

PRISONS REGULATIONS, 1995

Arrangement of Regulations

PART I

Preliminary

1. Citation and commencement
2. Application of these regulations and interpretation
3. Basic principles and treatment objectives

PART II

Prisoners

General

4. Admission and release of prisoners
5. Urgent personal problems
6. Search of prisoners
7. Particulars of prisoner
8. Prisoner's property
9. Notification of death, illness, transfer, etc.
10. Removal of prisoners
11. Reports, information and training programme
12. Allocation, classification and separation of prisoners
13. System of privileges
14. Remission of sentence
15. Prison timetable and routine
16. Information to prisoners
17. Requests, complaints and petitions
18. Confidentiality

Physical welfare and work

19. Accommodation for prisoners
20. Lighting
21. Bedding
22. Clothing
23. Personal cleanliness and prison hygiene
24. Personal appearance
25. Provision of food to prisoners
26. Refusal of food
27. Alcohol and tobacco

- 28. Exercise and sport
- 29. Work
- 30. Prisoners exempted from work

Medical Service

- 31. Medical service
- 32. General Medical care
- 33. Medical examinations
- 34. Other duties of Medical Officer
- 35. Consideration of Medical Officer's reports and advice
- 36. Prohibition of experiments and operations
- 37. Medical services and re-settlement
- 38. Infants
- 39. Medical Records

Religious and moral assistance

- 40. Satisfaction of religious needs
- 41. Religious denomination
- 42. Prison Chaplain and other religious representatives
- 43. Access to religious representatives
- 44. Work on Sundays or days of religious observance
- 45. Special duties of Prison Chaplain and other religious representatives

Education, social welfare and contacts with the outside world

- 46. Education
- 47. Library
- 48. Information through press and media
- 49. Prohibition of certain measures before conviction
- 50. Encouragement of outside contacts
- 51. Letters and visits generally
- 52. Letters and visits
- 53. Visits by legal advisers
- 54. Further facilities in connection with legal proceedings
- 55. Interviews by police or prison officers
- 56. Securing release
- 57. Foreign nationals
- 58. Identification and powers of search of visitors
- 59. Telephones
- 60. Suspension of visits
- 61. Prison Leave
- 62. Pre-release and after-care
- 63. Restrictions on communications
- 64. Prohibited articles

- 65. Control of persons and vehicles
- 66. Restrictions on entry or viewing

Control and restraint of prisoners

- 67. Removal from association
- 68. Temporary confinement
- 69. Restraints
- 70. Use of force
- 71. Training of officers in arms and means of restraint
- 72. Records to be kept

Discipline

- 73. Maintenance of discipline
- 74. Offences against discipline
- 75. Disciplinary charges
- 76. Rights of prisoner charged
- 77. Director's punishments
- 78. Appeals Tribunal
- 79. Review of disciplinary cases
- 80. Stoppage of earnings
- 81. Cellular confinement
- 82. Remission: Prospective forfeiture, special award of and cancellation
- 83. Order of suspension
- 84. Prohibition of inhuman punishments or treatment
- 85. Prohibition of unauthorised punishments
- 86. Standard of proof
- 87. Criminal proceedings

PART III

Prison Officers

The Director and other officers

- 88. Personnel
- 89. The Director
- 90. Records
- 91. Annual report
- 92. Other officials
- 93. Training of prison officers
- 94. Duties of prison officers and other persons employed in the prison
- 95. Further duties of prison officers
- 96. Unauthorised work
- 97. Search of officers

- 98. Prohibited contacts
- 99. Complaints or requests by prison officers

Right of association

- 100. Prison officers association

Code of discipline of prison officers

- 101. Conduct of prison officers
- 102. Disciplinary procedures and fines

PART IV

The Prison Board

- 103. Functions of the Board
- 104. Meetings and proceedings of the Board
- 105. Visits and inspections by the Board
- 106. Hearing of other complaints
- 107. Decisions of the Board
- 108. Official record of visits by Board or its members
- 109. Disqualification and abstention of members
- 110. Matters for Director's attention
- 111. Abuses in prison
- 112. Inspection of food
- 113. Reports on prisoner's health
- 114. Access to premises and records
- 115. Annual Report

PART V

Supplemental

- 116. Other persons employed in the prison
- 117. Revocation

SCHEDULES

First Schedule (Regulation 4) — Prison Committal Document

Second Schedule (Regulation 100) — Statute of the Prison Officers Association of Malta

L.N. 118 of 1995

**PRISONS ACT
(CAP 260)**

Prison Regulations, 1995

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

PART I

Preliminary

1. (1) These regulations may be cited as the Prison Regulations, 1995. Citation and commencement.

(2) These regulations shall come into force on such date as the Minister responsible for Prisons may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

2. (1) These regulations shall apply to the institution hitherto known as the Corradino Prison and, so far as practicable, to any other place, building or part of a building declared to be a prison under the Prisons Act, and in these regulations the word “prison” shall be construed accordingly: Application of these regulations and interpretation.

Provided that where a police lock-up has been declared to be a prison, these regulations shall not apply to any person as is referred to in paragraph (e) subsection (2) of section 4 of that Act who is confined in that lock-up.

(2) In these regulations, unless the context otherwise requires –

“Act” means the Prisons Act;

“Board” means the Board of Visitors of the Prisons referred to in section 8 of the Act;

“cellular confinement” includes solitary confinement as provided in subsection (4) of section 9 of the Criminal Code ;

“Director” means the Director of Prisons and includes, to the extent of the authority given, any other public officer authorised in that behalf by such Director with the Minister’s approval for that period of time as the Minister decides;

“Minister” means the Minister responsible for the prisons and includes, to the extent of the authority given, any person authorised in that behalf for any purpose of these regulations;

“near relative” means

(a) the spouse, or any ascendant, descendant, brother or sister of the prisoner,

(b) any ascendant, descendant, brother or sister of the prisoner’s spouse,

(c) the spouse of an ascendant, descendant, brother or sister of the prisoner, or

(d) with the approval of the Minister, any other person with whom the prisoner has had an established relationship prior to his current admission in the prison comparable in significance to those in paragraph (a) hereof;

“unconvicted prisoner” includes a convicted prisoner where the execution of the sentence has been stayed according to law pending an appeal, as well as any person detained in prison for the purpose of, or pending, his surrender to a foreign state under any law for the time being in force governing extradition;

“Tribunal” means the Appeals Tribunal referred to in Regulation 78.

3. (1) In the application of these regulations the following basic principles and treatment objectives shall at all times be observed:

(a) The aim of these regulations is to instill in prisoners a sense of discipline and responsibility and, so far as possible, to enable them to reform their character while undergoing their punishment according to law with the dignity and respect due to the human person, to educate them about the impact of crime on

their victims, families and communities, and to improve their prospect of successful resettlement in society after release; and

(b) The deprivation of liberty, by the keeping of a person in prison, is a punishment in itself and the conditions of that deprivation of liberty and the prison's regime shall not be aggravated except as required for justifiable segregation or the maintenance of security, good order and discipline.

(2) The rules contained in these regulations shall be applied impartially without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social birth, economical or other status.

PART II

Prisoners

General

4. (1) No person shall be confined in a prison without a valid committal document duly signed by an authorised officer of the court or other competent authority giving the sentence or order for such person to be so confined, or, in the case of person arrested for an offence, by a police officer not below the rank of Inspector.

Admission and
release of
prisoner.

(2) The committal document shall be in the form set out in the First Schedule to these regulations and shall state the particulars required therein.

(3) All committal documents shall be preserved by the Director with the personal records of each prisoner.

(4) The Director shall forthwith inform the Minister of any case in which a person under eighteen (18) years of age is admitted to prison.

(5) The Director shall forthwith inform the Minister of any case in which a prisoner has been detained or kept under arrest in prison for more than forty-eight (48) hours without his being brought before a court.

(6) The prisoner shall be released from prison between nineteen (19) and twenty-two (22) hours of the last day of the expiration of his term of imprisonment.

Urgent personal problems.

5. (1) On admission to prison, prisoners shall be assisted, as far as practicable, to resolve their urgent personal problems.

(2) On such admission every prisoner shall have the right to inform of his imprisonment, through the Director, his spouse, if he is married, or his nearest relative or any other person indicated by him. If he does not wish to do so no person shall be informed of his imprisonment unless there are over-riding reasons such as the age, state of mind or other incapacity of the prisoner.

(3) Unconvicted prisoners shall be given facilities to contact a legal adviser of their choice and to apply, where necessary, for free legal aid.

Search of prisoners.

6. (1) Every prisoner, on admission to a prison and thereafter whenever deemed necessary, shall be searched in such manner and by such prison officials as the Director deems fit.

(2) The searching of a prisoner shall be conducted with due regard to decency and self-respect and in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3) A prisoner may be required by the Director to disrobe in order to be searched as provided in paragraph (4) hereof. The prisoner may during such search require the presence of another available prison officer.

(4) (a) The Director may order a search, including a visual inspection of body cavities, for the purpose of ascertaining that the prisoner is not carrying any prohibited article.

(b) The Director may in writing order that a digital or instrumental inspection of the prisoner's anal or vaginal cavities for the purpose of ascertaining whether a prisoner is carrying any prohibited article therein, and may likewise order any reasonable test or procedure to ascertain whether a prisoner is carrying anything in any body cavity. Such searches and tests shall be conducted by a member of the Prison Medical Services in the infirmary or other suitable place.

(5) The Director shall keep a register of any search ordered under paragraph (4) hereof, indicating therein the prisoner searched and the reasons for ordering the search, as well as the results of such search.

(6) Any search of the person shall be conducted by a prison officer of the same sex, in a private place, and out of sight of others.

7. (1) A register of every admission into and release from prison and a personal record of each prisoner shall be kept by the Director or any prison officer authorised by him for this purpose. Particulars of prisoner.

(2) On admission of a prisoner into prison, the essential details of the committal document together with the prisoner's name, age, height, weight, general appearance, particular marks, if any, nationality and religious denomination shall be immediately recorded in the register of admissions together with other information concerning the identity of the prisoner and the day and hour of his admission.

(3) A prisoner shall on admission be photographed and his fingerprints shall be taken. Thereafter new photographs may be taken as the Director may deem necessary. The said photographs, including the negatives, and fingerprints shall be inserted in the records relating to the prisoner, but shall in the case of an unconvicted prisoner be returned to the prisoner if he is later acquitted.

(4) The register of admissions and other personal records, including the records of the prisoner's property, shall be securely kept in the custody of the Director. Their contents shall not be divulged to any person except with the consent of the prisoner himself, or on the order of the Attorney General or of a court, or with the authorisation of the Minister, or in fulfilment of any international obligation assumed by the Government of Malta.

(5) A prisoner may, either on his admission or at any time thereafter, be interviewed by the Director on matters relating to his family and social or educational background, including his occupation, particularly with a view to the achievement of the treatment objectives of the prison regime and the drawing up of the prisoner's training programme, but no question may be put to the prisoner by the Director or by any prison officer relating to the commission of any offence other than an offence against discipline under these regulations.

