



BERMUDA

PRISON RULES 1980

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TABLE OF CONTENTS

PART I PRELIMINARY

- 1 Citation
- 2 Interpretation

PART II GENERAL RULES FOR THE TREATMENT OF PRISONERS

- 3 Application of Part II

ORGANIZATION AND TRAINING

- 4 Purpose of training
- 5 Grading of prisoners
- 6 Privileges

ACCOMMODATION

- 7 Sleeping and cell accommodation
- 8 Beds and bedding

RECEPTION IN PRISON

- 9 Search of prisoners
- 10 Property retained
- 11 Personal record
- 12 Interview with Commissioner on reception
- 13 Bath on reception
- 14 Medical examination on reception

PRISON RULES 1980

15 Information to prisoners on reception

REMOVAL

16 Custody outside prison

17 Protection from public view

DISCHARGE AND RELEASE

18 Final interview with Commissioner

19 Illness when due for discharge

20 Return of clothes on discharge

DEATH OF PRISONERS

21 Record of death of prisoner

22 Notice to Coroner

23 Classification of prisoners

DISCIPLINE AND CONTROL

24 General principles of discipline in prison

25 Supervision by Commissioner

27 Use of force by prison officers

28 Report against prisoners

29 Segregation of prisoner on report

30 Opportunity for prisoner to present case

31 Unauthorized articles; deprivation

32 Offences against discipline

33 Investigation of reports; imposition of punishments by Commissioner

34 Investigation of reports; imposition of punishments by Board

35 Investigation of reports; imposition of punishments by Board or a magistrate

36 Medical certificate of fitness for punishment

37 Visits during certain punishment

38 Returns to Minister

39 Mechanical restraint

40 Violent prisoner; temporary confinement in special cell

41 Requests to see Commissioner or a member

42 Prohibited articles

43 Intoxicating liquor; tobacco

44 Search of persons and vehicles

44A Testing for controlled drugs

45 No conversation with prisoner except as authorized

46 Restriction on viewing prison

WORK

47 Work; general requirements

48 Payment for work

49 Unauthorized work

RELIGION, EDUCATION AND WELFARE

PRISON RULES 1980

50	Religious denomination
51	Visits by special ministers
52	Divine service
53	Visits by Chaplain
54	Religious books
55	Interviews by Chaplains and ministers
56	Avoidance of work on days of religious observance
57	Education
58	Prison library
59	Books and periodicals from outside
60	Encouragement of family relationships
61	Prisoner may inform family of his transfer to another prison
62	Assistance after discharge
63	Information to family of death or serious illness
64	Letters and visits; frequency
65	Supervision of letters and visits
66	Regulation of private visits
67	Deferment of letters and visits when confined
68	Letter instead of visit
69	Visit by family
70	Voluntary interview with police officer
71	Special visits to persons imprisoned in default of payment
72	Visit by legal adviser
73	Visit by legal adviser not to be forfeited

PHYSICAL WELFARE

74	Medical room; staff
75	Medical Officer
76	Preventive inoculation
77	Annual medical examination
78	Duty to furnish report on prisoner's mental condition when required
79	Visits by medical staff
80	Attendance by Medical Officer; removal to hospital
81	Dental treatment
82	Medical reports
83	Medical report on danger to prisoner
84	Medical recommendations
85	Suicidal prisoners
86	Mental illness
86A	Special treatment for mental illness
87	Serious illness or injury; notification
88	Hygiene
89	Ablutions; haircuts
90	Provision of toilet articles
91	Physical exercise
92	Quality of food
93	Inspection of food by Medical Officer

PRISON RULES 1980

- 94 Private food prohibited
- 95 Quantity of food

CLOTHING

- 96 Clothing
- 97 Protective clothing

DISCHARGE AND RELEASE

- 98 Medical examination on discharge

PART III

SPECIAL RULES FOR PARTICULAR CLASSES OF PRISONERS OTHER THAN THOSE SENTENCED TO TERMS OF PREVENTIVE DETENTION

Untried prisoners

- 99 Application of rules 100 to 117
- 100 Separation of untried prisoners
- 101 Limited restriction of association
- 102 Food of untried prisoners
- 103 Clothing of untried prisoners
- 104 Haircuts; shaving
- 105 Private medical attendance on untried prisoners
- 106 Private property of untried prisoners
- 107 Books of untried prisoners
- 108 Work by untried prisoners
- 109 Visits to untried prisoners
- 110 Untried prisoners seeking bail
- 111 Visit by private medical adviser to untried prisoners
- 112 Facilities for untried prisoners to prepare defence
- 113 Loss of special privileges of untried prisoners
- 114 Untried prisoners not to sell or transfer articles
- 115 *[deleted]*
- 116 *[deleted]*
- 117 Untried prisoner mentally ill

Appellants

- 118 Application of rules 119 to 123
- 119 Payment for work done by appellant
- 120 Appellant seeking bail
- 121 Visit by private medical adviser to appellant
- 122 Visitor to appellant in connection with appeal
- 123 Facilities for appellant to prepare appeal

Convicted prisoners awaiting sentence

- 124 Representations to court by convicted prisoners awaiting sentence

Prisoners convicted of sedition

- 125 Supply of books to prisoner convicted of sedition

PRISON RULES 1980

- 126 Visits to prisoner convicted of sedition
Prisoners under sentence of death
- 129 *[deleted]*
Insane or mentally defective prisoners
- 130 Care of prisoner found insane or unfit to plead
Young prisoners
- 131 Separation of prisoners under 16
- 132 Education of prisoners under 21
Civil prisoners
- 133 Application of rules 134 to 136
- 134 Civil prisoners; association and separation
- 135 Civil prisoners; clothing
- 136 Civil prisoners; visits and letters

PART IV

PRISONERS SENTENCED TO TERMS OF IMPRISONMENT FOR LIFE OR TO TERMS OF PREVENTIVE DETENTION, AND PERSONS ORDERED TO BE DETAINED DURING HER MAJESTY'S PLEASURE

- 146 *[deleted]*

PART V

SPECIAL RULES RELATING TO WOMEN PRISONERS

- 147 Special provision for women prisoners
- 148 Duties of woman senior officer
- 149 Entry into women's prison by male prison officer
- 150 Babies of women prisoners
- 151 Modification of Rule 5 owing to small numbers

PART VI

EXECUTION OF SENTENCES OF DEATH OR CORPORAL PUNISHMENT

- 158 *[deleted]*

PART VII

FUNCTIONS OF THE TREATMENT OF OFFENDERS BOARD

- 159 Application of Part VII
- 160 Meetings or visits
- 161 Minutes of meetings
- 162 Duties in general
- 163 Access to prisoners
- 164 Inspection of food
- 165 Inquiry as to state of premises; recommendations
- 166 Assessment of conduct of prisoners; suitability for release
- 167 Suitability for transfer to senior training school

PRISON RULES 1980

- 168 Supervision and after-care; directions
- 169 Assessment of compliance by person released under supervision
- 170 Annual report to Minister

PART VIII APPROVED RATES OF PAY FOR WORK DONE

- 171 Payment for work in prison
- SCHEDULE

PART I PRELIMINARY

Citation

- 1 These Rules may be cited as the Prison Rules 1980.

Interpretation

- 2 In these Rules—

“the Act” means the Prisons Act 1979 [*title 10 item 32*];

“the Board” means the Treatment of Offenders Board established by the Treatment of Offenders Board Act 1979 [*title 10 item 31*], and “member” means any person appointed to be a member of the Board;

“cell” includes room;

“chaplain”, in relation to a prison, means a clergyman or minister appointed under the Act to be a Prison Chaplain;

“the Commissioner” means the Commissioner of Prisons and includes any prison officer to whom the Commissioner has for the time being delegated the performance of any of his functions under these Rules;

“legal adviser”, in relation to a prisoner includes the prisoner’s counsel and a clerk authorized by the prisoner’s counsel to interview the prisoner;

“the Medical Officer”, in relation to a prison, means the medical practitioner appointed to be the Prison Medical Officer for duties in connection with the administration of the prison; and includes any other medical practitioner nominated as his deputy for the performance of such duties;

“the Minister” means the Minister for the time being responsible for the treatment of offenders;

“the nominated officer” means the officer nominated by the Commissioner;

“offence against prison discipline” means an offence against prison discipline within the meaning of rule 32;

PRISON RULES 1980

“Parole Board” means the Board established under section 3 of the Parole Board Act 2001;

“prison” means any building, buildings or premises declared to be a prison under the Act;

“Special Rule” means a rule in Part III, Part IV or Part V;

“the Young Offenders Act” means the Young Offenders Act 1950 [*title 10 item 33*].

