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# PRISONS ORDINANCE 1971

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*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.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Prisons Ordinance 1971	11/1971	30/06/1971
Prisons (Amendment) Ordinance 1985	2/1985	26/03/1985
Prisons (Amendment) Ordinance 2005	14/2005	05/05/2005
Prisons (Amendment) Ordinance 2011	16/2011	06/10/2011
Prisons (Amendment) Ordinance 2014	14/2014	07/05/2014

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## PRISONS ORDINANCE 1971

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An Ordinance  
to make provisions for all matters appertaining to Prisons, Prisoners and the Prison Service

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

### PART 1 Preliminary

#### Short title

1. This Ordinance may be cited as the Prisons Ordinance, 1971.

#### Interpretation

- 2.—(1) In this Ordinance, unless the context otherwise requires—

~~“adjudicator” means a person approved by the Chief Officer for the purpose of inquiring into a charge which has been referred to him; (a) (b)~~

“adjudicator” means—

(a) a person appointed as a Senior Judge in accordance with section 6(1) of the Courts (Constitution and Jurisdiction) Ordinance 2007(c); or

(b) a person appointed as an adjudicator by the Chief Officer;

~~“Assistant Superintendent” means an Assistant Superintendent of Prisons; (d)~~

“Deputy Superintendent” means a Deputy Superintendent of Prisons;

“Inspector” means an Inspector of Prisons; (e)

“Police and Prison Officers’ Association” means the Police and Prison Officers’ Association reconstituted under the provisions of section 16 of this Ordinance;

“Police Association” means the Sovereign Base Areas Police Association referred to in section 38 of the Police Ordinance;

“Police Ordinance” means the Police Ordinance, 1967(f), or any Ordinance substituted for or amending the same;

“prison officer” means an officer in the Prison Service;

“Prison Service” means the Prison Service of the Sovereign Base Areas;

“Service” means the Prison Service;

“Superintendent” means the Superintendent of Prisons.

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- (a) Definition inserted by Ordinance 14/2005 – came into force on 05 May 2005  
(b) Definition repealed and replaced by Ordinance 14/2014 – came into force on 07 May 2014  
(c) Ordinance 5/2007, as amended by Ordinance 2/2014  
(d) Definition deleted by Ordinance 2/1985 – came into force on 26 March 1985  
(e) Definition inserted by Ordinance 2/1985 – came into force on 26 March 1985  
(f) Ordinance 9/1967 as amended

(2) Any expressions contained in this Ordinance which are also contained in the Police Ordinance shall be assigned the same meanings in this Ordinance as they are assigned in the Police Ordinance.

## PART 2

### Establishment of the Prison Service and Appointment, Powers and Duties of Prison Officers

#### Establishment of the Service

3. There shall be established in the Sovereign Base Areas a Prison Service to be known as the Sovereign Base Areas Prison Service, which shall consist of such members of the following ranks as the Administrator may direct, that is to say—

Superintendent

Deputy Superintendent

~~Assistant Superintendent~~ (a)

*Inspector*

Sergeant Warder

Warder :

Provided that the Administrator may from time to time, by notice in the Gazette, amend or vary such ranks.

#### Appointment of Prison Officers

4.—(1) The Superintendent and all Deputy ~~and Assistant~~(b) Superintendents shall be appointed, promoted and discharged by the Administrator, and all other prison officers shall be appointed, promoted and discharged by the Superintendent.

(2) Without prejudice to the generality of this section, any appointment made by the Administrator under the provisions of the Prison Discipline Ordinance(c) and any appointment made by the superintendent of Prisons under the Prison Regulations made under the provisions of the Prison Discipline Ordinance which were in force at the date of coming into operation of this Ordinance shall continue in force as if they were made under the provisions of this Ordinance.

#### Powers and duties of the Superintendent

5.—(1) The Superintendent shall, subject to the provisions of this Ordinance, be responsible to the Administrator for the care, custody and treatment of prisoners, the maintenance of prison discipline, the control of prison officers and generally for the administration of prisons and the Service.