(6) For the purposes of regulation 2 and subparagraphs (a), (b) and (c) of paragraph (1) of regulation 61, the prisoner shall indicate at the time of admission into the prison, on a form approved by the Director, the details relating to his near relatives, which details shall include their names, addresses, and nature of relationship, and, if available, their identity card numbers and telephone numbers. Claims by the prisoner to have an established relationship with a person, other than his spouse, ascendant, descendant, brother or sister, comparable in

significance with those of the nature of a near relative, shall be made through a sworn confirmation of such relationship by the prisoner. Notwithstanding such claims, the Minister may order that investigations be carried out by trusted persons into such relationships in order to further verify and establish the nature and strength of the bond between the prisoner and that other person.

Prisoner's
property.

8. (1) An unconvicted prisoner may keep, if he has them with him on his admission to prison, or have supplied to him at his expense and retain for his own use, books, newspapers, writing materials and other means of occupation, unless this is objectionable to the Director on the grounds that they are not compatible with the interest of the administration of justice or the security or good order of the prison.

(2) Any money or other effects in the possession of a prisoner which are connected or reasonably suspected to be connected with an offence shall be handed over by the Director to the Police to be dealt with according to law. If any other effects in the possession of a prisoner are of a perishable or dangerous nature they shall, on the order of the Director, be destroyed. If a prisoner brings into the prison any medicines the Director shall decide what use shall be made of them after obtaining the advice of the Medical Officer.

(3) Anything, other than money, not falling under the preceding paragraphs, whether brought by the prisoner himself or sent or brought to him for his use while in prison, which the prisoner is, for any reason, not allowed to retain by the Director, shall be withdrawn from him by the Director and shall be recorded in the prisoners' effects inventory which the prisoner shall be required to sign after being given a proper opportunity to see that it is correct. Such property shall be kept for the prisoner in the custody of the Director until the prisoner's release.

(4) Any money which a prisoner is not allowed to retain by the Director, whether brought by the prisoner or sent or brought to him at the prison, shall be paid into an account under the control of the Director and the prisoner shall be credited with the amount in the books of the prison until his release.

(5) If a prisoner requests that any money or property falling under paragraphs (1), (3) or (4) be handed over to a relative or friend, the Director shall give effect to such a request against a receipt by the said relative or friend, provided that the said relative or friend is not a prisoner.

(6) The prisoner shall be given a receipt for any money and effects withdrawn from him and shall give a receipt to the Director when they are returned to him.

(7) Any article belonging to a prisoner which remains unclaimed for a period of more than two years after he leaves prison or dies while in prison may be disposed of in favour of any appropriate after-care organisation or victims fund approved by the Board.

(8) The Director may confiscate any unauthorised article found in the possession of a prisoner.

9. (1) Without prejudice to the provisions of subsection (2) of section 551 of the Criminal Code, if a prisoner dies, becomes seriously ill, or sustains any serious injury, the Director shall at once inform any person previously designated by the prisoner for such purpose. Notification of death, illness, transfer etc.

(2) A prisoner shall be informed at once of the death or serious illness or injury of any near relative.

10. (1) A prisoner required to be taken in custody anywhere outside a prison shall be kept in the custody of prison or police officers. Removal of prisoners.

(2) A prisoner required to be taken in custody to any court shall be allowed to wear his own clothing or clothing different from the dress worn at the prison.

(3) The transport of prisoners, in conveyances with inadequate ventilation or light, or which may in any way subject them to unnecessary physical hardship or indignity, shall be prohibited.

(4) When prisoners are being moved to or from a prison or from one prison to another, proper safeguards shall be adopted to protect them from insult and curiosity.

11. (1) As soon as possible after admission:

(a) full reports shall be compiled and relevant information shall be collected about the personal situation of a prisoner including his family life and his educational background; and

(b) a training programme for each prisoner with a sentence of suitable length, in preparation for ultimate release, shall also be drawn up, so far as possible in consultation 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.

Reports, information and training programme.

(2) The training programmes shall provide for the instruction of prisoners in such subjects and trades as may be within the resources of the prison and for their physical education according to their age, personality and general background.

(3) The said reports and information shall always include reports by the Medical Officer and the personnel in direct charge of the prisoner concerned.

(4) The reports and information concerning prisoners shall be maintained with due regard to confidentiality on an individual basis, shall be regularly kept up to-date and shall be accessible only to authorised persons.

(5) The Board shall advise the Director generally on training programmes which may be pursued by prisoners.

Allocation,
classification
and separation
of prisoners.

12. (1) In allocating prisoners to different prisons, or to different sections or divisions of a prison, or to different prison regimes, due account shall be taken of their judicial and legal situation and due distinction shall be made between the following:

- (a) male and female prisoners;
- (b) unconvicted and convicted prisoners;
- (c) prisoners sentenced to detention and other prisoners;
- (d) prisoners under twenty-one (21) years of age and prisoners over that age;
- (e) prisoners sentenced to imprisonment for the first time and those sentenced more than once; and
- (f) short-term and long-term prisoners.

(2) Due regard shall also be had to any special requirements of the training programmes drawn up for prisoners and of their medical needs.

(3) Male and female prisoners shall, as far as possible, be kept in separate prisons staffed, except for the Director, the Assistant Director and the Chaplain, by prison officers of the same sex as the prisoners. If the prison receives both male and female prisoners the provisions of paragraph (7) of this regulation shall apply.

(4) Prisoners under twenty-one (21) years of age shall be kept under conditions which take account of the needs of their age and protect them from harmful influences.

(5) As far as it can reasonably be done:

(a) unconvicted prisoners and prisoners sentenced to detention shall be kept out of contact with other prisoners;

(b) prisoners who by reason of their criminal record or their personality may exercise a harmful influence shall be kept separate from, and out of contact with other prisoners; and

(c) prisoners sentenced to more than one (1) year imprisonment shall be kept separate from those undergoing shorter sentences.

(6) Nothing in this regulation shall require a prisoner to be deprived unduly of the society of other persons or prevent prisoners who are to be kept separate from, or out of contact with, others, from taking part, under supervision, in organised activities beneficial to prisoners forming part of an authorised training programme.

(7) If the prison receives both male and female prisoners the whole of the premises allocated to either sex shall be kept entirely separate and have a separate entrance and exit. If there is an intercommunicating door the key shall be kept in the exclusive possession of the Director and, when he is not present, in the possession of an officer authorised by him. Admissions, searches, medical examinations and interviews or other procedures required or permitted under these regulations shall take place in the section of the prison allocated to the prisoner concerned according to sex, and any medical attention needed shall be given in the same section.

13. (1) There shall be established, with the approval of the Minister, a system of privileges appropriate to the different methods of treatment and to the different classes of prisoners, including unconvicted prisoners. Such privileges shall include arrangements and limitations under which prisoners may purchase in prison articles permitted by the Director to be sold therein, and under which they may keep a personal radio or other particular objects in their cell.

System of
privileges.

(2) Any privilege may be withdrawn by the Director at any time without the need of assigning any reason and may also be forfeited as a punishment for a disciplinary offence as provided in regulation 77.

(3) A right given directly to prisoners by these regulations shall not be treated as a privilege granted by the Director by virtue of the powers delegated under this regulation, and may be forfeited, stopped or postponed only as a punishment for an offence against discipline in so far as such punishment is contemplated under these regulations.

Remission
of sentence.

14. (1) Prisoners serving a sentence of imprisonment for a term of more than one (1) month may, on the ground of industry and good conduct, earn a remission in accordance with the provisions of this regulation, provided that this regulation shall not permit the reduction of the term of imprisonment to less than thirty one (31) days.

(2) The remission earned, if any, under this regulation shall not exceed one third of the total of:

Cap. 9.

(a) the term of a sentence of imprisonment as reduced under section 22 of the Criminal Code, and

(b) any period during which the accused was kept in custody, prior to conviction, for the offence or offences for which the prisoner was imprisoned.

(3) For the purposes of establishing the amount of remission that may be earned by prisoners under this regulation there shall be approved by the Minister a system under which remission may be earned by prisoners and awarded by the Director or by a person authorised by him for this purpose. Such system 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 always be the responsibility of the Director to ensure that remission is awarded fairly and according to objective criteria.

(4) This regulation shall have effect subject to any disciplinary award of forfeiture of remission and shall not apply to a prisoner serving a sentence of imprisonment for life.

(5) The Director shall record in an appropriate register the remission awarded to each prisoner. Such record shall be entered in the register at regular intervals of not more than one (1) month. The Director shall communicate to each prisoner at reasonable intervals the amount of remission awarded to him.

(6) Any prisoner who feels aggrieved by the non-award to him of remission or by the amount thereof awarded to him under this regulation may, within five days, appeal to the Appeals Tribunal which shall, after hearing the Director, the prisoner and such other persons as it may deem necessary, either confirm or vary the decision of the Director. The decision of the Tribunal shall be final.

15. (1) The Director shall establish a timetable setting out the routine to be followed by prisoners during each day of the week, including the hours reserved for work, meals, study, exercise and recreation. Prison timetable and routine.

(2) The timetable shall distinguish clearly between the working days of the prison and Sundays, public holidays and other days and hours during which work is not carried out in prison. The timetable shall also clearly indicate the time of opening and locking of cells, distinguishing between the summer and winter months, and allowing an extra hour before locking up for the summer months. Such timetable shall also comply with the provisions of regulation 28.

16. (1) Every prisoner shall be provided, as soon as possible after his admission into prison with information, in printed or other suitable form, about those provisions of these regulations and other matters which it is necessary that he should know in order to understand his rights and obligations and to adapt to the life of the institution, including, particularly, disciplinary requirements and the prison timetable. Information to prisoners.

(2) Prisoners who are foreign nationals and to whom a treaty or arrangement between Malta and their country regarding the transfer of sentenced persons may apply shall, as soon as possible after conviction, be provided with the necessary information about the substance of that treaty or arrangement.

17. (1) Every request by a prisoner to see the Director, the Board or a member thereof, and any complaint made by a prisoner, shall be recorded by the prison officer to whom it is made and promptly passed on to the Director. Requests, complaints and petitions.

(2) The Director shall, without undue delay, see prisoners who have asked to see him and take cognizance of any request or complaint made to him.

(3) Where a prisoner has asked to see the Board or a member thereof, the Director shall ensure that the Board or the member is told of the request on their next visit to the prison.

(4) Prison officers in direct contact with prisoners, shall, at their request, supply prisoners with an appropriate form approved by the Director for the purpose of making requests, complaints or petitions. Prisoners may, however, submit any request, complaint or petition in any other proper written form and even verbally.

Confidentiality.

18. (1) If a prisoner so requests the Director may interview him without any other person being present.

(2) If a prisoner so requests the Board and any members thereof may interview him without the Director or any other person being present.

(3) Every prisoner shall be allowed to make a request or complaint to the Director, to the Board or to the Minister, or to petition the President of Malta, or to an internationally recognised human rights body, under confidential cover.

(4) Every request, complaint or petition of a prisoner shall be dealt with and replied to without undue delay.

Physical welfare and work

Accommodation
for prisoners.

19. (1) Every prisoner shall be lodged in an individual cell unless, due to lack of sufficient number of cells or other special circumstances, it is necessary to place more than one prisoner in a cell.

(2) If the Director orders that more than one prisoner be placed in the same cell, he shall forthwith notify the Board, stating the reasons for such action.