[Rule 2 “Parole Board” inserted by 2001:2 s.13 & Sch 2 effective 1 October 2001]

PART II

GENERAL RULES FOR THE TREATMENT OF PRISONERS

Application of Part II

3 The rules in this Part apply to all classes of prisoners except in so far as they are inconsistent with the Special Rules.

ORGANIZATION AND TRAINING

Purpose of training

4 The purposes of the training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge from prison, and to fit them to do so.

Grading of prisoners

5 (1) Prisoners who have been sentenced to undergo a term of imprisonment shall be placed in such grades as the Commissioner deems appropriate.

(2) Promotion from grade to grade, or reduction in grade in respect of any prisoner shall be decided by the Commissioner after consultation with the staff or as a result of any adjudication or as otherwise appropriate.

(3) Prisoners who have been appointed to an appropriate grade may be given positions of minor responsibility but shall not be employed in any disciplinary or management capacity.

Privileges

6 (1) There shall be established in each prison a system of privileges pertaining to the prisoners therein, and such system shall be approved by the Minister.

(2) The system of privileges shall include arrangements under which any moneys earned by and paid to prisoners may be spent by them whilst in prison.

(3) The system of privileges shall include arrangements for according privileges to prisoners for attendance at, or completion of, specified training, educational or rehabilitation programmes.

[Rule 6 para (3) inserted by BR67/2002 effective 14 December 2002]

PRISON RULES 1980

ACCOMMODATION

Sleeping and cell accommodation

7 Sleeping and cell accommodation for prisoners shall be of such size, and shall be lighted, ventilated and fitted in such manner, as is requisite for health; and when such accommodation is locked it shall be furnished with the means of enabling prisoners to communicate at any time with a prison officer.

Beds and bedding

8 Every prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health.

RECEPTION IN PRISON

Search of prisoners

9 (1) Every prisoner shall be searched when taken into custody by a prison officer, on his reception in prison and at such subsequent times as the Commissioner thinks necessary; and all unauthorized articles shall be taken from the prisoner.

(2) The searching of a prisoner shall be conducted in as seemly manner as is consistent with the necessity of discovering any concealed article.

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

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

Property retained

10 All money, clothing or other articles which a prisoner is not allowed to retain shall be placed in safekeeping, and an inventory thereof shall be signed by the prisoner certifying the correctness of the items or articles listed therein.

Personal record

11 (1) A personal record of each prisoner shall be prepared and maintained in such manner as the Minister may direct.

(2) Every prisoner sentenced to death, or to a term of imprisonment shall, as soon as may be after his reception in prison, be photographed, measured and shall have his fingerprints taken; but no copy of the fingerprint or photograph shall be given to a person who is not authorized to receive it.

(3) Every prisoner shall, for purposes of proper identification, be photographed as often as is necessary, and at least once in every two years.

[Rule 11 para (2) amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

Interview with Commissioner on reception

12 Every prisoner shall, as soon as possible after his reception in prison or, as the case may be, his recall to prison, be interviewed separately by the Commissioner.

PRISON RULES 1980

Bath on reception

13 Every prisoner must, as soon as conveniently practicable after his reception, take a bath or shower unless exempted by the Commissioner or the Medical Officer.

Medical examination on reception

14 Every prisoner shall, as soon as practicable after his reception in prison or, as the case may be, his recall to prison, be examined separately by the Medical Officer who may take a specimen of the prisoner's blood; and the Medical Officer shall record the state of health of the prisoner and such other particulars as may be directed by the Commissioner.

Information to prisoners on reception

15 Every prisoner shall, on his reception in prison, receive a thorough explanation of these Rules and of any other administrative regulations or orders of which he should have knowledge including those relating to—

- (a) the disciplinary requirements of the prison;
- (b) earnings and privileges;
- (c) methods by which petitions, appeals, or complaints may be submitted; and
- (d) food, clothing, bedding and other necessities,

so that the prisoner may understand and be apprised of both his rights and obligations.

REMOVAL

Custody outside prison

16 A prisoner directed to be taken to any place outside a prison under section 16(1) and (2) of the Act shall, unless the Commissioner otherwise directs, be kept in the custody of prison officers or police officers when outside the prison.

Protection from public view

17 When prisoners are removed to or from prison they shall be exposed to public view as little as possible, and proper safeguards shall be taken to protect them from insult or curiosity.

DISCHARGE AND RELEASE

Final interview with Commissioner

18 Every prisoner shall before discharge or release from prison be interviewed by the Commissioner.

Illness when due for discharge

19 A prisoner who is due for discharge or release from prison and who is suffering from an acute or dangerous illness or injury shall not, unless he refuses to stay, be discharged or released from prison until it is, in the opinion of the Medical Officer, safe to do so.

PRISON RULES 1980

Return of clothes on discharge

20 On the discharge or release from prison of a prisoner his clothes shall be returned to him unless it has been found necessary to destroy or otherwise dispose of them, in which case adequate and proper clothing shall be provided.

DEATH OF PRISONERS

Record of death of prisoner

21 The Medical Officer shall keep a record of the death of a prisoner and such record shall include the following particulars—

- (a) the time when the deceased was taken ill or injured;
- (b) the time when the illness or injury was first notified to the Medical Officer;
- (c) the nature of the illness or injury;
- (d) the method of treatment employed;
- (e) the time when the prisoner died,

and an account of the appearance after death (in cases where a post mortem is made) together with any special remarks that appear to the Medical Officer to be required.

[Rule 21 amended by 1999:51 s.4 & Sch effective 23 December 1999]

Notice to Coroner

22 The Commissioner shall, upon the death of a prisoner, give immediate notice thereof to the Minister, and to the Coroner having jurisdiction.

Classification of prisoners

23 For purposes of maintaining proper order in prison and facilitating the training of prisoners every prisoner shall be classified according to his age, temperament, and record and in accordance with any directions of the Minister.

DISCIPLINE AND CONTROL

General principles of discipline in prison

24 The rules in this Part relating to discipline and control shall be applied, due allowance being made for the differences in character and response to discipline of different types of prisoners, in accordance with the following principles—

- (a) discipline and order shall be maintained with firmness, but with no more restriction than is required for safe custody and well-ordered community life;
- (b) prison officers shall, in the control of prisoners, seek to influence them through the officers' own example and leadership, and to enlist their willing cooperation;

PRISON RULES 1980

- (c) the treatment of prisoners shall at all times be such as to encourage the prisoner's self-respect and sense of personal responsibility.

Supervision by Commissioner

25 (1) The Commissioner shall exercise close and constant personal supervision of the whole of each prison.

(2) The Commissioner shall visit and inspect daily all parts of a prison where prisoners are working or accommodated, and shall give special attention to every prisoner who is ill or is suffering from any injury.

26 *[Rule 26 deleted by BR67/2002 effective 14 December 2002]*

Use of force by prison officers

27 (1) No prison officer shall, in dealing with a prisoner, use force unnecessarily; but where it is necessary to use force, then only such force as in the circumstances is necessary shall be used.

(2) No prison officer shall deliberately act in a manner calculated to provoke a prisoner.

Report against prisoners

28 No report against a prisoner for an offence against prison discipline shall be dealt with by a prison officer except the Commissioner.

[Rule 28 amended by BR67/2002 effective 14 December 2002]

Segregation of prisoner on report

29 Where a prisoner has been reported for an offence against prison discipline or for any criminal offence the Commissioner may order him to be kept apart from other prisoners until adjudication on the report or, as the case may be, until the institution of criminal proceedings against him.

Opportunity for prisoner to present case

30 A prisoner shall, before a report against him is dealt with, be informed of the offence against prison discipline for which he has been reported and shall be given a proper opportunity of hearing the facts alleged against him and of presenting his case.