(2) Subject to any general directions which may be given by the Administrator from time to time, the Superintendent may delegate any of his powers or duties under this Ordinance or any regulations made thereunder to any other prison officer ~~above the rank of sergeant warder.~~(d)

(3) In addition to any powers or duties delegated to them under the provisions of subsection (2) of this section, prison officers shall exercise any other powers and perform any other duties conferred or imposed upon them under the provisions of this Ordinance or any regulations made thereunder.

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(a) Text deleted and replaced by Ordinance 2/1985 – came into force on 26 March 1985

(b) Text deleted by Ordinance 2/1985 – came into force on 26 March 1985

(c) Cap. 286 (Laws of Cyprus) Subsidiary Legislation Volume I (Cyprus) p.565

(d) Text deleted by Ordinance 14/2014 – came into force on 07 May 2014

(4) Prison officers shall be subject to the control of the Superintendent and to such written or oral instructions as he may issue from time to time in relation to their duties and discipline not being inconsistent with this Ordinance or any regulations made thereunder.

## **PART 3**

### **Establishment of Prisons and Confinement of Prisoners**

#### **Establishment of prisons, and confinement and transfer of prisoners**

**6.—**(1) The premises known as Her Majesty's Prison Dhekelia, every police station and any other premises or place established by the Administrator as a prison by notice in the *Gazette*, shall be prisons for the purpose of this Ordinance and persons lawfully committed to prison custody, whether by sentence or order of a Court or otherwise, may be confined in any such prison subject to the provisions of this Ordinance:

Provided that no convicted prisoner shall be confined in a police station for longer than one month without the approval of the Administrator.

(2) Subject to the provisions of subsection (2) of section 7 of this Ordinance, the Superintendent may order the transfer of any prisoner from one prison to another.

#### **Powers of Court to commit persons to custody to places other than prisons**

**7.—**(1) Notwithstanding the provisions of Section 6 of this Ordinance, if in the opinion of any Court having power to commit a person to prison—

- (a) no accommodation suitable for the prisoner is available in any prison, or
- (b) transportation of the prisoner from the place of committal to any suitable prison is impracticable,

the Court may order his confinement in any other place or premises in the Sovereign Base Areas which the Court is satisfied is suitable and available and such place or premises shall, during the period of lawful confinement of such person, be treated as a prison for the purpose of this Ordinance.

(2) A person who is ordered to be confined by a Court under the provisions of subsection (1) of this section shall only be transferred to another prison with the approval of the Administrator after consultation with the presiding Senior Judge or Judge of the Court which made the order of confinement.

#### **Detention of prisoners in custody in transit and in appropriate places other than prisons**

**8.—**(1) Without prejudice to any other provisions of this Ordinance or of any other Ordinance a prisoner lawfully committed to prison custody may be lawfully detained in custody—

- (a) in transit to any prison or any other place in which he may be held in lawful custody under the provisions of this Ordinance;
- (b) with the authority of the Superintendent and the medical authority in charge of such hospital or place, in any hospital or other place in the Areas in which medical treatment is given or medical examinations are carried out;
- (c) if such prisoner is required by the Court to attend Court for any purpose, in the precincts of any Court or at or within any other place in the Areas in which the Court is holding proceedings, or which is designated by the Court as being suitable for the temporary detention of prisoners during waiting periods or adjournments;
- (d) with the approval of the Administrator at the request of any authority other than a Court, who is in charge of any proceedings requiring the calling of witnesses, at or within the precincts of any place where such proceedings are taking place or any other place in the

Areas which is designated by the Administrator or such authority, as being suitable for the temporary detention of prisoners during waiting periods or adjournments;

- (e) with the authority of the Administrator either by general or special instructions in writing to the Superintendent for any temporary purpose desirable in the public interest, the interests of justice, prison discipline, the welfare of the prisoner or other prisoners or for reasons of humanity, at or within any place in the Areas designated by the Administrator in such instructions.