(3) Where accommodation is shared it shall be occupied by prisoners suitable to associate with each other in those conditions, and in such cases there shall be increased medical and other supervision.

(4) The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being had to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting and ventilation. Such accommodation shall also allow the prisoner to communicate at any time with a prison officer.

20. In all places where prisoners are required to live or work: Lighting.

(a) the windows shall be such as to enable the prisoners to read or work by natural light in normal conditions and shall be so constructed that they can allow the entrance of fresh air, and shall, with due regard to security requirements, present in their size, location and construction as normal an appearance as possible;

(b) artificial light shall satisfy recognised technical standards and, as regards the cells, shall be capable of being dimmed at night in such a way as to permit supervision.

21. Every prisoner shall be provided with a separate bed and Bedding.
separate bedding appropriate for warmth and health, which shall be kept in good order and changed often enough to ensure its cleanliness in accordance with the orders of the Director.

22. (1) (a) The Minister may direct that sentenced prisoners Clothing.
be provided with an outfit of clothing that may be of a uniform type or of a civilian type, suitable for the climate and adequate to keep them in good health.

(b) The Minister may prescribe different types of clothing for different classes of prisoners.

(c) In such case, and subject to the provisions of paragraph (2) of regulation 10, they shall wear no clothing except that provided to them under this regulation. Such clothing shall in no manner be degrading or humiliating.

(2) (a) Unconvicted prisoners shall be allowed to wear their own clothing provided it is clean and suitable.

(b) Prisoners who do not avail themselves of this facility, shall be supplied with suitable clothing.

(c) If they have no suitable clothing of their own, unconvicted prisoners shall be provided with civilian clothing in good condition in which to appear in court or on prison leave.

(3) All clothing shall be clean and kept in neat and proper condition and shall be changed and washed as often as necessary for the maintenance of hygiene in accordance with the orders of the Director.

(4) When prisoners have permission to go outside the prison, they may be allowed to wear their own clothing or other inconspicuous clothing.

(5) On the admission of prisoners adequate arrangements shall be made to ensure that their personal clothes are kept in good condition and are returned to them on their release, unless it has been found necessary to destroy or otherwise dispose of them, in which case suitable alternative clothing shall be provided.

(6) The clothing provided under this regulation shall include suitable protective clothing for use at work, where this is needed.

(7) In this regulation "clothing" includes footwear.

Personal
cleanliness
and prison hygiene.

23. (1) Prisoners shall be required to keep their persons clean, and to this end they shall be provided with such toilet articles as are needed for health and cleanliness, which articles shall be replaced as necessary.

(2) Adequate bathing and showering installations shall be provided so that every prisoner may be enabled and, unless otherwise directed by the medical officer, required to have a bath or shower, at a temperature suitable to the climate, on admission, and thereafter as frequently as the Director or the Medical Officer may deem necessary for general hygiene, according to the season but in any case at least once a week.

(3) Each cell shall be provided with a washhand basin with running water and with a toilet. If there is no flushing equipment each prisoner shall be allowed to have a sufficient quantity of water for keeping the toilet clean.

(4) Proper toilet facilities shall also be provided in other parts of the prison.

(5) All parts of the prison shall be properly maintained and kept scrupulously clean at all times by prisoners detailed to such service by the Director.

(6) Prisoners shall keep their cells and the articles issued for their use clean and neatly arranged and shall obey all such orders as may be given by the Director for this purpose.

Personal
appearance.

24. (1) Male prisoners shall be required, unless excepted or excused by the Director or the Medical Officer, to shave daily.

(2) Male prisoners, not excepted or excused by the Director or the Medical Officer, shall have their hair cut as frequently as necessary for neatness but, subject to the need for maintenance of appropriate discipline and hygienic standards, they shall be allowed a

reasonable choice in the selection of their own hairstyles and personal grooming provided that unconvicted prisoners and prisoners sentenced to detention shall not be required to have their hair cut or any beard or moustache usually worn by them shaved off except where the Medical Officer directs this to be done for the sake of health or cleanliness.

(3) The Director shall engage a suitably trained person to carry out the duties of barber.

(4) A woman prisoner's hair shall not be cut without her consent except where the Medical Officer certifies in writing that this is necessary for the sake of health or cleanliness.

25. (1) Prisoners sentenced to imprisonment shall be provided at the normal times with food which is suitably prepared and presented, and satisfies in quality and quantity modern standards of diet and hygiene, and which takes into account the age, sex, and health of the prisoners, the nature of their work and so far as possible, their religious or cultural requirements. Provision of food to prisoners.

(2) The Director shall regularly inspect food provided to the prisoners and shall ensure that no prisoner shall be given food which is less than or different from that which is ordinarily provided, except upon the written recommendation of the Medical Officer.

(3) The provisions of this regulation shall also apply to unconvicted prisoners and prisoners sentenced to detention, provided that the Director may establish a system under which such prisoners may be supplied with reasonable amount of food at their own expense or at the expense of their family. In no case can such food be passed to other prisoners without the permission of the Director.

(4) No prisoner sentenced to imprisonment shall be allowed, except as authorised by the Director or by the Medical Officer, to have any food other than that ordinarily provided.

(5) In this regulation "food" includes drinking water.

26. (1) On every occasion on which a prisoner refuses his food the occurrence shall be recorded in writing by a prison officer in a special register to be kept for the purpose and the prisoner shall be asked to countersign each entry of any such occurrence. During any period of refusal of food by any prisoner the book shall be inspected and signed daily by the Director and the Medical Officer. Refusal of food.

(2) If the refusal of food lasts for more than twenty four (24) hours the Director and the Medical Officer shall seek to persuade the prisoner, without the use of force or other means of constraint, to resume eating, and if he persists in such refusal for a further period of more than forty eight (48) hours, they shall inform a member of his family or a relative, if known, and in the case of any foreign national who is not known to have any relative in Malta, the diplomatic or consular representative of his country, if any, in Malta.

(3) In the carrying out of their duties under the last preceding paragraph, the Director and the Medical Officer shall, if the refusal of food persists beyond forty eight (48) hours, also seek the assistance of the Prison Board, the Chaplain and any other officer who attends to welfare duties at the prison.

Alcohol and tobacco.

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

(2) No prisoner shall be allowed to smoke or to have any tobacco except as a privilege under regulation 13 of these regulations and in accordance with any orders of the Director.

(3) The Director may designate certain areas of the prison as no-smoking areas.

(4) No person shall smoke in a no-smoking area.

Exercise and sport.

28. (1) Prisoners not engaged in outdoor work shall be given exercise in the open air for not less than a total of one hour, each day, if weather permits:

Provided that exercise consisting of physical training may be given indoors instead of in the open air.

(2) The Director may in exceptional circumstances authorise reduction of the period aforesaid.

(3) The Medical Officer shall decide on the fitness of every prisoner for exercise and physical training, and may excuse a prisoner from, or modify, any such activity on medical grounds. Special arrangements shall be made for remedial physical education and therapy for those prisoners who need it.

Work.

29. (1) Subject to the following provisions of this regulation, prisoners sentenced to imprisonment shall be required, subject to the needs of security, discipline and good order, to do useful work for not

more than fifty hours a week in accordance with the treatment objectives of the prison regime and their training programme, regard being had to their age, sex, fitness and, so far as practicable, their personal skills and wishes in relation to the type of work available at the prison. Arrangements shall be made to allow prisoners to work, where possible, outside the cells, and in association with one another. No unnecessary work shall be required to be done on Sundays and public holidays.

(2) No work shall be of an afflictive nature.

(3) The Medical Officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to do work which is not of a kind for which he has been passed by the Medical Officer as being fit.

(4) Except as may be authorised in writing by the Minister, no prisoner shall work in the service of another prisoner or a prison officer, or for the private benefit of any person.

(5) Unconvicted prisoners and prisoners sentenced to detention shall be permitted, if they so wish, to work as if they were sentenced to imprisonment.

(6) Prisoners shall be remunerated for their work at such rates as may be approved by the Minister.

(7) The Minister may establish a system whereby a prisoner is required to allocate such earnings for the following purposes:

- (a) support for his family,
- (b) compensation for victims of crime,
- (c) a savings fund to be handed to him on his release, and
- (d) the prisoner's personal requirements.

(8) The work performed in prison shall, so far as possible, be carried out under conditions comparable to similar work outside the prison. Due safety and health precautions shall be ensured by the Director.

30. (1) A prisoner, whether required or permitted to work, who is exempted from work by the Medical Officer on health grounds or who for any reason permitted under these regulations, other than as a

Prisoners exempted
from work.

consequence of a punishment for an offence against discipline, is not given work by the Director, shall receive such weekly allowance as the Minister may direct.

(2) Paragraph (7) of regulation 29 shall apply to the allowance received under this regulation.

Medical Service

Medical
service.

31. (1) A prison medical service shall be organised in consultation with the Minister responsible for health and shall include the services of registered medical practitioners who shall have the care of the health of prisoners. These services shall include daily visits to the prison for such number of hours as the proper carrying out of their duties may require and for on call duties at all other times of the day or night.

(2) The Director shall designate one of the medical practitioners as the Medical Officer of the Prison. Such officer shall be responsible for the co-ordination and management of the prison medical service.

(3) The prison medical service shall provide for specialised services from among those available without charge to the community outside prison for diagnosis and in proper cases, the treatment of any illness, whether physical or mental, or of drug abuse or addiction. It shall be the duty of the Medical Officer to make use of such services whenever advisable.

(4) The services of a qualified dental surgeon who forms part of the dental services available without charge to the community outside prison, shall also be available at least once a week at the prison.

(5) There shall be kept at the prison a properly equipped infirmary for the care of any prisoner who, in the opinion of the medical practitioner in charge, does not require hospitalisation outside prison but should not be kept in his cell. The Director shall engage the services of a pharmacist and of the required qualified nursing and paramedical personnel. Such services shall be attached to the infirmary, under the direction of the Medical Officer. Separate arrangements shall be made for male and female prisoners.

(6) Sick prisoners who, in the opinion of the medical practitioner in charge, need treatment outside prison shall be transferred

to a specialised institution or to a general hospital, as the case may require, subject to the provisions of any law relating to mental health and to admission to a mental institution.

(7) The Medical Officer shall inform the Director if he suspects any prisoner of having suicidal intentions, and such prisoner shall be placed under special observation.

32. (1) The Medical Officer shall ensure the care of the physical and mental health of the prisoners and shall also ensure that medical doctors see, under proper conditions and with such frequency as is reasonably required, all sick prisoners, those who report illness or injury, and any prisoner who may require medical attention. General
Medical care.

(2) The Director shall ensure that the name of every prisoner who requests medical attention is entered in a register to be kept for the purpose and that such register is inspected and signed by the Medical Officer daily.

(3) (a) The Medical Officer shall report to the Director whenever he considers that a prisoner's physical or mental health has been or will be adversely affected by continued imprisonment or by any condition of imprisonment.

(b) If any prisoner is found to have any infectious or contagious disease, a report thereof shall be made forthwith to the Director by the Medical Officer, under whose direction steps shall be taken to treat the condition and to prevent its transmission to others.

(4) Prison officers shall direct the Medical Officer's attention to any prisoner who may appear not to be in good health although not complaining of sickness or whose state of mind may appear deserving of special notice and care.

