, be prohibited from procuring for himself food or any other necessities but shall be provided with the food and other necessities as are provided for convicted prisoners.

Work and Allowances

99. An unconvicted prisoner shall where possible, be offered opportunity to work but shall not be required to work. If he chooses to work, he shall be paid for it, on the same basis as the other prisoners.

Visiting

100. Due provision shall be made for the admission at proper times and under proper restrictions of persons with whom unconvicted prisoners may desire to communicate. This privilege however, may be subject to suspension by the Superintendent in case of abuse in its exercise.

Legal aid etc.

101.—(1) Any unconvicted prisoner may on detention, choose his legal adviser or submit an application for free legal aid where such aid is available.

(2) The Superintendent shall afford to such prisoner reasonable facilities for being interviewed by his legal adviser and preparing and handing to him confidential instructions for his defence. For these purposes, he shall if he so desires, be supplied with writing material.

(3) Interviews between the prisoner and his legal adviser shall take place at a reasonable time and may be within sight but not within hearing of prison officers.

Service of notices etc.

102. When any notice or communication required to be served in any litigation is presented for service on any litigant, who may happen to be detained in the prison as an unconvicted prisoner, permission shall be given for the notice or communication to be served under proper restrictions for preventing improper communication between the person serving the notice and the unconvicted prisoner.

Preparation of defence

103. For the preparation of the defence of an accused person who is in custody and who does not secure the services of an advocate or other person, the Superintendent shall allow the prisoner to proceed under escort to the Court for the purpose of applying for the issue of summonses.

Service of summonses

104. Subject to any power to serve summonses free of charge, the accused shall arrange for the service of the summonses or pay the usual fee if he desires to have the same served by the police.

Offences by unconvicted prisoners

105.—(1) An unconvicted prisoner who commits any of the offences set out in Schedule 1 may be dealt with by the Superintendent under regulation 86.

(2) Nothing in this regulation shall prevent the charging of the offender before a Court but so that no offender shall be so charged for any offence in respect of which he has been dealt with under these regulations.

Civil Prisoners

Food

106. Debtors may procure or receive for themselves at proper hours food, clothing, bedding or other necessaries, subject to examination and to such conditions as may be approved by the Superintendent but no part of such food, bedding, or other necessaries shall be sold or transferred to any other prisoner and any prisoner violating this regulation shall for such time as the Superintendent may think necessary, be prohibited from procuring for himself food or any other necessaries but shall be provided with the food and other necessaries as are provided for convicted prisoners.

Subsistence of judgement debtors

107.—(1) The subsistence of judgment debtors committed to prison under Part VIII of the Civil Procedure Ordinance shall be paid for in advance to the Superintendent or secured in advance by the judgment creditor.

(2) The rate of such subsistence shall be fixed by the Chief Officer from time to time, by notification in the official gazette of the Areas.

(3) Upon the discharge of a judgment debtor before the completion of the term of his committal, the judgment creditor will be refunded the proportion of the money which represents the uncompleted portion of the term for which the debtor was committed.

(4) For the purposes of this regulation, the payment of the subsistence of judgment debtors is considered secured upon the deposit by or on behalf of the judgment creditor of an undertaking for payment, to the satisfaction of the Registrar, in the form set out in Schedule 2 to these regulations.

Work and allowances

108. Debtors shall be required to work and will be eligible for an allowance for work and good conduct at the same rates and under the same conditions as convicted prisoners to whom regulation 33 applies.

Debtors to be kept separately

109. Debtors shall, whenever practicable, be kept apart from convicted prisoners and may be permitted to associate with any other class of prisoners.

Insane and Mentally Afflicted Prisoners

Removal of insane prisoners

110. Persons who are certified by the appropriate medical officer as insane or mentally afflicted, shall be removed to appropriate psychiatric Institutions as soon as possible.

PART 4

Prison Officers

Superintendent of Prisons

111. All prisons within the Areas other than military prisons, shall be under the general control and supervision of the Superintendent.

