

L.N. 127 of 1997

**PRISONS ACT
(CAP. 260)**

Prison (Amendment) Regulations, 1997

IN exercise of the powers conferred by section 6 of the Prisons Act, the Prime Minister has made the following regulations:—

Citation.

L.N. 118
of 1995.

1. These regulations may be cited as the Prison (Amendment) Regulations, 1997 and shall be read and construed as one with the Prison Regulations, 1995, hereinafter referred to as “the principal regulations”.

Amends regulation
4 of the principal
regulations.

2. Immediately after paragraph (6) of regulation 4 of the principal regulations there shall be added the following new paragraph:

“(7) A destitute prisoner may, on final release from prison, be given a discharge grant which will assist that prisoner to meet immediate needs on release. The amount and method of the grant shall be given in accordance with such general directions as may from time to time be approved by the Minister. In this paragraph “destitute prisoner” means a prisoner who, in the opinion of the Minister, is devoid of the means of maintenance, including the need of food, clothing and lodging.”.

Amends regulation
11 of the principal
regulations.

3. For subparagraph (b) of paragraph (1) of regulation 11 of the principal regulations there shall be substituted the following:

“(b) in appropriate cases and in respect of prisoners with a sentence of suitable length, a training programme in preparation for ultimate release may be drawn up in consultation, so far as possible, with the relevant staff and the prisoner himself and consistently with the aims listed in paragraph (1) of regulation 3 and the management needs of the prison.”.

Amends regulation
12 of the principal
regulations.

4. In paragraph (1) of regulation 12 of the principal regulations, for the words “shall be made” there shall be substituted the words “shall be made, as far as practicable.”.

Amends regulation
14 of the principal
regulations.

5. For paragraph (3) of regulation 14 of the principal regulations there shall be substituted the following:

“(3) For the purpose of establishing the amount of remission that may be earned by prisoners under this regulation the Director, or any person authorised by him for this purpose, shall take into

account, amongst other things, a prisoner's performance at work, at training, during educational and rehabilitation programmes, and the prisoner's general overall good conduct. It shall be the responsibility of the Director to establish a system whereby remission is awarded according to objective criteria."

6. In paragraph (1) of regulation 59 of the principal regulations, for the words "All telephones within the Prisons" there shall be substituted the words "Telephone calls by prisoners shall be subject to the needs of security, discipline and good order of the prison and shall be considered as a privilege in terms of regulation 13. All telephones within the Prisons".

Amends regulation 59 of the principal regulations.

7. Regulation 61 of the principal regulations shall be amended as follows:

Amends regulation 61 of the principal regulations.

(a) in subparagraph (a) of paragraph (1) thereof, for the words "of a child or grandchild of the prisoner," there shall be substituted the words "of a child or grandchild of the prisoner or on a special family occasion of the prisoner's spouse,";

(b) for item (i) of subparagraph (e) of paragraph (1) thereof, there shall be substituted the following:

"(i) for such periods as may be required for the prisoner to be treated and rehabilitated from drug addiction in a therapeutic facility or community outside the prisons as approved by the Minister, or in relation to a prisoner undergoing a drug rehabilitation programme inside the prison, for purposes conducive to the prisoner's treatment;" and

(c) paragraph (7) thereof shall be deleted.

8. In paragraph (1) of regulation 67 of the principal regulations, for the words "from association accordingly." there shall be substituted the words "from association accordingly. During such periods the Director may also order the cancellation of visits, other than those referred to in regulations 53, 54 and 55."

Amends regulation 67 of the principal regulations.

9. Immediately after paragraph (5) of regulation 104 there shall be added the following new paragraph:

Amends regulation 104 of the principal regulations.

"(6) Evidence on oath in connection with a complaint or an enquiry under these regulations may be heard by one or more of

the Board's members as may be designated for that purpose by the Board which shall also designate the member who will administer the oath.”.

Amends regulation
107 of the principal
regulations.

10. Regulation 107 of the principal regulations shall be amended as follows:

(a) the present provision thereof shall be renumbered as paragraph (1) thereof; and

(b) immediately after paragraph (1) as renumbered there shall be added the following new paragraphs:

“(2) The decisions of the Prison Board shall not be binding upon the Director but it shall be the duty of the Director to take serious cognizance of the recommendations of the Board following a decision taken as provided in paragraph (1) of this regulation. Subject to the provisions of paragraph (3) of this regulation, where the Director, or any other prison officer acting on his behalf, is of the opinion that the recommendations of the Board cannot be implemented for reasons which are in the best interests of the prison administration, an explanation in writing of these reasons shall, within one month of the date of receipt of the Board's recommendations, be forwarded to the Chairman of the Prison Board and copied to the Minister, or to a person delegated by him. The Minister, or the person delegated by him, may confirm or vary the decision of the Director.

(3) Where the recommendation of the Board entails, in the opinion of the Director, a security issue requiring strict confidentiality the Director, within the period of one month mentioned in paragraph (2) of this regulation, shall make a statement to this effect to the Chairman of the Board and shall concurrently submit a personal report directly to the Minister, or to the person delegated by him, giving his own comments on the recommendation, together with his opinion as to whether or not such recommendation should be accepted. The Minister's decision, or that of the person delegated by him, shall be final and conclusive.”.