33. (1) (a) Every prisoner shall, as soon as possible after admission, and prior to his release, be separately examined by a medical practitioner of the prison medical services. A record is to be entered of the state of health of the prisoner and other necessary particulars in a register kept for the purpose. Medical
examinations.

(b) When a prisoner is admitted too late to be examined on the same day he shall be examined as soon as possible on the next day and in any case within twenty four (24) hours of admission:

Provided that the Director shall ensure that a prisoner is immediately examined upon his admission by the Medical Officer if the prisoner himself so requests or if such examination is ordered by the Attorney General or by any court.

(2) A prisoner shall not be removed to another prison if the Medical Officer certifies that he is not fit for such removal.

(3) The medical practitioner on duty shall inform the Director and the prisoner's religious representative when the sickness or condition of any prisoner appears to him to give rise to the possibility of loss of life.

(4) The medical practitioner on duty shall also attend to the needs of any prison officer who, while on duty, appears to be in need of medical attention.

Other duties of
Medical Officer.

34. (1) The Medical Officer shall regularly advise the Director on:

(a) the quantity, quality, preparation and serving of food and water;

(b) the hygiene and cleanliness of the prison and prisoners;

(c) the sanitation, heating, lighting, and ventilation of the prison; and

(d) the suitability and cleanliness of the prisoners' clothing and bedding.

(2) The Medical Officer shall at least once every six months make a report to the Director on the health of the prisoners and on the general sanitation of the prison.

Consideration of
Medical Officer's
reports and advice.

35. The Director shall consider the reports and advice submitted by the Medical Officer under the foregoing regulation and, when in concurrence with the advice given, shall take immediate steps to give effect to it. If he does not concur with it he shall immediately submit a personal report and the advice of the Medical Officer to the Minister.

Prohibition of
experiments and
operations.

36. (1) Prisoners may not be submitted to any medical experiments.

(2) No serious operation shall be performed in prison except by, or with the advice of, a consultant surgeon unless the urgency of the circumstances otherwise requires.

37. The medical services of the prison shall seek to detect and shall treat any physical or mental illness or defect or drug-related condition which may affect a prisoner's well being in prison or which may impede a prisoner's re-settlement after release. All necessary medical, surgical and psychiatric services available without charge to the community outside prison shall also be provided to the prisoner.

Medical services
and re-settlement.

38. (1) In the case of female prisoners with child, arrangements shall be made for prenatal care and for their transfer to a hospital for their confinement and the delivery of the child.

Infants.

(2) The child of a female prisoner may be received and kept in the prison in order to be taken care of by the said prisoner until the child is one year old. Arrangements shall be made for the proper care and safety of a child kept in prison whenever the child is not in the care of the mother.

(3) No child older than one year shall be kept in prison unless the Director is satisfied that there are special reasons justifying a longer period.

(4) If a child is born in prison the fact that the child is born therein shall not be mentioned in the act of birth and only the name of the locality within which the prison is sited shall be mentioned.

39. (1) The Medical Officer shall ensure that the prison medical service keeps proper medical records for each prisoner, and such other records as may be necessary including the times of attendance of medical practitioners, all examinations, inspections and visits carried out, all prescriptions and orders issued, any advice given to the Director relating to any prisoner or prison officer. The stocks of medicines and medical equipment, and generally of all matters relevant to the performance of the duties pertaining to the prison medical service.

Medical Records.

(2) All records under this regulation shall be kept in the prison and shall be accessible, subject to their confidentiality, to the Minister, the Director, the Board and to any properly authorised person:

Provided that as regards the medical records of prisoners the provisions of paragraph (4) of regulation 7 shall, *mutatis mutandis*, apply.

(3) In the event of the death of any prisoner the Medical Officer shall, without prejudice to the provisions of subsection (2) of section 551 of the Criminal Code, enter into a special register to be kept by him all the necessary details concerning the death, the date, time and nature of any antecedent illness or injury, and the result of the autopsy carried out according to law.

Religious and moral assistance

Satisfaction of religious needs.

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

Religious denomination.

41. (1) On his admission, a prisoner shall declare to the Director the religion or the religious denomination to which he belongs, and such declaration shall be recorded in the register of admission.

(2) The prisoner's declaration shall be amended by the Director, if so requested by the prisoner, unless such a request is frivolously made. In such a case the prisoner shall be counselled on the issue.

Prison Chaplain and other religious representatives.

42. (1) There shall be appointed a Prison Chaplain to cater and minister for the religious needs of prisoners belonging to the Roman Catholic Church.

(2) If there is in the prison a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or arrangements shall be made with a qualified representative.

Access to religious representatives.

43. (1) A religious representative appointed or approved under regulation 42 shall be allowed to hold regular services and activities and to pay pastoral visits in private to prisoners of his religion at such times as may be fixed by, or agreed with, the Director.

(2) Reasonable access to a religious representative shall not be refused to a prisoner during such times as may be fixed or agreed to by the Director. If any prisoner should object to a visit of any religious representative, the prisoner shall be allowed to refuse it.

44. Arrangements shall be made so as not to require prisoners to do any unnecessary work on their recognised days of religious observance.

Work on Sundays or days of religious observance.

45. (1) The Prison Chaplain shall say Holy Mass daily at such time as shall be fixed by the Director, for prisoners belonging to the Roman Catholic Church and shall generally minister to the other religious needs of such prisoners, giving them instruction at such time as shall be fixed by the Director and conferring with the Director on any matter connected with their welfare. He shall also pay special attention to young prisoners and habitual offenders, sick prisoners, prisoners with personal or family difficulties, and prisoners under restraint or undergoing cellular confinement. Whenever the Prison Chaplain is unable to attend to his duties, such duties shall be performed by another priest of the same religious denomination as approved by the Director.

Special duties of Prison Chaplain and other religious representatives.

(2) The religious representative provided for in regulation 42 shall interview every prisoner of that religion individually soon after the prisoner's admission and shortly before his release.

(3) The religious representative shall also visit as frequently as necessary all prisoners of that religion who are sick, under restraint or undergoing cellular confinement, and shall visit all other prisoners of that religion regularly at proper times fixed or agreed to by the Director.

Education, social welfare and contacts with the outside world

46. (1) Educational and training facilities shall be maintained by the Director in accordance with such directions as the Minister may give after consulting the Director, the Prison Board and the Ministry of Education.

Education.

(2) In the provision of educational facilities as aforesaid special attention shall be given to the education of young prisoners and of illiterate prisoners.

(3) Every prisoner able to profit from the educational facilities available at the prison shall be encouraged to do so. The pursuit of education by a prisoner shall be regarded as an activity of the prison regime, attracting the same status within that regime as work, provided that it takes place in the normal working hours and is part of an authorised individual training programme.

(4) Programmes of spare-time education shall also be arranged at the prison and, subject to any directions of the Minister, reasonable facilities shall be afforded to prisoners who wish to do so, to improve their education by correspondence and private study, or to practice handicrafts, during their spare time.

Library.

47. An adequately stocked library containing books and periodicals of a suitable instructional and recreational range shall be provided at the prison and, subject to any directions of the Director, every prisoner shall be allowed to have library books and periodicals and to exchange them. The library shall, as far as practicable be organised in co-operation with public and community library services.

Information through press and media.

48. The Director shall, subject to the need of maintaining good order and discipline, afford prisoners reasonable opportunity to keep themselves informed of the news by reading newspapers and periodicals, by radio and television, by lectures or by any similar means authorised or controlled by the prison administration.

Prohibition of certain measures before conviction.

49. No measures shall be taken implying that rehabilitation is in any way appropriate to an unconvicted prisoner. Nevertheless an unconvicted prisoner may, subject to the other provisions of these regulations, participate in such activities as are useful for his education or generally.

Encouragement of outside contacts.

50. Subject to the other provisions of these regulations and to any directions given by the Minister, generally for the needs of treatment, discipline and good order, after hearing the advice of the Director, prisoners shall be encouraged as much as possible to establish and maintain such relations with their families as are desirable in the best interests of both, as well as such relations with persons and organisations outside prison as may best promote the interests of the prisoners' families and the prisoners' own social rehabilitation.

Letters and visits generally.

51. (1) Except as provided by these regulations, every letter and communication to or from a prisoner may be read or examined by the Director or a prison officer deputed by him, and the Director may stop any letter or communication if its contents are objectionable or if it is of inordinate length.

(2) Every visit to a prisoner shall take place within the sight of a prison officer.

(3) Visits to a prisoner may, with the consent of the Director, take place within the hearing of a prison officer.

(4) No object may be handed over to a prisoner during any visit without the approval of the Director.

(5) The Minister may give directions, generally or in relation to any visit or class of visits, concerning the days, times, duration and any other condition of visits to prisoners.

52. (1) Subject to the provisions of paragraph (11) hereof, an unconvicted prisoner may send and receive as many letters and may receive as many visits within such limits and subject to such conditions, as the Minister may direct, either generally, or in particular cases. Letters and visits.

(2) A convicted prisoner shall be entitled:

(a) to send and receive a letter on his admission to prison and thereafter once a week; and

(b) to receive a visit once a week.

(3) The Director may allow a prisoner to send or receive an additional letter or visit where necessary for his welfare or that of his family.

(4) The Director may allow a prisoner entitled to a visit to send and receive a letter instead.

(5) The Director may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(6) A prisoner shall not be entitled under this regulation to receive a visit from any person other than those as are referred to in regulation 50 except with the leave of the Minister.

(7) Subject to any direction of the Minister under paragraph (5) of regulation 51, the duration of any visit and the number of visitors in respect of any particular visit shall be established by the Director according to the needs of security, discipline and good order.

(8) Visits, other than those referred to in regulations 53 and 54, shall take place in the room or rooms designated for such purpose by the Director who may also permit visits to take place outside such rooms on special grounds and under appropriate supervision.

(9) A full record shall be kept in an appropriate register of all visits to prisoners and such record shall include the date and time of the visits and particulars relating to the identity of the visitor.

(10) Letters and visits under regulations 53, 54 and 55 or from a representative of any such organisation outside prison as is referred to in regulation 50 shall not be counted as letters or visits for the purposes of this regulation.

(11) The foregoing provisions of this regulation and the provisions of paragraphs (2) and (3) of regulation 53 shall be subject and without prejudice to the provisions of section 408, subsection (2) of section 431 and section 437 of the Criminal Code.

Visits by legal advisers.

53. (1) The legal adviser of a prisoner in any judicial proceedings, civil or criminal, to which the prisoner is a party shall be afforded reasonable facilities for interviewing the said prisoner in connection with those proceedings.

(2) With the permission of the Director, the legal adviser of a prisoner may interview him in connection with legal matters other than those referred to in the foregoing paragraph.

(3) With the permission of the Director, a notary public may interview a prisoner in connection with the drawing up and signature of any public deed or private writing to which the prisoner is a party.

(4) The interviews referred to in the foregoing paragraphs of this regulation shall be conducted out of hearing but in the sight of a prison officer.

(5) Visits under this regulation shall take place in a room different from the room or rooms where visits referred to in regulation 52 are held, but shall also be recorded in the register of visits under paragraph (9) of that regulation.

Further facilities in connection with legal proceedings.

