
P R I S O N S (A M E N D M E N T) O R D I N A N C E 2 0 1 4

An Ordinance to amend the Prisons Ordinance 1971

**R.J. CRIPWELL
ADMINISTRATOR**

2 May 2014

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

Short title and commencement

1. This Ordinance may be cited as the Prisons (Amendment) Ordinance 2014 and comes into force on the day after it is published in the Gazette.

Amendment to the Prisons Ordinance 1971

2. The Prisons Ordinance 1971(**a**) is amended in accordance with sections 3 to 7.

Amendment to section 2 (interpretation)

3. In section 2, for the definition of “adjudicator”(b) substitute—

“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;”.

(a) Ordinance 11/1971, amended by Ordinances 2/1985, 14/2005 and 16/2011.

(b) The definition of “adjudicator” was inserted by Ordinance 14/2005.

(c) Ordinance 5/2007, amended by Ordinance 2/2014.

Amendment to section 5 (powers and duties of the Superintendent)

4. In Section 5(2), omit “above the rank of sergeant warder”.

Insertion of section 8A

5. After section 8 insert—

“Persons at large: calculation of term of imprisonment

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.”.

Amendment to section 9 (regulations for prison discipline and control of prisoners)

6. Section 9 is amended as follows—

- (a) in subsection (1), after subparagraph (xiv) add—
 - “(xv) for the temporary release of prisoners.”;
- (b) subsections (3) and (4) are repealed.

Repeal of section 12 and Schedules 1 and 2

7. The following provisions are repealed—

- (a) section 12 (certain provisions of the Police Ordinance to apply to the Service);
- (b) Schedule 1 (modifications to Prison Regulations);
- (c) Schedule 2 (modifications to Police Ordinance).

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Prisons (Amendment) Ordinance 2014 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance.
2. The Ordinance amends the Prisons Ordinance 1971 (“the principal Ordinance”).
3. Section 3 substitutes the definition of adjudicator in the principal Ordinance. An adjudicator is a person appointed to inquire into charges of serious offences against prison discipline. Under the new definition an adjudicator is a Senior Judge or a person appointed by the Chief Officer.
4. Section 4 amends the power of the Superintendent to delegate to other prison officers. The power is no longer restricted to delegation to officers above the rank of sergeant warder. Subject to any general direction given by the Administrator, the Superintendent may delegate functions to any officer.
5. Section 5 inserts new section 8A in the principal Ordinance. It puts beyond doubt that where a prisoner absconds or is absent from the place of detention without authorisation, the period the prisoner is not in detention is not taken into account in determining the period of imprisonment to be served.
6. Section 6 amends the regulation-making power in section 9. It also, along with section 7, repeals provisions no longer required relating to repealed or revoked legislation.

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