(2) Any rules made or modified under the provisions of this Ordinance may be made or modified so as to authorise any prison officer or dice officer to exercise the powers of a prison officer under such rules in any place referred to in subsection (1) of this section.

***Persons at large: calculation of term of imprisonment (a)***

**8A.**—(1) *Where a person (“P”) is sentenced to a term of imprisonment, P is at large for any period during which P is absent from the place in which P is required, in accordance with law, to be detained.*

*(2) Except where the Administrator otherwise directs, no account is to be taken of the period during which P is at large in calculating the period P is to be detained.*

*(3) P is not at large for any period during which P is authorised, in accordance with law, to be absent from the place in which P is required to be detained.*

*(4) Where P is granted temporary release in pursuance of regulations made under section 9, P is deemed to be at large if P is absent from the place in which P is required to be detained—*

- (a) after the expiry of the period for which temporary release was granted; or*
- (b) after an order recalling P has been made.*

## **PART 4**

### **Administration and Control of Prisons and Prisoners**

#### **Regulations for prison discipline and control of prisoners**

**9.**—(1) The Administrator may make regulations to be published in the *Gazette* to provide—

- (i) for the custody, treatment and care of prisoners;
- (ii) for the nature or amount of labour to be performed by prisoners;
- (iii) for the classification of prisoners according to their different sentences;
- (iv) for the special treatment of unconvicted prisoners;
- (v) for the remission for good conduct of sentences imposed upon convicted prisoners;
- (vi) for the reward of prisoners for good conduct;
- (vii) for the discipline of prisoners and for the specification and punishment of prison offences which may be committed by prisoners;
- (viii) for the procedure of disciplinary proceedings *including whether such proceedings are to be dealt with by the Superintendent or by an adjudicator*; **(b)**
- (ix) for the exercise by prison officers of powers and the performance of duties in prisons and in relation to prisoners;
- (x) for the prohibition or control of any articles within prisons;

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**(a)** Section 8A inserted by Ordinance 14/2014 – came into force on 07 May 2014

**(b)** Text inserted by Ordinance 14/2005 – came into force on 05 May 2005

- (xi) for the exercise in police stations in which prisoners are confined of any powers or duties of prison officers by police officers;
- (xii) for the appointment of temporary prison officers, including female warders;
- (xiii) generally for the maintenance of good order and discipline in prisons;
- (xiv) *for the powers which may be exercised by an adjudicator.*(a)
- (xv) *for the temporary release of prisons.*(b)

~~(2) Regulations made under the provisions of this section may provide for the following punishments to be awarded to prisoners—~~

- ~~(a) solitary confinement for a period not exceeding eight days;~~
- ~~(b) restriction of diet for a period not exceeding eight days;~~
- ~~(c) loss of remission;~~
- ~~(d) imposition of additional work.~~ (c)

(2) Regulations made under this section may provide for the following punishments to be awarded to prisoners—

- (a) a caution;
- (b) cellular confinement for a 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;
- (f) suspension of the right to send and receive letters for a period not exceeding 1 month;
- (g) forfeiture of remission not exceeding 90 days.

~~(3) Subject to any regulations made under the provisions of this section, the Prison Regulations made under the provisions of the Prison Discipline Ordinance subject to the modifications and deletions set out in the First Schedule to this Ordinance shall continue to apply in the Areas as if they were made under the provisions of this section.~~ (d)

~~(4) Subject to any general or special directions of the Administrator, the Superintendent may direct that regulations described in subsection (3) of this section shall be further modified, in any manner not being more onerous to prisoners or inconsistent with any other legislation or Court order.~~

## Release of prisoners on licence

**10.**—(1) The Administrator may at any time if he thinks fit release on licence a person serving a term of imprisonment subject to compliance with such conditions, if any (including a condition that the person so released shall be under the supervision of another person as may be specified in the licence), as the Administrator may from time to time determine.

(2) The Administrator may at any time modify or cancel any conditions contained in any licence issued under the provisions of this section.