54. (1) A prisoner who is a party to any legal or judicial proceedings may correspond with his legal adviser in connection with those proceedings and, unless the Director has reason to suspect that any such correspondence contains matter not relating to the proceedings, the said correspondence shall not be read or stopped under paragraph (1) of regulation 51.

(2) A prisoner shall on request be provided with writing material for the purposes of the foregoing paragraph and of paragraph (4) of this regulation.

(3) A registered medical practitioner selected by or on behalf of such prisoner in connection with such proceedings shall be afforded reasonable facilities for examining him, and may do so out of hearing but in the sight of a prison officer including the Medical Officer.

(4) A prisoner may correspond with an advocate or legal procurator for the purpose of obtaining legal advice on matters other than those referred to in paragraph (1) hereof.

55. (1) A police officer may request to visit a prisoner for purposes of identification or investigation in connection with a criminal offence (other than the offence in respect of which the prisoner is awaiting trial) upon production of an order to that effect from the Commissioner of Police. Interviews by police or prison officers.

(2) No prison officer shall interrogate a prisoner with regard to any criminal offence unless such offence constitutes an offence against discipline under these regulations.

56. A person detained in prison for any of the following reasons, Securing release. that is to say:

(a) in default of finding security or surety for his temporary release on bail or for the purposes of section 384 or subsection (1) of section 416 of the Criminal Code;

(b) for failing to enter into his own recognisance when so required by a competent court according to law;

(c) for non-payment of the sum in which he bound himself as provided in subsection (1) of section 586 of the Criminal Code.

(d) in default of payment of costs as provided in subsection (2) of section 533 of the Criminal Code; or

(e) in default of payment of a fine (multa), a fine (ammenda) or any other pecuniary penalty

may communicate with, and be visited at any reasonable time by, any relative or friend for the purpose of securing his release according to law.

Foreign nationals.

57. (1) Prisoners who are foreign nationals shall be informed, without delay, of their right to request contact and to be allowed reasonable facilities to communicate with the diplomatic or consular representative of the state to which they belong.

(2) The prison administration shall cooperate fully with such representatives in the interests of foreign nationals in prison who may have special needs.

(3) Prisoners who are nationals of states without diplomatic or consular representation in Malta or who are refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic or consular representative of the state which takes charge of their interests or with any national or international authority whose task it is to serve the interests of such persons.

Identification and powers of search of visitors.

58. (1) Every person about to visit a prisoner shall reveal his identity to the responsible prison officer.

(2) The Director may order the search of any person about to visit a prisoner. Such search shall be carried out by a prison officer of the same sex as the visitor and shall be recorded in the register mentioned in paragraph (9) of regulation 52.

(3) Any person who refuses to reveal his identity or comply with an order of the Director under paragraph (2) of this regulation shall be refused permission to carry out the visit.

(4) All cases in which a visit is refused under the foregoing paragraph shall be recorded in the register mentioned in paragraph (9) of regulation 52.

Telephones.

59. (1) All telephones within the Prisons shall be equipped for monitoring and recording of conversations, and the Director may authorise the intentional hearing of such conversations to safeguard members of the public or the security or safety within the prison, or to prevent the furtherance of any illegal activity.

(2) A notice shall be affixed inside the prison indicating that every telephone conversation mentioned in paragraph (1) may be monitored and/or recorded.

(3) Without prejudice to other laws and to the course of the administration of justice, the Director shall, with the approval of the Minister, determine the frequency and duration of telephone calls made or received by prisoners, as well as the persons with whom such communications can be held.

(4) A prisoner who is a foreign national and who has no relative in Malta may be allowed one (1) free phone call a month to a relative overseas. The duration of such phone call shall be determined by the Director in accordance with any directions by the Minister.

(5) The foregoing provisions of this regulation shall be subject and without prejudice to the provisions of section 408, subsection (2) of section 431 and section 437 of the Criminal Code.

60. Should the Director have reasonable cause to suspect that a visitor may tend to disturb the security, discipline and good order of the prison, he may prohibit or suspend the visit and remove the visitor from the prison, duly recording the fact in the register mentioned in paragraph (9) of regulation 52. Suspension of visits.

61. (1) Prison leave may be granted by the Director, in accordance with such general directions as may be from time to time given by the Minister, to a prisoner under such conditions as may be determined by the Director in accordance with such directions as follows: Prison Leave.

(a) for a period not exceeding twelve (12) hours on the occasion of the birth, marriage, or other special family occasion of a child or grandchild of the prisoner, including those connected with a near relative;

(b) (i) on compassionate grounds for a period considered by the Director to be sufficient time to allow the prisoner to attend the religious service and burial in cases of the death of a near relative:

(ii) on compassionate grounds for a period considered by the Director to be sufficient time for the prisoner to visit a near relative who is seriously ill;

(c) without prejudice to other parts of these regulations, prison leave granted in terms of the foregoing subparagraphs (a) and (b) of this paragraph shall be granted subject to the provisions of regulation 2 and paragraph (6) of regulation 7;

(d) for periods not exceeding eight (8) hours in any one (1) day for a maximum of fifteen (15) days in any one (1) month for the purpose of enabling the prisoner to do community work;

(e) (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 approved by the Minister;

(ii) for such periods as may be required for young prisoners to spend a part or the whole of their term of imprisonment in a young offenders rehabilitation institution or in a similar facility as approved by the Minister;

(f) during the period commencing three (3) months before the date on which a prisoner may be finally released in order to enable the prisoner to engage in employment, or to receive instruction or training or to otherwise assist him in the transition from prison life, provided that any prison leave granted under this subparagraph shall not be in excess of eight (8) hours in any one (1) day for a maximum of fifteen (15) days in any one(1) month.

(2) (a) Leave under this regulation may be granted by the Director with the approval of the Minister, or a public officer designated by the Minister to so act on his behalf, except in especially urgent cases in respect of which such leave may be granted by the Director.

(b) In the case of unconvicted prisoners any authorisation by the competent authority, if necessary, shall be requested prior to the granting of leave.

(3) The conditions which may be imposed on prison leave under this regulation shall always include, among any others that may be deemed appropriate, the conditions that the prisoner shall reside at the address specified in the leave permit and return thereto daily at such time as shall be ordered in such permit, and, where the length of the leave period permits, remain in daily contact with, or under supervision of, a competent officer mentioned in the permit.

(4) A written record shall be kept of all cases in which leave under this regulation has been granted and such record shall include the degree of co-operation demonstrated by the prisoner during and in connection with each period of leave.

(5) A prisoner granted leave under this regulation may be recalled to prison at any time whether the conditions of his leave have been broken or not.

(6) Saving the cases of leave granted under subparagraph (a), (b), (c) or (e) of paragraph (1) of this regulation and of any other temporary leave of absence of prisoners from prison granted by a competent court or other competent authority, this regulation applies only to sentenced prisoners who have been of regular good conduct in the prison, have made satisfactory progress in the course of their programme of treatment and are not considered dangerous to society.

(7) Saving the case of leave granted under subparagraph (a), (b) or (c) of paragraph (1) of this regulation, no leave granted under this regulation shall include any part of the last seven (7) days before the final release of the prisoner.

(8) The Minister may also give general directives under which groups of prisoners may be allowed outside the prisons, under adequate supervision, in order to attend or take part in sports or cultural activities.

62. (1) From the beginning of a prisoner's sentence, consideration shall be given, in consultation with the social welfare services authorities and any appropriate after-care organisation approved by the Minister, to the prisoner's future and the assistance to be given him on and after his release. Pre-release and after-care.

(2) The authorised representatives of the social welfare services authorities and of any approved after-care organisation shall be afforded all reasonable access to the prison and the prisoners with a view to making their contribution to the preparation of prisoners for their release and after-care.

(3) With the consent of the prisoner, the Director and the Medical Officer shall seek to assist a prisoner receiving any medical care at the time of his release to continue to receive such treatment after his release, through the medical services available without charge to the community outside the prison.

63. (1) Except as provided by these regulations, a prisoner shall not be permitted to communicate with any outside person or organisation. Restrictions on communications.

(2) The Minister may, with a view to securing discipline and good order or for the prevention of crime or in the interests of any persons, impose restrictions, either generally or in particular cases, upon the communications to be permitted between a prisoner and other persons or organisations, other than communications as are referred to in paragraph (1) of regulation 53.

64. (1) The Director shall confiscate any article whatever which, without lawful authority, is brought, conveyed or thrown into or deposited in a prison, or conveyed to a prisoner, or deposited in any place with intent that it should come into the possession of a prisoner; and such article shall be deemed to be prohibited article for the purposes of section 7 of the Act and for the purposes of these regulations. Prohibited articles.

(2) The Director may, from time to time, draw up or cause to be drawn up a list of articles which may lawfully be introduced into prison by any person (including prison officers) without the Director's prior consent. Such list is to be made available to prisoners, prison officers and visitors.

(3) No prisoner, unless previously authorised in writing by the Director, shall be allowed to lend, sell or transfer in any manner whatsoever to any other prisoner any article introduced for his own use and any article so lent, sold or transferred shall be immediately confiscated by the Director.

Control of persons
and vehicles.

65. (1) Any person or vehicle entering or leaving a prison may be stopped, examined and searched.

(2) The Director may order the removal from a prison of any person who does not leave on being required to do so.

Restrictions on
entry or viewing.

66. (1) No outside person shall be permitted to enter and view a prison unless authorised by these regulations or any other law or by the Minister.

(2) No person visiting a prison shall be permitted to take any photograph, make any sketch or communicate with any prisoner unless authorised as aforesaid.

Control and restraint of prisoners

Removal from
association.

67. (1) Where it appears desirable, in the interests of security or for the maintenance of good order or discipline or in his own interest, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Director may arrange for the prisoner's removal from association accordingly.

(2) A prisoner shall not be removed from association under the foregoing paragraph for a period of more than forty-eight (48) hours without the authority of the Minister. An authority given under this paragraph shall be for a period not exceeding fifteen (15) days, but may be renewed for similar periods. Such an authority shall be immediately notified to the Chairman of the Board.

(3) The Director may, in his discretion, direct that the prisoner resume association with other prisoners, and shall so direct if the Medical Officer advises accordingly on medical grounds.

Provided, that when such removal had been effected under the Minister's authority in terms of the preceding paragraph, the Minister and the Chairman of the Board shall be notified immediately of such direction.

68. (1) The Director may order a violent prisoner to be confined temporarily in an appropriate cell, but a prisoner shall not be so confined as a punishment, or after he has ceased to be violent. Temporary confinement.

(2) If the Director keeps such order in force for more than forty-eight (48) hours he shall consult the Medical Officer and shall inform the Chairman of the Board.

69. (1) The use of chains and irons shall be prohibited. Restraints.
Handcuffs, restraint-jackets and other body restraints shall not be applied as a punishment. They shall not be used except in the following circumstances:

(a) where the Director deems it necessary, as a precaution against escape during the movement of a prisoner, provided that they shall be removed when the prisoner appears before a judicial or administrative authority unless that authority orders otherwise;

(b) on medical grounds by direction and under the supervision of the Medical Officer;

(c) by order of the Director, if other methods of control fail, to prevent a prisoner from injuring himself or others, damaging property or creating a disturbance.