Unauthorized articles; deprivation

31 Any prison officer may deprive the prisoner of any unauthorized article found in his cell or in his possession.

Offences against discipline

32 A prisoner shall be guilty of an offence against prison discipline if he—

- (a) disobeys any lawful order of any prison officer; or refuses or neglects to comply with any rule or regulation of the prison;

PRISON RULES 1980

- (b) treats with disrespect any prison officer or any person authorized to visit the prison;
- (c) is idle, careless, or negligent at work, or refuses to work;
- (c.1) refuses to participate in a specified training, educational or rehabilitation programme when required to do so by the Commissioner;
- (c.1A) being a sex offender, fails to complete programmes mandated under section 70QA of the Criminal Code Act 1907;
- (c.2) refuses to provide a sample under section 24A or 24B of the Act or fails to provide such sample as is necessary to enable a proper analysis of the sample;
- (d) uses any abusive, insolent, threatening or other improper language;
- (e) uses any indecent language, does any indecent act, or makes any indecent gesture;
- (f) commits any assault;
- (g) absents himself without permission from any place where he is required to be;
- (h) has in his cell or in his possession any unauthorized article, including any alcohol or controlled drug, or attempts to obtain any unauthorized article;
- (i) gives to, or receives from, any person any unauthorized article;
- (j) improperly takes, or is improperly in unauthorized possession of, any article which belongs to the Department of Corrections or is the property of any other person;
- (k) wilfully disfigures or damages any part of the prison, or any article the property of any other person;
- (l) commits any nuisance;
- (m) escapes from prison or from any other lawful custody;
- (n) mutinies or incites any other prisoner to mutiny;
- (o) does any personal violence to a prison officer or any other person;
- (p) makes repeated and groundless complaints;
- (q) makes a false and malicious allegation against any prison officer;
- (r) without permission, sells or delivers to any person any item or article that he is allowed to have for his own use;
- (s) having been temporarily released fails to return to prison at the time specified by the Commissioner or fails to comply with any condition on which he was so released;
- (t) in any other way offends against good order and discipline; or

PRISON RULES 1980

- (u) attempts to do any of the foregoing things, or conspires with or causes or procures any persons to do any such things, or if he aids in doing any of such things.

[Rule 32 paragraph (j) amended by 2002:17 s.4 effective 14 December 2002; paragraphs (c.1) and (c.2) inserted and paragraph (h) amended by BR 67 / 2002 effective 14 December 2002; paragraph (c. 1A) inserted by 2018 : 64 s.2 effective 7 February 2019]

Investigation of reports; imposition of punishments by Commissioner

33 (1) The nominated officer shall investigate every report of the commission by a prisoner of an offence against prison discipline and shall submit a report of the case to the Commissioner of Prisons who shall, unless he reports the case to the Board under rules 34 and 35, adjudicate thereon; and where he finds the prisoner to be guilty of an offence against prison discipline he may impose one or more of the punishments set out in section 22(3)(a) of the Act.

(2) Every offence against prison discipline shall be reported forthwith, and the nominated officer shall investigate such reports not later than the following day, unless that day is a Sunday or other public holiday.

Investigation of reports; imposition of punishments by Board

34 Where a prisoner is reported for any of the following offences against prison discipline, namely—

- (a) escaping or attempting to escape from prison or from any other lawful custody; or
- (b) any serious or repeated offence against prison discipline for which such punishment as the Commissioner may impose appears to the Commissioner to be insufficient,

then the Commissioner may after investigation report the offence to the Board which shall investigate the report (such investigation, if it thinks it desirable, being on oath) and shall adjudicate thereon; and if it finds the prisoner guilty of an offence against prison discipline, it may impose one or more of the punishments set out in section 22(3)(b) of the Act.

Investigation of reports; imposition of punishments by Board or a magistrate

35 (1) Where a prisoner is reported for any of the following offences against prison discipline, namely—

- (a) mutiny or incitement to mutiny;
- (b) personal violence to a prison officer,

then the Commissioner shall after investigation report the offence to the Board and to the Minister and the Board shall (unless a magistrate is appointed by the Chief Justice on the application of the Minister to act in its place) hold a special meeting to investigate and adjudicate on the report.

(2) The Board (or a magistrate, if a magistrate is duly appointed by the Chief Justice to act in its place in pursuance of section 22(3) of the Act) shall investigate the report

PRISON RULES 1980

on oath and shall adjudicate thereon; and if the Board or (as the case may be), the magistrate finds the prisoner to be guilty of such offence then the Board or magistrate may impose one or more of the punishments set out in section 22(3)(b) of the Act.

Medical certificate of fitness for punishment

36 Confinement to a cell shall in no case be imposed on a prisoner as a punishment in respect of an offence against prison discipline, unless the Medical Officer has certified that the prisoner is in a fit condition of health to undergo the punishment.

Visits during certain punishment

37 Every prisoner who is undergoing confinement to a cell either as a punishment in respect of an offence against prison discipline or under rule 40, shall be visited at least once a day by the Commissioner and in addition either by the Medical Officer or by a prison officer trained as a medical orderly and he shall also be visited by a prison officer appointed for that purpose at intervals of not more than three hours during the day.

Returns to Minister

38 The Commissioner shall render to the Minister a weekly return setting out the names of prisoners punished in respect of offences against prison discipline during the seven days last preceding the making of the return, the offences in question, the punishments imposed, the offences against prison discipline (if any) previously committed by each prisoner, and any remarks which the Commissioner wishes to make.

Mechanical restraint

39 (1) Mechanical restraint shall not be used as a punishment for a prisoner or for any purpose other than the safe custody of a prisoner during his removal from a prison except on medical grounds by direction of the Medical Officer, or in the circumstances set out in the following paragraphs of this rule.

(2) Where it appears to the Commissioner that it is necessary to place a prisoner under mechanical restraint in order to prevent his injuring himself or others, or damaging property or creating a disturbance, then the Commissioner may order the prisoner to be placed under mechanical restraint; and notice thereof shall forthwith be given to the Medical Officer.

(3) The Medical Officer shall, on receiving any such notice, forthwith inform the Commissioner whether he concurs in the order; and if he does not concur then the Commissioner shall act in accordance with any recommendation which the Medical Officer may make.

(4) No prisoner shall be kept under mechanical restraint longer than is necessary, or in any event for a period longer than twenty-four hours, unless an order in writing from the Board is given, specifying the cause of the mechanical restraint and the time during which the prisoner is to be kept under mechanical restraint; and any such order shall be retained by the Commissioner as his warrant for keeping the prisoner under mechanical restraint.

PRISON RULES 1980

(5) Particulars of the circumstances of every case in which a prisoner is placed under mechanical restraint shall forthwith be recorded by the Commissioner in a book to be kept for that purpose.

(6) No instrument or apparatus of mechanical restraint shall be used except of such pattern and in such manner and under such conditions as may from time to time be approved by the Minister.

Violent prisoner; temporary confinement in special cell

40 The Commissioner may order a refractory or violent prisoner to be temporarily confined in a special cell suitable for the purpose; but no prisoner shall be confined in any such cell as a punishment or after he has ceased to be refractory or violent.

Requests to see Commissioner or a member

41 (1) Arrangements shall be made that every request by a prisoner to see the Commissioner or a member is recorded by the prison officer to whom it is made and that such request is acceded to promptly.

(2) The Commissioner shall, at a convenient hour on every day, other than a Sunday or other public holiday, hear the applications of all prisoners who have made a request to see him, and shall inform the next member who visits the prison of every such request made by a prisoner to see a member.

Prohibited articles

42 (1) No person shall without authority convey into or deposit in a prison, or convey out of a prison, or convey to a prisoner, or deposit in any place with the intent that it shall come into the possession of a prisoner, any prohibited high risk article or any money, clothing, food, drink, tobacco, letter, paper, book, tool or other commodity or article whatsoever.

(2) Without prejudice to any proceedings which may be taken against any person in respect of a contravention of this rule, anything so conveyed or deposited may be confiscated by order of the Commissioner.

[Rule 42 para (1) amended by BR 63 / 2013 rule 2 effective 16 July 2013]

Intoxicating liquor; tobacco

43 (1) No prisoner shall be given or allowed to have in his possession any intoxicating liquor except under the authority of a written order of the Medical Officer specifying the name of the prisoner for whose use it is intended and the quantity to be given.

(2) No person shall be allowed to smoke or have in his possession any tobacco except in accordance with such orders as may be given by the Commissioner.