(3) If, before the expiration of his sentence, the Administrator is satisfied that a person released on licence under the provisions of this section has failed to comply with any of the conditions specified in such licence, he may by order recall him to a prison, and thereupon he shall be liable to be detained in the prison until the expiration of his sentence, and, if at large in the Areas, shall be deemed to be unlawfully at large and may be arrested by any police officer without warrant and taken to any prison for the purpose of completing his sentence.

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(a) Subsection (xiv) inserted by Ordinance 14/2005 – came into force on 07 May 2014  
 (b) Subsection (xv) inserted by Ordinance 14/2014 – came into force on 07 May 2014  
 (c) Subsection (2) repealed and replaced by Ordinance 14/2005 – came into force on 05 May 2005  
 (d) Subsections (3) and (4) repealed by Ordinance 14/2014 – came into force on 07 May 2014

## PART 5

### Administration and Discipline of the Prison Service

#### Regulations for the administration and discipline of the Prison Service

11.—(1) The Superintendent may, with the approval of the Administrator, from time to time make regulations for the good order, administration and government of the Prison Service.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, any regulations made under the provisions of this section may provide for any or all of the matters contained in subsection (2) (other than paragraph (n) thereof) of section 9 of the Police Ordinance as if they related to the Service and to prison officers, and as if the said subsection was modified by the substitution of references to prison officers for references to the Police and members of the Force.

~~(3) Any regulations made under the provisions of this section may provide for the following punishments for any prison officer for breach of any regulations applicable to prison officers—~~

- ~~(a) dismissal;~~
- ~~(b) requirement to resign;~~
- ~~(c) reduction in rank;~~
- ~~(d) a fine not exceeding ten days' pay;~~
- ~~(e) reprimand;~~
- ~~(f) admonition with or without extra duties. (a)~~

*(3) Any regulations made under this section may provide for the following punishments for any prison officer for breach of any regulations applicable to prison officers—*

- (a) dismissal;*
- (b) requirement to resign;*
- (c) reduction in rank;*
- (d) withholding, withdrawing or postponing yearly increments of pay;*
- (e) a fine not exceeding 20 days pay;*
- (f) severe reprimand;*
- (g) reprimand;*
- (h) admonition.*

*(4) Regulations made under section (1) in relation to pensions for prison officers may be made so as to have effect as from a date before the regulations were made. (b)*

#### ~~Certain provisions of the Police Ordinance and Regulations made there under and of the Prisons (Prisons Service) Regulations to apply or continue to apply to the Service (c)~~

~~12.—(1) Without prejudice to the provisions of section 11 of this Ordinance:—~~

- ~~(a) the provisions of the Police Ordinance set out in the first column of the Second Schedule to this Ordinance with the modifications set out in the second column of the said Schedule; and~~
- ~~(b) any regulations made under the provisions of the Police ordinance and any Prisons (Prison Service) Regulations made under the provisions of the Prison Discipline Ordinance which the Superintendent, with the approval of the Administrator, may declare~~

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(a) Subsection (3) repealed and replaced by Ordinance 14/2005 – came into force on 05 May 2005

(b) Subsection (4) inserted by Ordinance 16/2011 – came into force on 06 October 2011

(c) Section 12 repealed by Ordinance 14/2014 – came into force on 07 May 2014



~~by notice in the *Gazette* issued under the provisions of this section, with such modifications as may be set out in such notice,~~

~~(c) shall apply, as the case may be, to, and in relation to the service of, prison officers as if such provisions of the Police Ordinance were part of this Ordinance and as if such regulations were made under the provisions of this Ordinance.~~

~~(2) The Administrator may by order in the *Gazette* add to, delete from or vary in any manner the Second Schedule to this Ordinance.~~

### **Saving of Royal Prerogative**

13. Nothing in this Part of this Ordinance shall have the effect of restricting or in any way diminishing any prerogative of the Crown to dismiss from its service any servant of the Crown, and in particular any prerogative exercisable by the Administrator on behalf of Her Majesty to order at his discretion the dismissal of any prison officer from the Service upon his conviction by a competent court in any country for a criminal offence involving moral turpitude.