(2) On giving an order under subparagraph (c) of the foregoing paragraph the Director shall without delay consult the Medical Officer and inform the Chairman of the Board.

(3) The Director shall give effect to any recommendation which the Medical Officer may make in respect of cases dealt with under this regulation or paragraph (2) of regulation 68.

(4) No means of restraint whatever shall be applied for any time longer than is strictly necessary, and, in any case, for longer than twenty-four (24) hours without informing in writing the Chairman of the Board. The Director shall personally, before giving an order under subparagraphs (b) or (c) of paragraph (1), see the prisoner. The Director shall visit such prisoner at least twice a day and the prisoner must be observed by a prison officer at frequent intervals as directed in writing by the Director.

Use of force.

70. (1) Force may be used by prison officers only where it is necessary to prevent or impede acts of violence, attempted escape or active or passive resistance to lawful orders.

(2) Prison officers who have recourse to force shall use no more than is strictly necessary and shall report the incident immediately to the Director.

(3) Saving exceptional circumstances in which they are authorised to do so by the Director, prison officers performing duties which bring them into direct contact with prisoners shall not carry arms or batons. On giving any such authorisation the Director shall as soon as is practicable report his action to the Minister and the Chairman of the Board.

(4) On receiving information about the application of force to any prisoner the Director shall ensure that any necessary investigation is carried out without delay.

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

Training of officers in arms and means of restraint.

71. Prison officers shall in no circumstances be provided with arms or batons or use any means or method of restraint unless they have received special technical training in their use and application in such a way as to avoid, so far as possible, the causing of harm to prisoners and, where such harm is inevitable, to restrict it to the minimum.

Records to be kept.

72. Particulars of every case dealt with under regulations 67, 68, 69 and 70 shall be forthwith recorded by the Director in a register kept for the purpose.

Discipline

Maintenance of discipline.

73. (1) Discipline and order shall be maintained with firmness, but with no more restrictions than is required, in the interests of safe custody, ordered community life and the treatment objectives of the prison.

(2) No prisoner shall be employed in the service of the prison in any disciplinary capacity.

(3) This regulation shall not, however, impede the proper functioning of arrangements under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purpose of their participation in regime programmes.

74. A prisoner shall be guilty of an offence against discipline if Offences against discipline.
he:

- (a) commits mutiny or incites others to mutiny;
- (b) assaults any person;
- (c) denies access to any part of the prison to any prison officer;
- (d) fights with any person;
- (e) endangers the health or personal safety of others;
- (f) obstructs a prison officer in the execution of his duty;
- (g) has in his possession:
 - (i) any prohibited or unauthorised article; or
 - (ii) a greater quantity of any article than he is authorised to have;
- (h) sells or delivers to any person any prohibited article;
- (i) sells or transfers to any person any article which he is allowed to have only for his own use;
- (j) takes, without lawful authority or excuse, any article belonging to another person or to the prison;
- (k) sets fire to any property, whether or not his own;
- (l) destroys or damages any part of the prison or any other property, other than his own;
- (m) absents himself from any place where he is required to be or is present at any place where he is not authorised to be;
- (n) makes any frivolous or any false and malicious allegation or complaint against a prison officer;
- (o) is disrespectful to any prison officer or any person visiting the prison;
- (p) swears or uses threatening, abusive, obscene or insulting words or behaviour;

- (q) fails to work properly or, being required to work, refuses to do so;
- (r) disobeys any lawful order;
- (s) disobeys or fails to comply with any regulation applying to him;
- (t) detains any person against his will;
- (u) escapes while confined or deemed to be confined in prison;
- (v) abuses drugs or drinks alcohol;
- (w) in any other way offends against good order and discipline; or
- (x) attempts to commit, or incites another prisoner to commit, or assists another prisoner to commit or to attempt to commit any of the foregoing offences.

Disciplinary
charges.

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

(2) A prisoner charged with such an offence may be kept apart from other prisoners until the adjudication is over, but the Chairman of the Board shall be informed that he is being so kept apart and of the conditions under which he is being kept.

(3) Every charge shall be inquired into, in the first instance, by the Director.

(4) Save in exceptional circumstances, notified to the Chairman of the Board, every charge shall be first inquired into not later than the next day, not being a Sunday or public holiday, after it is laid.

Rights of
prisoner
charged.

76. (1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time it is inquired into by the Director.

(2) At any inquiry into a charge against a prisoner he shall

be given a full opportunity of hearing what is alleged against him and of presenting his own case.

(3) Where necessary and practicable a prisoner shall be allowed to make his defence through an interpreter.

77. (1) If the Director finds a prisoner guilty of an offence against discipline he may impose one or more of the following punishments: Director's punishments.

- (a) caution;
- (b) forfeiture or postponement for any period of any of the privileges under regulation 13;
- (c) exclusion from associated work for a period not exceeding fifty-six (56) days;
- (d) assignment or reassignment of work for a period not exceeding fifty-six (56) days;
- (e) stoppage of earnings, including any allowance, referred to in paragraph (6) of regulation 29 and paragraph (1) of regulation 30, for a period not exceeding fifty-six (56) days;
- (f) cellular confinement not exceeding thirty days;
- (g) forfeiture of not more than one hundred twenty (120) days of remission, whether earned or prospective, referred to in regulation 14 except in the case of a prisoner found guilty of wilful homicide, or attempted wilful homicide, or mutiny, or incitement to mutiny, or escape or attempted escape from prison, or assault on any person resulting in grievous bodily harm, and/or possession of and/or trafficking in narcotic drugs, in which case the forfeiture may be of not more than three hundred sixty five (365) days;
- (h) in the case of a prisoner otherwise entitled to them, forfeiture for any period of the right, under paragraph (1) of regulation 8 to have the articles there mentioned;
- (i) in the case of a prisoner guilty of escaping or attempting to escape and who is otherwise entitled to it, forfeiture of the right to wear his own clothing under paragraph (2) of regulation 22.

(2) When a prisoner is found guilty of more than one charge arising out of an incident, the punishments under this regulation may be ordered to run consecutively.

Appeals Tribunal.

78. (1) The Minister shall appoint an Appeals Tribunal composed of a Chairman and two members to review disciplinary cases decided by the Director for punishments as specified in regulation 79, and to review cases involving the non-award of remission as provided for in regulation 14. The Minister may appoint, when necessary, more than one Appeals Tribunal.

(2) In the exercise of their function under this regulation members of the Tribunal shall be accorded the same rights and facilities as are granted under these regulations to members of the Prison Board. The Tribunal shall also regulate its own procedures.

Review of disciplinary cases.

79. (1) Where the Director awards a punishment for any single offence which includes:

(a) cellular confinement for a period exceeding six (6) days;

(b) forfeiture of more than twenty-eight (28) days of remission referred to in regulation 14;

the prisoner may petition a review of the disciplinary case to the Appeals Tribunal by filing a notice of intention to appeal with the Tribunal within five days of imposition of the punishment.

(2) Where a punishment described in paragraph (1) is imposed, the Director shall immediately inform:

(a) the prisoner of his right to petition the Appeals Tribunal;

(b) the Chairman of the Appeals Tribunal shall be informed of the name of the prisoner, the offence with which he was charged, and the punishment imposed.

(3) Where a petition is made to the Appeals Tribunal under this regulation, the Chairman shall summon a special meeting of the Tribunal to be held within six (6) days from receipt of the notice of appeal:

Provided that if the punishment includes cellular confinement, an appeal under this Regulation shall not stay the execution of the punishment ordered by the Director, during the first six (6) days of the cellular confinement.

Provided, further, that if the punishment includes cellular confinement, the Chairman shall summon a special meeting of the Appeals Tribunal to be held within three (3) days.

(4) The Appeals Tribunal shall inquire into the charge, the punishment imposed, and the grounds for the prisoner's appeal. The Appeals Tribunal shall be entitled to regulate its own proceedings.

(5) The Chairman of the Appeals Tribunal shall notify the prisoner and the Director in writing of its decision within one (1) day of the hearing.

(6) In cases of acquittal, or where the punishment of cellular confinement is reduced to less than six (6) days, the Tribunal shall have the power to order compensation in the form of remission or special privileges.

80. A punishment of stoppage of earnings may, instead of forfeiting all a prisoner's earnings for a specified period not exceeding twenty-eight (28) or fifty-six (56) days (as the case may be), be expressed so as to forfeit a proportion (not being less than one-half) of his earnings for a specified period not exceeding a correspondingly greater number of days.

Stoppage
of earnings.

81. (1) Cellular confinement in respect of offences against discipline shall be undergone in a cell which meets the standards of these regulations.

Cellular
confinement.

(2) The Medical Officer shall monitor the condition of prisoners undergoing cellular confinement and shall advise the Director if the termination or alteration of the relative punishment is considered necessary on grounds of physical or mental health. If the Director, acting on such advice, terminates or alters the punishment of cellular confinement, he shall substitute for it an alternative punishment specified in regulation 77.

(3) It shall also be the duty of the Medical Officer to monitor the condition of any prisoner sentenced to solitary confinement by any court.

82. (1) In the case of an offence against discipline committed by an unconvicted prisoner, a punishment of forfeiture of remission may be awarded notwithstanding that the prisoner has not, or had not at the time of the offence, been sentenced.

Remission:
Prospective
forfeiture,
special award of
and cancellation .

(2) (a) Notwithstanding anything contained in these regulations, the remission earned by every prisoner, convicted or

unconvicted, may, on commission of any grave offence, be cancelled, in whole or in part, by the authority of the Minister; and conversely additional remission beyond that provided for in regulation 14, without limit of number, may be given for special services by the same authority.

(b) Remission cancelled in accordance with the foregoing subparagraph, may, on the authority of the Minister, be restored to a prisoner in whole or in part in consideration of subsequent meritorious conduct.

(c) In this regulation "grave offence" means:

(i) wilful homicide, attempted wilful homicide, grievous bodily harm resulting from an assault on any person; or

(ii) mutiny; or

(iii) incitement to mutiny; or

(iv) escape or attempted escape from prison; or

(v) possession of and/or trafficking in narcotic drugs.

Order of
suspension.

83. (1) The power to award disciplinary punishments, other than a caution, shall include the power to order that the punishment is not to take effect unless, during a period specified in the order, not being more than six (6) months from the date of the order, the prisoner commits another offence against discipline and a direction is given under paragraph (2) hereof, provided that no such suspension may be granted when the prisoner is found guilty under these regulations of any offence mentioned in subparagraph (c) of paragraph (2) of regulation 82.

(2) Where a prisoner commits an offence against discipline during the period specified in an order given under paragraph (1) hereof, the Director, or the Tribunal, may:

(a) direct that the suspended punishment shall take effect;

or

(b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced; or

(c) vary the original order of suspension by substituting for the period specified therein a period expiring not later than six (6) months from the date of variation; or

(d) give no direction with respect to the suspended punishment.

84. Collective punishments, corporal punishments, punishment by placing in a dark, darkened or unventilated cell or in a cell which is not within hearing range of human sound or in which the prisoner is exposed to unreasonable degrees of temperature, noise or light and all other forms of cruel, inhuman or degrading punishment or treatment shall be prohibited. Prohibition of inhuman punishments or treatment.