Search of persons and vehicles

44 (1) All persons and vehicles entering or leaving a prison may be examined and searched.

PRISON RULES 1980

(2) A person suspected of improperly bringing into the prison any article specified in rule 42, or of improperly carrying out any such article or any article belonging to the Department of Corrections, or while in a prison of being improperly in possession of any such article or of any article belonging to the Department of Corrections, shall be stopped and immediate notice shall be given to the Commissioner who may order that such person shall be examined and searched; but any such person shall not be searched except by a prison officer of the same sex as that person.

(3) The Commissioner may refuse admittance to a prison of any person who being a visitor is not willing to be examined and searched, or who, in his opinion, is not a suitable person to admit as a visitor.

(4) Without prejudice to paragraph (2), the Commissioner may direct the removal from a prison of any person who while within the prison is not willing to be examined and searched, or whose conduct is improper.

[Rule 44 para (2) amended by 2002:17 s.4 effective 14 December 2002; amended by BR67/2002 effective 14 December 2002]

Testing for controlled drugs

44A (1) This rule applies where a prison officer, acting under the powers conferred by section 24A of the Act requires a prisoner to provide a sample of urine for the purpose of ascertaining whether he has any controlled drug in his body.

(2) When requiring a prisoner to provide a sample, a prison officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that he is being required to provide a sample in accordance with section 24A of the Act; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

(3) A prison officer shall require a prisoner to provide a fresh sample, free from any adulteration.

(4) A prison officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(5) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(6) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(7) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to

PRISON RULES 1980

prevent or detect any adulteration or falsification of the sample; in particular, a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

[Rule 44A inserted by BR67/2002 effective 14 December 2002]

No conversation with prisoner except as authorized

45 No person shall, except in pursuance of these Rules or as authorized by the Minister, or by the Commissioner, enter into or hold any conversation with a prisoner.

Restriction on viewing prison

46 (1) The Commissioner shall not, except as provided by law, or as directed by the Minister, allow any person to view a prison.

(2) The Commissioner shall ensure that no person authorized to view a prison, makes a sketch, or takes a photograph or enters into communication with a prisoner, unless authorized to do so by the Minister.

WORK

Work; general requirements

47 Every prisoner shall be required to engage in useful work for not more than ten hours a day, of which so far as practicable at least eight hours shall be spent outside the cell and in association with other prisoners; except that the Medical Officer may excuse a prisoner from work on medical grounds and no prisoner shall be employed on any work unless he has been certified as fit for that type of work by the Medical Officer.

Payment for work

48 Prisoners may receive payment for work in accordance with the rates which the Minister may by order determine.

Unauthorized work

49 No prisoner shall be employed on any type of work not authorized by the Minister.

RELIGION, EDUCATION AND WELFARE

Religious denomination

50 The religious denomination of each prisoner shall on his reception into prison be ascertained and recorded, and he shall thereafter be treated as a member of the religious denomination then recorded until he notifies the Commissioner, by a written statement, that his religious denomination has altered.

Visits by special ministers

51 Where a prisoner is recorded as belonging to a religious denomination for which no Chaplain has been appointed to the prison, the Commissioner shall, if the prisoner so requests, arrange for him, so far as possible, to be visited by a minister of that denomination, and every such inmate shall be informed of this rule on his reception into prison.

PRISON RULES 1980

Divine service

52 Chaplains and other ministers shall conduct Divine Service for prisoners of their religious denominations at such times as may be arranged by the Commissioner.

Visits by Chaplain

53 Arrangements shall be made by the Commissioner to secure, so far as practicable, that every prisoner is regularly visited at proper and reasonable times by a Chaplain or, as the case may be, by a minister, of his religious denomination.

Religious books

54 There shall, so far as practicable, be made available for the personal use of every prisoner such of the Scriptures and books of religious observance and instruction recognized for his religious denomination as are accepted by the Minister for use in prison.

Interviews by Chaplains and ministers

55 (1) Arrangement shall, so far as practicable, be made by the Commissioner for a Chaplain or other minister—

- (a) to interview individually every prisoner recorded as belonging to his religious denomination, as soon as possible after the prisoner's reception in prison, a short time before his discharge or release from prison, and from time to time during his detention in prison; and
- (b) if no other arrangements have been made, to read the burial service at the funeral of any such prisoner who has died in the prison.

(2) Arrangements shall be made by the Commissioner for a Chaplain or other minister to visit daily, if practicable, any prisoner recorded as being of his religious denomination who is ill or injured.

Avoidance of work on days of religious observance

56 Arrangements shall be made for the avoidance of all unnecessary work by prisoners of the Christian religion on Sunday, Christmas Day and Good Friday, and by prisoners recorded as belonging to other religious denominations on their recognized days of religious observance.

Education

57 (1) Arrangements shall be made for programmes of educational classes, and reasonable facilities, under such conditions as the Commissioner may determine, to enable prisoners who wish in their leisure time to improve their education by correspondence courses or private study, or to practice handicrafts.

(2) Special attention shall be paid to the education of illiterate prisoners, if necessary within the hours normally allotted to work.

(3) Every prisoner who is able to profit by the education facilities provided shall be encouraged to do so.

PRISON RULES 1980

Prison library

58 A library shall be provided in each prison in which prisoners are ordinarily accommodated, and, subject to such conditions as the Commissioner may determine, every prisoner shall be allowed to have library books and to exchange them as often as practicable.

Books and periodicals from outside

59 Prisoners may receive books or periodicals from outside the prison under such conditions as the Commissioner may determine.

Encouragement of family relationships

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

(2) So far as is practicable, and in the opinion of the Commissioner and of the Board desirable, a prisoner shall be encouraged and assisted to maintain or establish such relations with persons or societies outside the prison as may promote the best interests of the prisoner's family or the social rehabilitation of the prisoner.

(3) The Commissioner or a member may at any time communicate to a prisoner, or to his family or friends, any matter of importance to the prisoner.

Prisoner may inform family of his transfer to another prison

61 A prisoner shall be allowed to inform his family of his transfer from one prison to another.

Assistance after discharge

62 From the beginning of the term of imprisonment of every convicted prisoner consideration shall be given by the Commissioner, in consultation with the Board, to the future of the prisoner and the aftercare and assistance to be given to him on and after his discharge or release from prison.

[Rule 62 amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

Information to family of death or serious illness

63 Upon the death or serious illness of a prisoner, or upon the certification of a prisoner as insane, or upon the sustaining by a prisoner of a serious injury, the Commissioner, if the prisoner is married to a person whose address is known, shall at once inform the wife, or, as the case may be, the husband, and otherwise shall at once inform the nearest relative whose address is known and shall in any event inform any other person whom the prisoner has requested may be so informed.

Letters and visits; frequency

64 (1) Every prisoner shall on his reception in prison be allowed to write and to receive a letter and thereafter to write and to receive one letter per week and to receive a visit once in four weeks.

PRISON RULES 1980

(2) The letters and visits to which a prisoner is entitled under paragraph (1) shall not be liable to be forfeited as a punishment in respect of an offence against prison discipline.

(3) The Commissioner may, as a privilege for any class of prisoners, allow such additional letters or visits as he may determine.

Supervision of letters and visits

65 (1) Without prejudice to rule 64(1), the Commissioner may, notwithstanding anything in this or rules 66 to 73, impose such restriction upon and supervision over letters and visits as he considers necessary for maintaining discipline and good order, for preventing crime and criminal association, and for ensuring the welfare of individuals.

(2) Except as provided in these Rules, no person shall without special authority be allowed to communicate with a prisoner.

(3) Every letter to or from a prisoner shall (except as hereinafter provided in these Rules in case of certain communications to the legal adviser of a prisoner) be read by a prison officer deputed by the Commissioner for that purpose; and it may be stopped by the Commissioner on the grounds that its contents are objectionable or that it is of inordinate length.

Regulation of private visits

66 Visits to a prisoner shall, except as hereinafter provided in these Rules in the case of the prisoner's legal adviser or certain medical advisers, be in the sight and hearing of a prison officer:

Provided that the Commissioner may allow exceptions to this rule either generally or as applied to particular prisoners.

Deferment of letters and visits when confined

67 Where a prisoner who is entitled to a letter or visit under any provision of these Rules is at the time undergoing confinement to his cell, the Commissioner may defer the letter or visit until the period of confinement has expired.