## **PART 6**

### **Relationship of the service with the Police Force**

#### **Interchange-ability and combination of duties of members of the Force and prison officers subject to certain conditions**

14.—(1) Nothing in section 16 of the Police Ordinance or in the reference to that section in the Second Schedule to this Ordinance shall prevent any police officer being appointed a prison officer or any prison officer being appointed a member of the Force.

(2) Notwithstanding the provisions of subsection (1) of this section, no person who is both a prison officer and a member of the Force shall be employed on any police duty not connected with the custody of prisoners which might appear to conflict with his duty as a prison officer:

Provided that nothing in this subsection shall have the effect of invalidating any act performed by such person in the course of his duty as a prison officer or a member of the Force if such act would otherwise be lawful.

(3) After the coming into force of this Ordinance the Chief Police Officer and the Superintendent may require any police or prison officer before being promoted in the Force or the Service to be professionally qualified for promotion to equivalent ranks in both the Force and the Service.

#### **Regulations and application of existing regulations to facilitate transfers between the Service and Force or combination of duties or their joint organisation**

15.—(1) Without prejudice to the provisions of subsection (4) of section 17 of the Police Ordinance, the Superintendent with the approval of the Administrator may by notice issued in the *Gazette* declare-

- (a) that the provisions of any regulations made under the provisions of the Police Ordinance (with such modifications, if any, as may be included in such notice), shall apply to the service and to matters appertaining to the service of police officers who are appointed or revert to their appointments as prison officers, or to the service or to matters appertaining to the service of prison officers who are appointed or revert to their appointments as police officers, as if they had remained in one service;
- (b) that any ranks in the Service and the Force shall be equivalent to each other for all purposes of this Ordinance or the Police Ordinance, or any regulations made there-under or for any specified purpose of any provisions of either of such Ordinances or any such regulations;

- (c) that the provisions of any regulations made under the provisions of the Police Ordinance which provide for the qualification for promotion and the promotion of police officers shall be modified to the extent set out in such notice so as to enable police and prison officers to qualify for promotion simultaneously in both the Force and the Service, and to be so promoted simultaneously;
- (d) that the provisions of any regulations made under the provisions of the Police Ordinance which have established any fund for the benefit of members of the Force or police officers shall be modified or extended so as to enable such fund to be administered for the benefit of members of the Force or police officers and prison officers jointly.

(2) On or after the coming into force of this Ordinance, the Superintendent and the Chief Police Officer may, with the approval of the Administrator, and without prejudice to their powers under the provisions of section 11 of this Ordinance or of section 9 of the Police Ordinance, make regulations for any of the purposes of the said two sections, or for any of the purposes for which subsection (1) of this section is designed, as if a declaration had been made under the provisions of that subsection, and such regulations may amend or revoke any regulations made under the provisions of section 11 of this Ordinance or of section 9 of the Police Ordinance and any declarations made under the provisions of this section or of section 12 of this Ordinance.

(3) Any regulations made, applied, modified or extended under the provisions of this section shall apply to prison officers and the Service as if they were made under the provisions of this Ordinance, and shall apply to police officers and the Force as if they were made under the provisions of the Police Ordinance.

#### **Police Association to be reconstituted as Police and Prison Officers' Association**

**16.—**(1) The Police Association which has been established under the provisions of section 38 of the Police Ordinance shall be reconstituted as the Police and Prison Officers' Association.

(2) Any rules made by the Administrator under the provisions of subsection (4) of section 38 of the Police Ordinance shall continue to apply to the Police and Prison Officers' Association with such modifications or amendments as the Administrator may make under the provisions of this subsection, and all appointments or elections made under the provisions of the said rules shall continue to have effect in relation to the Police and Prison Officers' Association.

(3) The provisions of the Third Schedule to this Ordinance shall apply to the Police and Prison Officers' Association and. Shall in addition to their inclusion in this Ordinance be part of the Police Ordinance as if they were contained in section 38 of that Ordinance, the existing contents of which are hereby repealed.