85. (1) Prison officers shall not inflict any punishment, or resort to any mode of treatment similar to a punishment, on or in respect of any prisoner except with the authority of the Director or, as the case may be, of the Tribunal. Prohibition of unauthorised punishments.

(2) The Director and the Tribunal shall not inflict any punishment, or resort to any mode of treatment similar to a punishment, on or in respect of any prisoner except after regular proceedings for a disciplinary offence and adjudication in accordance with these regulations.

86. No prisoner shall be subjected to any form of disciplinary punishment unless he is found guilty of an offence against discipline. Standard of proof.

87. Criminal proceedings instituted against a prisoner in any court, in respect of a fact likely to warrant disciplinary proceedings, shall not stay disciplinary proceedings against such prisoner for any infringement of discipline under these regulations. Criminal proceedings.

PART III

Prison Officers

The Director and other officers

88. (1) Prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties. Personnel.

(2) Personnel shall be appointed on those terms and conditions as agreed to by the competent authorities who shall always give the utmost consideration to good conduct, efficiency, integrity, suitability, and an adequate standard of education.

(3) Whenever it is necessary to employ part-time staff, these criteria should apply to them as far as that is appropriate.

The Director.

89. (1) Subject to the provisions of the Act and of these regulations, the Director shall be responsible for the general administration of the prison and, in particular, the maintenance of security, discipline and good order therein, the health, hygiene and general welfare of prisoners and the management of the training programmes for the realisation of the treatment objectives.

(2) The Director shall carry out regular inspections, including surprise inspections by night, of the different parts of the prison as frequently as necessary.

(3) Saving his powers to give orders, whether verbally or in writing, as he may deem fit for the proper running of the daily administration of the prison, the Director may also make orders in writing relating to any aspect of the administration of the prison and the maintenance of discipline, security and good order therein, as well as to any other matter forming part of his duties as set out in these regulations:

Provided that nothing in such orders shall be contrary to the provisions of the Act or of these regulations.

(4) The Director shall take strict care to ensure that these regulations and any direction or order given thereunder, as well as any order relating to the prison, are complied with and enforced.

(5) If a prisoner escapes the Director shall at once inform the Commissioner of Police, giving a full description of the prisoner, and shall moreover take all necessary action for the recapture of the escaped prisoner. He shall also hold an inquiry without delay into the circumstances of the escape transmitting the proceedings together with a report thereon to the Minister. A copy of the proceedings and of the report shall be transmitted to the Attorney General.

(6) In the case of an emergency not provided for in these regulations the Director may take such action as he may consider reasonably necessary and shall report such action forthwith to the Minister and to the Chairman of the Board.

90. (1) In addition to any other records required to be kept ^{Records} under any other provision of these regulations or of any other law, the Director shall keep, or cause to be kept by any prison officer authorised by him for the purpose, the following records:

(a) a journal, to be signed by him daily, in which there shall be recorded day by day the occurrences in the prison, the number of prisoners in custody and all such matters, other than those to be recorded in any special register, as are required to be recorded by these regulations;

(b) an adjudication book showing all disciplinary punishments awarded by him;

(c) an order book in which there shall be recorded all orders made or given in writing by the Director in the carrying out of his duties;

(d) an official Visitors Book referred to in subsection (5) of section 8 of the Act;

(e) a prisoners' record in which there shall be entered the names of all prisoners together with full particulars relating to their identity and the dates of commencement and expiration of their sentence, as well as an alphabetical index of such record;

(f) a register showing the daily allocation and roster of duties of all prison officers;

(g) a daily record of the work given out to prisoners and the work performed by them;

(h) a stores book in which there shall be recorded all stocks of food and provisions, clothing, bedding, furniture, plant, tools, utensils and other stocks;

(i) a register showing daily the food prepared and issued to prisoners, including those on any special diet.

(2) The Director shall ensure that all records required to be kept under these regulations or any other law shall, as far as practicable, be securely kept. He shall likewise securely keep a printed copy with numbered pages in bound forms of all those records as directed by the Minister:

Provided that nothing in this regulation shall preclude the Director from keeping records in any form which he may deem expedient and which is agreed to by the Minister.

Annual Report.

91. The Director shall make an annual report on the prison to the Minister.

Other officials.

92. There shall be other prison officials appointed to assist the Director in the carrying out of his duties, deputising for him in the performance of any of the Director's duties during his absence or whenever authorised to do so.

Training of prison officers.

93. (1) The Director shall ensure that prison officers shall maintain and improve their knowledge of these regulations and their efficiency by attending courses of in-service training and lectures at suitable intervals.

(2) The said courses shall also include training in methods of physical control and restraint of aggressive prisoners and in the proper use of any arms or batons that prison officers may be allowed to carry under these regulations.

Duties of prison officers and other persons employed in the prison.

94. (1) The Director shall assign to all prison officers, including those of the female section, as well as to all other persons employed in the prison, the duties to be carried out by them.

(2) Such duties shall be set out in detail in written orders made by the Director.

(3) The prison officers in charge of the female section of the prison shall in that section be assigned the duties that are generally performed by comparable prison officers in the male section.

(4) It shall be the duty of every prison officer to conform to these regulations and to any direction given thereunder, to assist and support the Director in the maintenance of such regulations and directions, and to obey all lawful orders relating to the prison.

Further duties of prison officers.

95. (1) Prison officers shall at all times so conduct themselves and perform their duties as to command the respect of the prisoners and the trust of the community.

(2) Prison officers shall treat prisoners with justice and humanity, complying firmly and consistently with all regulations, directions and orders relating to the prison and ensuring their complete observance.

(3) Prison officers shall

(a) perform their duties with a high degree of alertness and watchfulness and shall inform the Director promptly of any breach of discipline, abuse or impropriety relating to the prison which comes to their knowledge;

(b) exercise their utmost vigilance to ensure the safe custody of prisoners;

(c) pay strict attention to cleanliness and dress and shall always wear the approved uniform within the precincts of the prison and when on duty; and

(d) refrain from receiving visitors in the prison without the permission of the Director.

96. No prison officer shall allow any prisoner to be employed on any work other than that authorised by the Director. Unauthorised work.

97. A prison officer and any other person employed in the prison shall submit himself to be searched in the prison if the Director so orders. Search of officers.

98. The Director shall have the authority to order any prison officer to refrain from communicating with any specified former prisoner or with any relative or friend of a prisoner or a former prisoner. Prohibited contacts.

99. (1) A prison officer who has any complaint or request to make in connection with his duties or situation in the prison shall submit such complaint or request to the Director. Complaints or requests by prison officers.

(2) The Director, if unable to dispose of such complaint or request himself, shall submit the case with his remarks for the consideration of the Minister.

(3) If the Director declines to attend to the complaint or request of the prison officer or to take any action thereon within 15 days, the prison officer shall be entitled to submit his representations in writing to the Minister through the Director. The Director shall transmit such representations to the Minister without delay.

(4) No prison officer shall make any frivolous or vexatious complaint or request.

Right of association

Prison officers
association.

100. (1) Prison officers may establish an association for the purpose of enabling those of and below a rank established by the Minister to consider and bring to the notice of the competent authorities all matters affecting their welfare and efficiency other than questions of discipline, transfers, individual promotions and other matters affecting individuals.

Constitution,
Cap. 266.

(2) The prison service is a disciplined force in terms of the Constitution of Malta and the Industrial Relations Act.

(3) The statute of the Prisons Officers Association is as set forth in the Second Schedule of these regulations. The rules, by whatever name called, governing any association established under this regulation and any amendments thereto, shall be subject to the approval of the Minister who is to ensure that the aims and activities of the association shall be consistent with those of a disciplined force as aforesaid.

(4) An association established under this regulation shall be entirely independent of, and unassociated with, any body outside the prison service, but, subject to the approval of the Minister, may be affiliated to an internationally recognised association of prison officers.

Code of discipline of prison officers

Conduct of
prison officers.

101. A prison officer commits an offence against discipline if he is guilty of:

(1) disobedience to orders, that is to say, if without good and sufficient cause he fails to carry out any lawful order or direction whether given to him in writing or otherwise;

(2) neglect of duty, that is to say, if he:

(a) neglects, or without good and sufficient cause fails, to do anything promptly and diligently which it is his duty as a prison officer to do; or

(b) by carelessness or neglect contributes to the escape of a prisoner; or

(c) by carelessness or neglect in the course of his duty contributes to the occurrence of any loss, damage or injury to any person or property; or

(d) takes any key belonging to the prison outside the main gate of the prison except with the special permission of the Director or, before going out of the prison, leaves his keys in any place other than that designed for such purpose by the Director;

(3) improper conduct with or towards prisoners or ex-prisoners, that is to say, if he:

(a) communicates with a prisoner for an improper purpose or enters into unnecessary conversation with a prisoner or allows any undue familiarity to occur between him and any prisoner; or

(b) assaults a prisoner or uses obscene, insulting or abusive language towards him; or

(c) knowingly and without proper authority:

(i) communicates with any ex-prisoner or with a friend or relative of any prisoner or ex-prisoner in violation of an order given by the Director pursuant to regulation 98; or

(ii) discusses his duties or any matter of discipline or prison arrangements with a prisoner or within his hearing; or

(iii) takes into his employment an ex-prisoner; or

(iv) writes, signs or gives any testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application of any kind;

(4) insubordinate conduct, that is to say, if he:

(a) is insubordinate by word, act or demeanour towards any prison officer whose orders it is for the time being his duty to obey; or

(b) gives any orders, or causes or incites anyone to act, in variance with any order or direction relating to the prison; or

(c) induces, or attempts to induce, any prison officer, prisoner or other person to do any act calculated to lead to the commission of any breach of these regulations or of any order or direction relating to the prison;

(5) corrupt practice, that is to say, if knowingly he improperly uses his position as a prison officer for his private advantage;

(6) unlawful or unnecessary exercise of authority;

(7) absence without leave or being late for duty, that is to say, if without reasonable excuse, he is absent without leave from the prison or from any parade or place of duty or is late for any duty or parade;

(8) trafficking, that is to say, if he knowingly and without proper authority:

(a) carries out any pecuniary or business transaction with or on behalf of any prisoner or ex-prisoner or with a friend or relative of any prisoner or ex-prisoner; or

(b) accepts any present or consideration from any prisoner or ex-prisoner or from a friend or relative of any prisoner or ex-prisoner;

(9) breach of confidence, that is to say, if he without the Director's prior authority:

(a) divulges any matter which it is his duty to keep secret; or

(b) communicates directly or indirectly to the press, broadcasting media or to any unauthorised person any matter which may have become known to him in the course of his duty as a prison officer; or

(c) publishes any matter or makes any public pronouncement relating to the administration of the prison or to any of its inmates;

(10) false statements, that is to say, if he knowingly makes any false, misleading or inaccurate statement either orally or in any official document or book, or signs any such statement, or with intent to deceive destroys or mutilates any such document or book or alters or erases any entry therein in connection with his duties as a prison officer;

(11) failure in account, that is to say, if he fails to account for, or to make a prompt or true return of, any money or property for which he is responsible in connection with his duties as a prison officer;

(12) failure to report any breach of regulations, directions or orders, that is to say, if he fails to report forthwith to the Director any breach of these regulations or of any other regulations, directions or orders relating to the prison or applicable to the public service;