Letter instead of visit

68 The Commissioner may allow a prisoner who is entitled to a visit to write a letter and to receive a reply instead of the visit.

Visit by family

69 (1) A prisoner may be allowed, by the Commissioner, to have special letters and visits for any purpose which, in the opinion of the Commissioner, is likely to promote the best interests of the prisoner or of his family either during his detention in prison or after his discharge or release therefrom.

(2) A prisoner may not be allowed to correspond with or be visited by any person who has served a prison sentence, unless such person is a member of the immediate family

PRISON RULES 1980

of the prisoner, that is to say, his mother, father, husband or wife (including a common law husband or wife), brother, sister, child, or a person in loco parentis.

[Rule 69 title amended by BR67/2002 effective 14 December 2002]

Voluntary interview with police officer

70 A police officer may, on production of an order issued by a police officer not below the rank of Superintendent, interview any prisoner who is willing to see him.

Special visits to persons imprisoned in default of payment

71 A person committed to prison in default of the payment of a sum which in pursuance of any conviction or order he is required to pay shall be allowed to have an interview with his friends at any reasonable hour, or to communicate by letter with them for the purpose of providing for a payment which would procure his release from prison; and every such prisoner shall on his reception in prison be informed of this rule.

Visit by legal adviser

72 (1) Reasonable facilities shall be provided in prison for the legal adviser of a prisoner who is a party to legal proceedings (whether civil or criminal) to visit and interview the prisoner with reference to those proceedings, out of the hearing of a prison officer.

(2) The legal adviser of a prisoner may, with the permission of the Commissioner, visit and interview such prisoner with reference to any other legal business.

Visit by legal adviser not to be forfeited

73 The visits for special purposes to which rule 72 refers shall be additional to the visits allowed under any other of the foregoing rules, and shall not be liable to be forfeited as a punishment in respect of an offence against prison discipline.

PHYSICAL WELFARE

Medical room; staff

74 (1) A prison in which prisoners are ordinarily accommodated shall include a suitable room or rooms equipped and furnished in a manner proper for the medical examination, care and treatment of prisoners who are ill or injured but who are not removed to a hospital under these Rules.

(2) The medical staff of each prison in which prisoners are ordinarily accommodated shall consist of the Medical Officer and a nurse.

Medical Officer

75 (1) The Medical Officer shall, while acting in that capacity, be responsible to the Commissioner.

(2) The Medical Officer shall have the care of the mental and physical health of all prisoners detained in the prison.

(3) The Medical Officer shall visit every day, if practicable—

PRISON RULES 1980

- (a) every ill or injured prisoner in the prison;
- (b) every prisoner who complains of illness or injury; and
- (c) any other prisoner to whom his attention is specially directed.

Preventive inoculation

76 The Medical Officer may cause any prisoner sentenced to a term of imprisonment to be given such preventive inoculations on his reception in prison as the Medical Officer thinks desirable; and may cause the prisoner to be given subsequent preventive inoculations at such intervals as he may direct.

[Rule 76 amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

Annual medical examination

77 The Medical Officer shall cause every prisoner to undergo a complete medical examination at least once in each period of twelve months following the prisoner's reception in prison.

Duty to furnish report on prisoner's mental condition when required

78 Where a report on the physical or mental condition of a prisoner is required by the Minister, or by any court, or by the Attorney-General or by the Commissioner of Police, then the Commissioner shall cause a report to be prepared by the Medical Officer accordingly and shall transmit the report to the person or court by whom it was required.

Visits by medical staff

79 The Medical Officer shall visit every day, if practicable, every prisoner who has been placed under mechanical restraint or who is undergoing confinement to his cell.

Attendance by Medical Officer; removal to hospital

80 (1) The Medical Officer shall attend as soon as practicable on receiving information of the illness of or injury to a prisoner.

(2) The Medical Officer may direct the removal of an ill or injured prisoner to a hospital under such arrangements as to medical care and otherwise as may be expedient.

(3) The Medical officer may call into consultation another medical practitioner, and shall do so before a serious operation is performed upon a prisoner, unless in the opinion of the Medical Officer it is essential for the operation to be performed immediately.

(4) The Medical Officer shall keep a record of occasions on which in accordance with paragraph (3) he consults another medical practitioner, and of the circumstances in which any serious operation is performed without such consultation.

Dental treatment

81 The Medical Officer shall, in conjunction with the appropriate authorities, make arrangements for any necessary dental treatment of prisoners.

PRISON RULES 1980

Medical reports

82 The Medical Officer shall in respect of any prisoner report to the Commissioner any matter which on medical grounds appears to him to require consideration and action.

Medical report on danger to prisoner

83 Whenever the Medical Officer has reason to believe that a prisoner's mental or physical health is likely to be injuriously affected by continued detention in prison or by any condition of his detention, or that the life of a prisoner will be endangered by his detention in prison or that a convicted prisoner who is ill or injured will not survive the term of his sentence or is totally or permanently unfit for imprisonment, then the Medical Officer shall without delay report the case in writing and submit his recommendations to the Commissioner who shall forthwith forward a copy of such report and recommendations to the Board and the Minister.

[Rule 83 amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

Medical recommendations

84 The Medical Officer shall report in writing to the Commissioner the case of any prisoner to which he thinks it necessary on medical grounds to draw attention, and shall make such recommendations as he considers necessary for the alteration of the diet or treatment of the prisoner or for his separation from other prisoners, or for the supply to him of additional clothing, bedding or other articles; and the Commissioner shall so far as practicable carry such recommendations into effect.

Suicidal prisoners

85 The Medical Officer shall draw the attention of the Commissioner to any prisoner who he has reason to think has suicidal intentions in order that special observation may be kept on the prisoner; and the Commissioner shall, without delay, direct that such prisoner be observed at frequent intervals.

Mental illness

86 The Medical Officer shall keep under special observation any prisoner whose mental condition appears to require it, and shall take such steps as he considers proper for the segregation of the prisoner, and, if necessary, for his compulsory admission to hospital under the Mental Health Act 1968 [*title 11 item 36*].

Special treatment for mental illness

86A (1) Without prejudice to anything contained in these Rules, where it appears to the Medical Officer that the mental condition of a prisoner requires it he shall call into consultation for his written recommendation another medical practitioner who shall be a psychiatrist.

(2) Where the Medical Officer after any consultation and recommendation referred to in paragraph (1) is satisfied that the prisoner is suffering from a mental disorder of such a nature that it is necessary in the interests of the prisoner's health or safety or the health or safety of the staff of the prison or for the protection of other prisoners, that the prisoner should be treated immediately and in prison the Medical Officer may subject the prisoner

PRISON RULES 1980

to such treatment as may be necessary for his medical or psychiatric care and welfare, and it shall be lawful for the Medical Officer and any other person authorized in that behalf by the Medical Officer to use such force as may be necessary in the circumstances to effect the treatment.

(3) The Medical Officer shall keep a record of the occasions on which in accordance with paragraph (2) he consults and acts in accordance with the written recommendation of another medical practitioner and such records shall also show the name of the prisoner, the treatment administered, the date of the treatment and the name of the person administering the treatment and the Medical Officer shall forward a copy of any such record to the Minister and to the Commissioner as soon as may be after the treatment has been administered.

Serious illness or injury; notification

87 The Medical Officer shall forthwith notify the Commissioner and the Chaplain of the case of a prisoner who appears to him to be seriously ill or to have been seriously injured.

Hygiene

88 The Medical Officer shall oversee and shall advise the Commissioner upon the hygiene of the prison and the prisoners including arrangements for cleanliness, sanitation, heating, lighting and ventilation.

Ablutions; haircuts

89 (1) Arrangements shall be made for every prisoner to wash at all proper times, to have a bath or shower at least once a week, and (unless excused or prohibited on medical or other grounds) to shave or be shaved daily and to have his hair cut as required.

(2) The hair of a male prisoner may be cut as short as is necessary for good appearance but the hair of a female prisoner shall not be cut without her consent, except by direction of the Medical Officer for the eradication of vermin, dirt or disease.

Provision of toilet articles

90 Every prisoner shall, on his reception in prison, be provided with such toilet articles as are necessary for health and cleanliness; and arrangements shall be made for the replacement of those articles when necessary.