(4) In the case of any dispute arising out of the operation of this section or the Third Schedule to this Ordinance in relation to any matter concerning the constitution or powers of the former Police Association or the Police and Prison Officers' Association or the rights, privileges or obligations of any member or former member of either Association, a written decision of the Administrator shall be final and binding for all purposes.

#### **Police Ordinance not affected by this Ordinance, except this part, in relation to members of the Force or the Force**

**17.** Nothing in this Ordinance, except this part, or in any statutory instrument made thereunder, otherwise than under the provisions of section 15 thereof, shall affect the Police Ordinance or any statutory instrument made thereunder in their application to members of the Force or the Force or any matters incidental thereto, including their application to prison officers who may be appointed Special Constables under the provisions of the Police Ordinance.

## **PART 7**

### **General Provisions**

#### **Conveying prohibited articles into or out of prison**

**18.**—(1) Any person who conveys or attempts to convey any article whatever into or out of any prison contrary to any regulation made under the provisions of this Ordinance shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

(2) For the purposes of this section, a person shall be deemed to convey or to be attempting to convey an article into a prison if he conveys it to a prisoner outside the prison or deposits it at any place outside the prison with intent that it shall come into the possession of a prisoner.

#### **Power to summon witnesses**

**19.** Any person authorised to enquire into any offences committed by prisoners or prison officers contrary to this Ordinance or any regulations made thereunder, may in the course of or in connection with such enquiry summon witnesses, take evidence on oath and impose punishment of a fine not exceeding ten pounds upon persons so summoned who fail to obey such summons or refuse to answer questions lawfully put to them.

#### **Power to prosecute under other Ordinance not to be affected**

**20.** Nothing in this Ordinance shall exempt any person from being proceeded against under any other Ordinance in respect of an offence made punishable by this Ordinance or from being liable under any other Ordinance to any other or higher penalty or punishment than is provided for such offence by this Ordinance:

Provided that no person shall be punished twice for the same offence.

## **PART 8**

### **Repeal**

#### **Repeal and Savings**

**21.** Subject to the provisions of subsection (2) of section 4 subsection (3) of section 9 and paragraph (b) of subsection (1) of section 12 of this Ordinance, the Prison Discipline Ordinance is hereby repealed and all statutory instruments made thereunder, the provisions of which are not made applicable by this Ordinance or by any statutory instrument made thereunder, shall cease to apply without prejudice in either case to anything done or left undone thereunder.

## **SCHEDULE 1(a)**

~~(Section 9(3))~~

## **SCHEDULE 2(b)**

~~(Section 12(1))~~

## **SCHEDULE 3**

(Section 16(3))

### **Police and Prison Officers' Association and Representative Bodies**

(1) For the purpose of enabling police and prison officers, below the ranks of Deputy Chief Police Officer and ~~Assistant Deputy~~ (c) Superintendent, as the case may be, to consider and bring to the notice of the Chief Police Officer, the Superintendent and the Administrator matters affecting their welfare and efficiency, including pay and conditions of service, there shall be re-established the Sovereign Base Areas Police and Prison Officers' Association which shall operate and be administered by rules made under the provisions of the Police Ordinance or the Prisons Ordinance and shall act through such committees as in such rules may be provided.

(2) No representation shall be made by the Association in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals.

(3) The Association shall be entirely independent of, and un-associated with, any body outside the Force and the Service.

(4) The Administrator may make rules for the constitution and governance of the Association and as to any matter appertaining to the Association.

(5) The Association shall be regarded as a Force Association or a Service Association for the purpose of any provision of any Ordinance relating to the Service or the Force.

(6) The Administrator may, by notice in the *Gazette*, amend. Or vary the ranks to which these provisions shall not apply.

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(a) Schedule 1 repealed by Ordinance 14/2014 – came into force on 07 May 2014

(b) Schedule 2 repealed by Ordinance 14/2014 – came into force on 07 May 2014

(c) Text deleted and new text inserted by Ordinance 2/1985 – came into force on 26 March 1985