Delegation of powers (a)

~~112. The Superintendent may, with the leave of the Chief Officer, by an instrument under his hand, delegate any of his powers and duties under these regulations to another officer of the prison.~~

Casual Staff

113. Casual warders and wardresses when necessary may, with the approval of the Chief Officer, be engaged by the Superintendent.

Emergency

114. In cases of emergency, the Superintendent shall take such action and such measures as he may deem necessary forthwith, reporting the matter to the Chief Officer.

Prison Staff

115. The Prison staff shall be under the immediate charge and supervision of the Superintendent who shall have power and authority-

- (a) to issue such directions and give such orders as to him may seem fit for ensuring the maintenance of order and discipline in the prison and the due observance of the regulations;
- (b) to assign to the members of the prison staff such duties in connection with the prison and the prisoners, as to him may seem fit and such directions and orders shall be complied with and observed by every member of the prison staff and every such member shall carry out the duty or duties assigned to him.

Duty of officers

116.—(1) It shall be the duty of every prison officer to comply with these regulations, to assist and support the Superintendent in their observance and to obey his lawful instructions.

(2) Every officer shall inform the Superintendent promptly of any abuse or impropriety which comes to his knowledge.

PART 5

Prison Board

Prison Board

117.—(1) There may be appointed by the Administrator for a period not exceeding three years, such persons as he may deem fit who, together with the Area Officer, Dhekelia as an ex

(a) Regulation 112 was revoked by Public Instrument 12/2014 – came into force on 07 May 2014

officio member, shall constitute the Prison Board with one of them appointed by the Administrator as Chairman. The Administrator may, at any time, terminate the term of office of any member.

(2) The Chairman shall call and chair the meetings of the Prison Board. In the absence of the Chairman, the members present shall elect one of them to chair the meeting. Three members shall constitute a quorum.

Duties and powers of Board

118. The Prison Board shall-

- (a) keep minutes of their proceedings;
- (b) meet as a Board at the prison as and when necessary and in any case at least once every 12 months or at more frequent intervals as the Chairman of the Board may deem necessary;
- (c) draw the attention of the Superintendent to any matter which calls for his attention and bring all abuses in connection with the prison which come to their knowledge to the notice of the Chief Officer;
- (d) hear and investigate any request or complaint which a prisoner desires to make to them other than any complaint about the correctness of convictions or the severity of sentences and, if necessary, shall report the same with their opinion, to the Chief Officer.
- (e) have free access to all parts of the prisons and to all prisoners and may see such prisoners as they desire either in their cells or in a room out of sight and hearing of prison officers; a report of such interview shall immediately be made to the Chief Officer;
- (f) co-operate with the Superintendent in all matters in which their assistance and advice is likely to be of use;
- (g) inquire into the state of prison buildings and report to the Chief Officer with respect to any repairs, additions or alternations which may appear to them to be necessary;
- (h) inquire into the conditions of prison labour;
- (i) ascertain whether the vocational training and industrial employments provided for prisoners are sufficient and of the standard and kind most suitable for their rehabilitation on release;
- (j) co-operate with the Superintendent on matters relating to the welfare of prisoners;
- (k) make such enquiries or investigations and submit such reports as the Chief Officer may decide.

Visits and enquiries by members of the Prison Board

119. Every member of the Prison Board shall be at liberty to enter, at all times the prison and to make any enquiries or investigations therein as to him shall appear necessary; and he shall be accompanied by a prison officer who shall remain in sight but out of hearing, if the member so requests.

Investigation of complaints

120. Every member of the Prison Board shall on every visit, hear and if necessary, investigate any complaint made to him by any prisoner respecting his food or treatment. Such member shall pay special attention to prisoners who are ill or undergoing punishment.