Physical exercise

91 (1) Prisoners who are not engaged in out-door work shall be given not less than one hour's exercise in the open air, weather permitting:

Provided that in special circumstances the Commissioner may authorize the reduction of the daily exercise period to half an hour.

(2) Whenever practicable prisoners of suitable age and physical condition shall receive physical training under suitable instructors during some part of the daily exercise period.

PRISON RULES 1980

(3) The Medical Officer shall decide on the fitness of every prisoner for exercise and to undergo physical training, and may on medical grounds modify the exercise to be taken by a prisoner or may on medical grounds excuse or prohibit a prisoner from taking exercise.

Quality of food

92 (1) The normal diet of the prison shall be such diet as is from time to time approved by the Director of the Department of Health.

(2) The food provided for prisoners shall be of wholesome quality and be well prepared and served; and shall, within the scope of any diet approved under paragraph (2), be reasonably varied.

[Regulation 92 para (1) amended by 2018 : 66 s.2 effective 10 January 2019]

Inspection of food by Medical Officer

93 The Medical Officer shall frequently inspect the food, both cooked and uncooked, which is provided for prisoners, and shall report to the Commissioner on the state and quality of the food and on any deficiency in the quantity or defect in the quality of the water.

Private food prohibited

94 Except as determined by the Commissioner or as directed by the Medical officer on medical grounds, no prisoner shall be allowed to have any food other than that provided in the normal diet of the prison.

Quantity of food

95 Except on medical grounds by direction of the Medical Officer, no prisoner shall have less food than is provided in the normal diet of the prison.

CLOTHING

Clothing

96 Except as provided by rule 103, every prisoner shall be provided with an outfit of clothing adequate for warmth and health, and shall, unless the Commissioner otherwise directs, wear such clothing and no other.

Protective clothing

97 The clothing provided under rule 96 shall, where necessary, include suitable protective clothing for use at work.

DISCHARGE AND RELEASE

Medical examination on discharge

98 Every prisoner shall, as short a time as is practicable before his discharge or release from prison, be examined by the Medical Officer.

PRISON RULES 1980

PART III

SPECIAL RULES FOR PARTICULAR CLASSES OF PRISONERS OTHER THAN THOSE SENTENCED TO TERMS OF PREVENTIVE DETENTION

Untried prisoners

Application of rules 100 to 117

99 (1) Rules 100 to 117 apply to persons, therein referred to as “untried prisoners”, who have been committed to prison in any of the following circumstances—

- (a) on committal for trial for an indictable offence;
- (b) pending or during the course of a hearing by a magistrate of a charge for an indictable offence;
- (c) pending or during the course of a hearing by a court of summary jurisdiction of an information or complaint;
- (d) pending or during the course of a trial before the Supreme Court of an indictment;
- (e) on being conveyed to the prison under the directions of a Justice of the Peace or a police officer in pursuance of section 461 of the Criminal Code [*title 8 item 31*]; or
- (f) on being ordered to be detained (otherwise than in connection with any sentence of imprisonment) pending deportation or extradition, or to await return to any place as a fugitive offender.

(2) Where any of the foregoing circumstances becomes applicable to a person who is already a convicted prisoner, rules 111 and 112 shall apply to him as though he were an untried prisoner.

Separation of untried prisoners

100 An untried prisoner shall, while detained in a prison, be kept apart as far as possible from prisoners sentenced to imprisonment.

[Rule 100 amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

Limited restriction of association

101 Restrictions on the association of untried prisoners shall be limited to what is necessary to prevent contamination or conspiring to defeat the ends of justice.

Food of untried prisoners

102 An untried prisoner may, in the discretion of the Commissioner and subject to such conditions as the Commissioner may from time impose, be supplied at his own expense or at the expense of friends with food, drink and tobacco.

PRISON RULES 1980

Clothing of untried prisoners

103 (1) An untried prisoner may wear his own clothing, and may have necessary changes of his own underclothing supplied from time to time where such clothing—

- (a) is sufficient and suitable;
- (b) is not required for the purposes of justice; and
- (c) is disinfected should the Medical Officer so direct.

(2) An untried prisoner who does not wear his own clothing may be required to wear prison clothing provided under rule 96.

(3) An untried prisoner may be deprived of the privilege of wearing his own clothing as a punishment imposed in respect of an offence against prison discipline, being an offence relating to escaping from lawful custody.

Haircuts; shaving

104 An untried prisoner shall not be required to have his hair cut or, if he usually wears a beard, moustache etc., to shave or be shaved, unless the Medical Officer considers it necessary for purposes of health or cleanliness, and his hair shall not be cut closer than is necessary for those purposes.

Private medical attendance on untried prisoners

105 If an untried prisoner desires the attendance of a registered medical practitioner or registered dental practitioner, and is able and willing to defray any expense thereby incurred, the Commissioner may, if he is satisfied that there is reasonable ground for the application, allow him to be visited and treated by that medical or dental practitioner in consultation with the Medical Officer.

Private property of untried prisoners

106 The Commissioner may, on the application of an untried prisoner, allow him, so far as is consistent with good order and discipline in the prison, to have in his cell any articles which were in his possession at the time of his arrest or committal to prison and which are not required for the purposes of justice and are not reasonably suspected of forming part of any property improperly acquired by him.

Books of untried prisoners

107 An untried prisoner may have supplied to him at his own expense, books, newspapers, writing materials and other means of occupation, except such as are objectionable in the opinion of the Board or, pending their consideration of the matter, in the opinion of the Commissioner.

Work by untried prisoners

108 (1) An untried prisoner shall not be subject to the requirements of rule 47 regarding work, but may work if he so wishes, and in that event shall receive payment at the rate which the Minister may by order determine.

PRISON RULES 1980

(2) An untried prisoner may be required to clean his cell, but no payment shall be made in respect of any such work.

Visits to untried prisoners

109 An untried prisoner may be visited during such hours and under such restrictions as the Commissioner may determine.

Untried prisoners seeking bail

110 Where an untried prisoner is detained in a prison in default of bail, he shall be allowed to have an interview at any reasonable hour, or to communicate with friends, for the purpose of providing bail.

Visit by private medical adviser to untried prisoners

111 An untried prisoner may, for the purposes of his defence at his forthcoming trial, receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

Facilities for untried prisoners to prepare defence

112 (1) An untried prisoner shall be allowed all reasonable facilities, including the provision of writing materials, for communicating by letter with his friends, or for conducting correspondence or preparing notes in connection with his defence at his forthcoming trial.

(2) A confidential written communication prepared as instructions for the legal adviser of an untried prisoner may be delivered personally to such legal adviser, and shall not be treated as a letter to which rule 65(3) applies, unless the Commissioner has reasonable grounds for suspecting that the letter contains matter not relating to such instructions.

Loss of special privileges of untried prisoners

113 An untried prisoner may be deprived of the privileges allowed to him by rules 102, 107, 108 and 112 as a punishment imposed in respect of an offence against prison discipline:

Provided that any such deprivation shall not extend so as to affect visits or letters required for the purposes of his securing bail or preparing his defence at his forthcoming trial.

Untried prisoners not to sell or transfer articles

114 The sale or transfer or attempted sale or transfer to any person by an untried prisoner of an article allowed to be introduced into the prison for his use shall be an offence under rule 32, and upon proof of the offence rule 31 shall apply to any such article as it applies in relation to an unauthorized article.

115 *[Rule 115 deleted by 1999:51 s.4 & Sch effective 23 December 1999]*

PRISON RULES 1980

116 *[Rule 116 deleted by 1999:51 s.4 & Sch effective 23 December 1999]*

Untried prisoner mentally ill

117 Where it appears to the Medical Officer that an untried prisoner is insane or mentally deficient, or is exhibiting symptoms of insanity or of mental deficiency, or may be unfit to plead, or exhibits any physical symptoms, deformities or aberrations which may be relevant in connection with the criminal or other proceedings to be taken against him, then in any such case the Medical Officer shall as soon as may be prepare a report accordingly; and the Commissioner shall transmit the report to the Attorney-General.

Appellants

Application of rules 119 to 123

118 Rules 119 to 123 apply to a prisoner who, having been sentenced to a term of imprisonment prior to undergoing corrective training—

- (a) has duly appealed to the Supreme Court against his conviction or sentence in accordance with the Criminal Appeal Act 1952 [*title 8 item 87*]; or
- (b) has duly appealed, or applied for leave to appeal or has been granted leave to appeal to the Court of Appeal against his conviction or sentence in accordance with the Court of Appeal Act 1964 [*title 8 item 4*]; or
- (c) has duly petitioned for special leave to appeal to Her Majesty-in-Council against the conviction or sentence; or
- (d) has been granted leave to appeal to Her Majesty-in-Council against the conviction or sentence,

and any such prisoner is in those rules referred to as “an appellant”; but the application of those rules in relation to prisoners who have been sentenced to death shall be subject to the Special Rules applying to such prisoners.

[Rule 118 amended by 1999:51 s.4 & Sch effective 23 December 1999; and by 2001:29 s.11(1) & Sch effective 29 October 2001]

Payment for work done by appellant

119 If an appellant is ordered by the Supreme Court, the Court of Appeal or by Her Majesty-in-Council to be released from detention in prison (whether under a recognizance pending the hearing or upon the determination of the appeal) he shall be entitled to be paid at the rate which the Minister may by order determine for any work upon which he has been employed during the time he has been treated as an appellant.

Appellant seeking bail

120 Where a prisoner who is an appellant is detained in prison in default of bail of any person entering into a recognizance or giving other security in connection with the prisoner's appeal, then the prisoner shall be allowed to have an interview at any reasonable hour, or to communicate with friends, for the purpose of obtaining bail or any such recognizance or other security.

PRISON RULES 1980

Visit by private medical adviser to appellant

121 An appellant may, for the purposes of his appeal or petition for special leave to appeal, receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

Visitor to appellant in connection with appeal

122 An appellant may, for the purposes of his appeal or petition for special leave to appeal, receive a visit from any other person.

Facilities for appellant to prepare appeal

123 (1) Writing materials to such extent as the Commissioner considers reasonable shall be furnished to an appellant who requires them for the purpose of preparing his appeal or petition for special leave to appeal.

(2) An appellant may write letters to his legal adviser or other person for the purposes of his appeal or petition for special leave to appeal.

(3) A confidential written communication prepared as instructions for the legal adviser of an appellant may be delivered personally to such legal adviser, and shall not be treated as a letter to which rule 65(3) applies, unless the Commissioner has reasonable grounds for suspecting that the letter contains matter not relating to such instructions.

Convicted prisoners awaiting sentence

Representations to court by convicted prisoners awaiting sentence

124 (1) This rule applies to persons committed to prison in any of the following circumstances—

- (a) where the Supreme Court or a court of summary jurisdiction postpones sentence on a convicted prisoner until a later date;
- (b) on committal by a court of summary jurisdiction for sentence by the Supreme Court.

(2) A prisoner to whom this rule applies shall, if he so desires, for the purpose of preparing any representation to the court before which he is to appear to be sentenced or otherwise dealt with, be granted any or all of the facilities which are accorded to appellants by virtue of rules 121, 122 and 123.

Prisoners convicted of sedition

Supply of books to prisoner convicted of sedition

125 (1) A prisoner serving a term of imprisonment on conviction of an offence under sections 93 to 95 inclusive of the Criminal Code [*title 8 item 31*] (which sections relate to sedition), or of conspiracy to commit any such offence, may have supplied to him at his own expense, books, newspapers, writing materials or other means of occupation, except such as are objectionable in the opinion of the Board, or pending its consideration of the matter, in the opinion of the Commissioner.

PRISON RULES 1980

(2) The privileges allowed by this rule may at any time be withdrawn by the Commissioner or by the Board on proof of any abuse thereof.

Visits to prisoner convicted of sedition

126 Any such prisoner may be visited during such hours and under such restrictions as the Commissioner may determine.

Prisoners under sentence of death

129 *[Rules 127 – 129 deleted by 1999:51 s.4 & Sch effective 23 December 1999]*

Insane or mentally defective prisoners

Care of prisoner found insane or unfit to plead

130 (1) A prisoner who is detained in a prison after being found to be insane or to be unfit to plead shall receive the special attention of the Medical Officer; and until any such prisoner is removed from prison such steps for his care and accommodation shall be taken as the Medical Officer considers necessary.

(2) Any such prisoner shall not be subject to the requirements of rule 47 regarding work.

Young prisoners

Separation of prisoners under 16

131 Prisoners under the age of sixteen years shall, as far as practicable, be separated from other classes of prisoners.

Education of prisoners under 21

132 Special provision shall be made for the education and for the moral, physical and industrial training of prisoners under the age of eighteen years.

[Rule 132 amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

Civil prisoners

Application of rules 134 to 136

133 Rules 134, 135 and 136 apply to civil prisoners, that is to say, persons ordered to be imprisoned under any civil or Admiralty process issuing out of any court.

Civil prisoners; association and separation

134 (1) Civil prisoners may associate among themselves at such times and in such manner as the Commissioner may determine.

(2) Civil prisoners shall not be allowed to associate with other than civil prisoners, except as provided by paragraph (3).

PRISON RULES 1980

(3) Where owing to the small number of civil prisoners or otherwise suitable arrangements for the association of civil prisoners among themselves cannot be made, then any such prisoners may, if the Commissioner approves, be allowed to associate with untried prisoners or with such other classes of prisoners as the Commissions may from time to time determine.

Civil prisoners; clothing

135 (1) A civil prisoner may, if he so desires, wear his own clothing, and may have necessary changes of his own underclothing supplied from time to time, where the clothing is sufficient and suitable, and is, if the Medical Officer so requires, adequately disinfected.

(2) A civil prisoner who does not wear his own clothing may be required to wear prison clothing.

(3) The privilege of wearing his own clothing may be forfeited by a civil prisoner as a punishment imposed in respect of an offence against prison discipline, being an offence relating to escaping from lawful custody.

Civil prisoners; visits and letters

136 A civil prisoner may be visited during such hours and under such restrictions as the Commissioner may determine, and may write one letter and receive one letter in each week:

Provided that the Commissioner may, in a special case for special reasons, allow additional letters to such reasonable extent as the Commissioner thinks advisable in the circumstances.

PART IV

PRISONERS SENTENCED TO TERMS OF IMPRISONMENT FOR LIFE OR TO TERMS OF PREVENTIVE DETENTION, AND PERSONS ORDERED TO BE DETAINED DURING HER MAJESTY'S PLEASURE

146 *[Part IV, Rules 137 – 146 deleted by 2001:29 s.11(1) & Sch effective 29 October 2001]*

PART V

SPECIAL RULES RELATING TO WOMEN PRISONERS

Special provision for women prisoners

147 Special provision shall be made for women prisoners by setting aside a part of a prison for their exclusive detention, unless a separate prison is provided for their detention.

Duties of woman senior officer

148 (1) The part of a prison set aside for women prisoners shall be in the charge of a woman Senior Officer who shall, subject to the general superintendence and directions of the Commissioner, have the care and superintendence of all women prisoners.

PRISON RULES 1980

(2) The keys of all the locks of the living accommodations in that part of the prison set aside for women shall be different from those in use in the men's prison and shall be in the custody of the woman Senior Officer.

(3) The woman Senior Officer shall exercise a close and constant personal supervision over the whole of the women's prison, and shall visit and inspect daily all parts of the prison where women prisoners are working or accommodated.

(4) The woman Senior Officer shall give special attention to every woman prisoner who is ill or who has been placed under mechanical restraint or who is undergoing confinement to a cell.

(5) Whenever the woman Senior Officer is absent, her duties shall be performed by a woman prison officer approved by the Commissioner, and the woman prison officer deputizing shall have all the powers and perform all the duties of the woman Senior Officer.

Entry into women's prison by male prison officer

149 No male prison officer shall enter the women's prison except on duty and in the company of a woman prison officer.

Babies of women prisoners

150 Subject to such conditions as the Commissioner, in consultation with the Medical Officer, may determine, a woman prisoner may have her baby with her in prison until it reaches the age of twelve months and longer if required in special circumstances; and the baby may be supplied with clothing and necessities at the public expense.

Modification of Rule 5 owing to small numbers

151 Notwithstanding anything in rule 5 (which relates to the placing of prisoners in grades), where, owing to the small number of women prisoners or otherwise, suitable arrangements for grading women prisoners cannot be made, the Commissioner may, in consultation with the Board, modify the application of that rule to such extent as he thinks expedient.