Inspection of records

121. The Prison Board or any member thereof shall have authority to call for and inspect any prison records.

~~Report to the Chairman of the Board (a)~~

~~122. If any matter prejudicial to the discipline of the prison or to the health of the prisoners shall come to the knowledge of any member of the Prison Board, such member shall immediately report the same to the Chairman of the Board.~~

Reports

122.—(1) *The Prison Board is to report to the Administrator—*

(a) annually on its work; and

(b) immediately on any matter on which it considers ought to be drawn to the Administrator's attention.

(2) If a matter prejudicial to the discipline of the prison or to the health of a prisoner comes to the knowledge of any member of the Prison Board, that member is to immediately report the matter to the Chairman of the Board.

Remission of disciplinary punishment

123.—(1) The Prison Board may when visiting the prison, after enquiry, annul in whole or in part any disciplinary punishment imposed by the Superintendent under regulation 87 or by the adjudicator under regulation 88.

(2) On granting such annulment the Chairman of the Prison Board shall submit a report to the Chief Officer, stating the reasons for the annulment.

PART 6

Miscellaneous Provisions

124.—(1) The Prison (General) Regulations 1993 are revoked.

(2) For the purposes of these regulations any order made under the regulations revoked by this regulation in force immediately before the date of coming into force of these regulations, shall be deemed to have been made under the corresponding provisions of these regulations and shall have effect as such.

(a) Regulation revoked and replaced by Public Instrument 25/2011 – came into force on 17 October 2011

SCHEDULE 1(a)

(Regulation 82)

1. Committing an assault.
2. Detaining any person against his or her will.
3. Escaping from lawful custody.
4. Using any threatening, abusive, insulting or racist words or behaviour.
5. Displaying, attaching or drawing on any part of the prison, or any other property, threatening, abusive, insulting or racist words, drawings, symbols or other material.
6. Intentionally or recklessly endangering the health or personal safety of others.
7. Threatening or insulting an officer of the prison or making a false or malicious allegation against an officer.
8. Being absent from any place where he or she was instructed to be or being present in a place where he or she is not authorised to be.
9. Failing to return to the prison either after being temporarily released from the prison or after having been placed in a working-out scheme or failing to comply with any condition of such release or employment.
10. Disobeying a lawful order or refusing or neglecting to conform to a rule or regulation of the prison.
 - 10A. *Failing to comply with a condition imposed under regulation 78(2).* (b)
11. Communicating with any person without authorisation.
12. Fighting or otherwise behaving in a disorderly manner.
13. Showing disrespect to any officer of the prison or any person (other than a prisoner) working at or visiting the prison.
14. Possessing, receiving, or attempting to receive an unauthorised article.
15. Selling or delivering to a person an unauthorised article.
16. Wilfully damaging or disfiguring any part of the prison or any property not his or her own.
17. Consuming alcohol.
18. Possessing or consuming a controlled drug as defined in the Narcotic Drugs and Psychotropic Substances (Consolidation) Ordinance 2006(c).
19. Being idle, careless or negligent at work or refusing to work.
20. Failing to—
 - (a) keep his or her clothing and bedding clean and tidy;
 - (b) keep his or her clothing and person clean.
21. Attempting to commit or inciting or assisting another prisoner to commit or to attempt to commit any of the offences in this Schedule.

(a) Schedule 1 revoked and replaced by Public Instrument 25/2011 – came into force on 17 October 2011
(b) 10 inserted by Public Instrument 14/2013 – came into force on 25 April 2013
(c) Ordinance 6/2006

SCHEDULE 2

(Regulation 107)

In Her Majesty's Court of

Action No.

Between

.....
Plaintiff

And

.....
Defendant

Undertaking of Obligation to Pay

I the undersigned of
..... hereby undertake the obligation to
pay a sum, up to £ cents, recoverable from my movable and immovable property
and payable to the SBA Administration, to cover the cost of subsistence of the above Defendant-
Judgment Debtor at the Prison, in case he is committed to prison for the non-payment of his
judgement debt in the present Action.

Done and signed in before the Registrar of Her Majesty's
Court of on 20.....

.....
Signature