PART VI

EXECUTION OF SENTENCES OF DEATH OR CORPORAL PUNISHMENT

158 *[Part VI, Rules 152 – 158 deleted by 1999:51 s.4 & Sch effective 23 December 1999]*

PART VII

FUNCTIONS OF THE TREATMENT OF OFFENDERS BOARD

Application of Part VII

159 Without prejudice to any of the foregoing provisions of these Rules by or under which any duty is imposed or power conferred on the Board or on a member, this Part shall

PRISON RULES 1980

have effect with respect to the functions of the Board, or of individual members, in relation to prisons and to prisoners.

Meetings or visits

160 (1) The Board shall meet at any convenient place once a month to discharge its functions under these Rules, and on such other occasions as from time to time become necessary.

(2) Without prejudice to paragraph (1) the Board may meet once a month at Prison Headquarters at such intervals as it may deem necessary for the purpose of discharging its functions.

(3) Individual members may by arrangement with the Commissioner visit a prison in which prisoners are ordinarily accommodated; and such members shall, at the end of each visit, enter and sign the details thereof in the members' Visit Book kept for this purpose.

(4) The Board shall arrange a monthly rota of attendance of two members who shall at the same time visit each prison; and such members shall at the end of each visit enter in the members' Visit Book a signed report a copy of which shall be submitted to the next monthly meeting of the Board.

[Rule 160 para (2) amended by 2001:2 s.13 & Sch 2 effective 1 October 2001]

Minutes of meetings

161 The Board shall keep minutes of its meetings.

Duties in general

162 (1) The principal duties of the Board are—

(a) to deal with the more serious charges of breaches of discipline levied against prisoners;

(b) *[Repealed]*

(2) The Board may make such suggestions as it considers necessary for promoting the efficient administration of each prison and such suggestions may be recorded in the members' Visit Book or discussed with the Commissioner .

(3) The Board shall make inquiry into any matter specially referred to it by the Minister and shall duly report thereon.

(4) The Board may where it considers it expedient or desirable, report to the Minister on any matter relating to a prison or to any prisoner.

[Rule 162 para (1)(b) repealed by 2001:2 s.13 & Sch 2 effective 1 October 2001; and amended by BR67/2002 effective 14 December 2002]

Access to prisoners

163 (1) The Board or its members may see such prisoners as they desire, within the sight and hearing of a prison officer.

PRISON RULES 1980

(2) The Board shall hear any complaint or application which a prisoner may wish to make to the Board and it may, if necessary, discuss with the Commissioner the circumstances of that complaint or application together with any opinion held or recommendations to be made by the Board.

(3) A report in respect of any matter discussed under paragraph (2) shall be submitted to the next monthly meeting of the Board.

[Rule 163 amended by BR67/2002 effective 14 December 2002]

Inspection of food

164 The Board shall from time to time discuss with the Commissioner, his Deputy or the Medical Officer the dietary of prisoners, and after any such discussion, comments made shall be recorded in the members' Visit Book or raised at the next monthly meeting of the Board.

Inquiry as to state of premises; recommendations

165 (1) The Board shall from time to time inquire into the state of the premises and buildings comprising each prison, and if any repairs or additions thereto appear to the Board to be necessary, the observations made by the Board shall be discussed with the Commissioner.

(2) The observations referred to in paragraph (1) may be recorded in the members' Visit Book and may be discussed at the next monthly meeting of the Board.

[Rule 165 amended by BR67/2002 effective 14 December 2002]

Assessment of conduct of prisoners; suitability for release

166 (1) The Parole Board shall review at such intervals as are hereinafter specified the sentences of prisoners—

- (a) in the case of prisoners serving a term of imprisonment for life or ordered to be detained during Her Majesty's pleasure, the review shall be rendered in the first instance when such prisoner first becomes eligible for release on licence under the Criminal Code and thereafter at intervals of 12 months;
- (b) in the case of prisoners serving a fixed term of imprisonment and in the case of prisoners who are under the age of eighteen years at the date of sentence, the review shall be rendered, in the first instance, at the expiration of one-third of the adjudged term of imprisonment or a period of twelve months from the date of sentence, whichever is the greater, and thereafter at such intervals as may be deemed appropriate by the Board.

(2) The Parole Board may, in the case of any such prisoner who is, in the opinion of the Parole Board, suitable for release from prison on licence or under supervision, grant such release from prison.

[Rule 166 para (1) amended, para (2) substituted, by 2001:2 s.13 & Sch 2 effective 1 October 2001; para (1)(b) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001; para (1)(a) and (b) amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

PRISON RULES 1980

Suitability for transfer to senior training school

167 The Parole Board shall keep under constant review the case of any prisoner under eighteen years of age who has (without taking remission into account), a period of twelve months or more imprisonment still to serve; and where it appears to the Parole Board that any such prisoner might with advantage be detained and undergo corrective training in the senior training school.

[Rule 167 amended by 2001:2 s.13 & Sch 2 effective 1 October 2001, and by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

Supervision and after-care; directions

168 Where a prisoner is released from prison by the Parole Board under section 12, 13 or 14 of the Act, on licence or under supervision, then the Parole Board shall take his supervision and aftercare into consideration, and shall take such steps as are practicable to assist him after his release.

[Rule 168 amended by 2001:2 s.13 & Sch 2 effective 1 October 2001]

Assessment of compliance by person released under supervision

169 The Parole Board shall, while a person released from prison on licence is under supervision, take such steps as it thinks necessary to satisfy itself that he is duly complying with the requirements or conditions contained in the licence; and if it appears to the Parole Board that any such person has failed to comply with any of such requirements or conditions it shall consider the recall of that person to prison or otherwise as it thinks expedient.

[Rule 169 amended by 2001:2 s.13 & Sch 2 effective 1 October 2001]

Annual report to Minister

170 The Board shall make an annual report at the end of each year to the Minister with regard to the matters referred to in these Rules, with their advice and suggestions upon any such matter.

PART VIII

APPROVED RATES OF PAY FOR WORK DONE

Payment for work in prison

171 (1) A prisoner serving a term of imprisonment or an unconvicted prisoner shall subject to these Rules be paid for work done at rates approved from time to time by the Minister by order.

(2) The approved rates of pay shall vary in relation to the various categories of prisoners and their respective grades; and such rates shall reflect—

- (a) the effort involved in the performance of work done by a prisoner; and
- (b) the cost of items for sale in the prison canteen.

PRISON RULES 1980

(3) One half of the amount to be paid in accordance with any Order made by the Minister to a prisoner serving a term of imprisonment and one third of any amount to be paid in accordance with such Order to a prisoner serving a term of imprisonment for life or of preventive detention or to a person ordered to be detained during Her Majesty's pleasure shall be withheld from the prisoner until his discharge or release from prison:

Provided that the Minister may by order in writing—

- (a) direct that any part of such earnings so withheld may, prior to or upon the discharge or release of the prisoner, be paid by the Commissioner to any person specified in the order for the maintenance of any of the dependants of the prisoner; or
- (b) direct that where in the opinion of the Minister the prisoner has wilfully destroyed or damaged any part of the premises comprising a prison or any article belonging to the Government an amount not exceeding one half of the amount so withheld at the date of the order shall be paid into the Consolidated Fund in full or part compensation for such destruction or damage.

(4) Where a prisoner is transferred to the senior training school under section 60 of the Young Offenders Act 1950 [*title 10 item 33*], then any moneys held on his behalf at the date of his transfer shall be deemed to be moneys accruing to him under the analogous provisions of the Senior Training School Rules 1951 [*title 10 item 33(b)*], so however that payment thereof may be withheld from him until the date of his discharge from the training school.

(5) Where an inmate of the senior training school has been transferred from the senior training school to a prison under section 59 of the Young Offenders Act 1950 [*title 10 item 33*], then moneys held on his behalf under the analogous provisions of the Senior Training School Rules 1951 [*title 10 item 33(b)*], at the date of his transfer shall be deemed to be moneys held on his behalf.

PRISON RULES 1980

SCHEDULE

[Schedule deleted by BR67/2002 effective 14 December 2002]

[Amended by:

BR 45 / 1988

1999 : 51

2001 : 2

2001 : 20

2001 : 29

2002 : 17

BR 67 / 2002

BR 63 / 2013

2018 : 66

2018 : 64]