(13) unauthorised possession of property, that is to say if, while on or off duty, he is knowingly and improperly in possession of property belonging to any other prison officer or to any other person employed in the prison, or of property belonging to any prisoner or to a friend or relative of any prisoner;

(14) damage to clothing or other articles supplied or removal of prison property, that is to say, if he:

(a) wilfully or negligently damages or loses any article of clothing or personal equipment with which he has been provided or entrusted, or fails to take proper care thereof; or

(b) neglects to report any damage to, or loss of, any article of clothing or personal equipment, however caused; or

(c) without proper authority takes out of the prison any public property or removes any such property from one part of the prison to another;

(15) failure in making reports or keeping of records, that is to say, if he:

(a) fails to report expeditiously to the Director any matter, other than those mentioned in the last preceding paragraph, which it is his duty to report; or

(b) fails to make any necessary entry in the appropriate official book, register or record which is kept under these regulations or under any order of the Director;

(16) attempting to enlist outside influence, that is to say, if he procures or attempts to procure the intervention on his behalf of any person for the purpose of securing his own advancement or the improvement of his personal position or of making charges against other prison officers;

(17) misconduct towards the public, that is to say, if he assaults or uses any obscene, abusive or insulting language towards any member of the public with whom he may be brought into contact in the execution of his duties;

(18) taking part in any activity likely to interfere with the impartial discharge of his duty or which may give rise to the impression among the public that it may so interfere;

(19) discreditable conduct, that is to say, if he:

(a) while on or off duty acts in a disorderly manner or in any manner prejudicial to the discipline of the prison service or likely to bring discredit on the prison service; or

(b) while on or off duty borrows money from a prison officer subordinate or junior in rank, or lends money to a superior prison officer; or

(c) smokes or drinks intoxicating liquor either within the prison walls (except under such conditions as may from time to time be permitted) or while on duty in charge of prisoners outside the prison; or

(d) while on duty assaults any prison officer or other person employed, or on official duty, in the prison or uses obscene, abusive or insulting language to any such officer or person; or

(e) while on duty, or liable to be called up on duty, is unfit for duty through drinking intoxicating liquor or abusing drugs; or

(f) falls into pecuniary embarrassment through his fault or neglect; or

(g) uses any defamatory, insulting or disparaging words, acts or gestures in contempt of the Government of Malta or of any person employed or concerned in the administration of the Government of Malta; or

(h) imputes misconduct to a person employed or concerned in the administration of the Government of Malta; or

(i) utters or otherwise expresses disparagement of the Director or of any member of the Board, or of any one of the Special Visitors mentioned in subsection (5) of section 8 of the Act or of the prison administration, or uses any word or expression tending or intended to bring into hatred, ridicule or contempt, the Director or any member of the Board or any Special Visitor or the prison administration; or

(j) utters words or in any manner whatsoever does anything which brings or has a tendency to bring dissatisfaction among members of the prison service or among the prisoners; or

(20) any other breach of regulations, directions or orders, that is to say, if he commits or attempts to commit any other breach or of these regulations or of any direction or order given thereunder.

102. (1) A prison officer who commits an offence against discipline shall be subject to such disciplinary proceedings as may be taken against him in pursuance of powers conferred by or under the Constitution of Malta. Disciplinary procedures and fines.

(2) All fines imposed in respect of offences against discipline shall be recovered by stoppage from the offender's pay due or to become due and the amount so recovered shall not exceed in the aggregate in any week one seventh of the weekly pay of the offender except in the event of the offender leaving the prison service, when the whole amount of any fine then unpaid may be deducted from any pay then due.

PART IV

The Prison Board

103. The Board shall have the following functions:

Functions of the Board.

(1) to satisfy itself as to the treatment of prisoners, the state of prison premises and the administration of the prison;

(2) monitor the administration of the prison disciplinary system and inform the Minister of its findings; this includes the authority to attend disciplinary hearings of prisoners;

(3) to advise the Minister on any matter relating to the care and rehabilitation of prisoners, as well as to the organisation and improvement of the prison and the prison service, which the Minister may refer to it or any ancillary matter on which the Board deems it opportune to tender its advice to the Minister;

(4) to advise the Minister on matters relating to work and activity to be performed by prisoners;

(5) to inquire into and report upon any matter which it deems proper, or the Minister requests it, to enquire into; and

(6) to perform such other functions as are assigned to it under these regulations.

104. (1) The Board shall meet at least once a month at Corradino Prison or at such other place as the Board may from time to time determine. Meetings and proceedings of the Board.

(2) Except where otherwise provided in these regulations, the quorum for meetings of the Board shall be of half the number of members plus one.

(3) The meetings of the Board shall be presided by the Chairman or in his absence the Deputy Chairman or a member appointed by the Board to preside the meeting.

(4) The Director may attend the whole or any part of a meeting of the Board if so invited by the Board and shall give to the Board any information it may require for the due exercise of its functions.

(5) Minutes of the proceedings and deliberations of the Board shall be drawn up by the Secretary of the Board and the relative Minutes Book shall be kept in his custody. Such minutes shall be read and confirmed at the first meeting after the meeting to which they relate, or any subsequent meeting, and shall be signed by the Chairman or other member presiding the meeting at which they are confirmed and by the Secretary.

Visits and
inspections
by the Board.

105. (1) The Board shall visit and inspect the prison not less than once a month and regularly see each prisoner either at his place of work or confinement or in such other manner as the Board deems convenient.

(2) If the Board so requests, such visits and inspections shall be attended by the Director and any other prison officer or officers designated by the Director.

(3) The prisoners shall be asked if they have any complaints to make with regard to their treatment in the prison and any prisoner wishing to make a complaint shall be heard in such part of the prison as the Board may deem fit.

(4) Neither the Director nor any other prison officer shall be present while a prisoner is making a complaint before the Board. The Director, however, shall be heard on any such complaint.

(5) The Board shall keep a record of all complaints made to it by prisoners and its decision thereon, and shall, if it deems necessary, take the sworn evidence of the complainant and of such prison officers and other prisoners or other persons as the Board may deem relevant. The oath shall be administered by the Chairman or other member presiding.

(6) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

(7) Where it is not considered practicable by the Board to carry out a visit or an inspection under the foregoing provisions of this regulation by all the members of the Board, a visit or an inspection carried out by not less than three members designated for such purpose by the Board shall be deemed a visit or an inspection carried out by the Board, and the foregoing provisions shall apply to any such visit or inspection in the same manner and to the like effect as to one carried out by the Board. Any record kept by the members carrying out such a visit or inspection and any complaint received by such members shall be referred to the Board at its next meeting and entered in the minutes, provided that if it is necessary to hear any evidence on oath during any such visit or inspection the oath may be administered by any one of the members conducting the visit or inspection.

(8) The members of the Board may also make such visits or inspections either together or separately at any time, whether by day or night, whenever they consider it desirable to do so. Such visits or inspections may also be made without prior notice to the Director. A report of such visits or inspections shall be made to the Board at its next meeting unless the members carrying out the visit or inspection consider to inform the Board earlier through the Chairman.

106. It shall also be the duty of the Board to hear and decide upon, as soon as practicable, any request or complaint made to it by a prisoner, or any person on his behalf, other than those made directly to it or to any of its members during the course of a visit or inspection.

Hearing of
other complaints.

107. The decisions of the Board shall be taken by a majority of the members present and voting. In the case of an equality of votes the Chairman shall have a casting vote in addition to his original vote.

Decisions of
the Board.

108. (1) The members of the Board shall make a note in the official Visitors' Book of every visit or inspection made by them, with such remark as they deem proper in regard to the prisons and the prisoners.

Official record of
visits by Board
or its members.

(2) The official Visitors' Book shall be produced to the Board at each monthly meeting and at such other times as the Board may require.

(3) The Minister may request to examine the official Visitors' Book and the minutes book of the Board.

109. (1) No person having any interest in any contract for the supply of goods or services to the prison shall be a member of the Board.

Disqualification
and abstention
of members.

(2) If any member of the Board is related by consanguinity or affinity, up to the fourth degree inclusive, to any prisoner or has any professional interest in any prisoner, other than as a member of the Board, he shall forthwith make a declaration of such relationship or interest to the Board and such declaration shall be entered in the minutes. The said member shall thereafter abstain from taking part in the proceedings and deliberations of the Board on any question relating to such prisoner and from voting thereon.

(3) A member who absents himself without valid reason for more than four consecutive meetings shall be considered as having resigned his post.

Matters for
Director's
attention.

110. The Board shall draw the attention of the Director to any matter which calls for his attention and shall report to the Minister any matter which it considers expedient to report to him.

Abuses
in prison.

111. The Board shall inform the Minister immediately of any abuse which comes to its knowledge and shall have power to recommend to the appropriate authority the taking of disciplinary action against any prison officer.

Inspection
of food.

112. The Board shall arrange for the food of the prisoners to be inspected by a member of the Board at frequent intervals.

Reports on
prisoner's
health.

113. The Board shall inquire into any report made to it, or any information otherwise coming to its knowledge, that a prisoner's health, mental or physical, has been or is likely to be injuriously affected by any conditions of his imprisonment.

Access to
premises
and records.

114. (1) The Board and every member thereof shall have access at any time to every part of the prison and to every prisoner and may interview any prisoner out of the sight and hearing of all prison officers.

(2) The Board and every member thereof shall have access to all prison records.

Annual
Report.

115. The Board shall make an annual report to the Minister at the end of each year concerning the state of the prison and its administration and, generally, the carrying out of its functions.

PART V

Supplemental

116. Persons, other than prison officers, employed in the prisons shall not hold any communication or have any direct contact with any prisoner except by permission of the Director, and in such cases the relevant provisions of these regulations shall apply to them as they do to prison officers.

Other persons
employed in
the prison.

117. (1) The Corradino Civil Prisons Regulations, 1931, are hereby revoked.

Revocation.
G.N. 345 of 1931.

(2) In relation to prisoners who, upon the coming into force of these regulations, are serving a prison sentence, or are otherwise held in custody in prison awaiting trial or appeal for an offence for which they are subsequently imprisoned, the provisions of regulation 14 shall operate retroactively, in lieu of any remission which may have been awarded on the basis of the repealed regulations, and in such case remission shall be awarded retroactively on the basis of records held by the prison authorities in relation to each prisoner:

Provided, that the remission computed retroactively in terms of these regulations shall not be less than the remission computed in accordance with such procedure as was in force immediately before the coming into force of that regulation:

Provided, further, that if it results that in terms of the provisions of this regulation and of regulation 14 a prisoner would have been released prior to the date of the coming into force of these regulations, the date of release shall be deemed to be seven (7) days from the date of coming into force of these regulations.

FIRST SCHEDULE

(Regulation 4)

PRISON COMMITTAL DOCUMENT

To the Director of Prisons:

The below-named individual is committed for confinement to the prison:

Name _____ Age _____

Identity Card or Passport Number _____

Last Known Address _____

Other particulars sufficient to establish the identity of the person admitted _____

This committal is made pursuant to order of Court

Name of Court _____

Name of Presiding Judge or Magistrate _____

Date of Sentence or other order of Court _____

Details of conviction or other reason for committal _____

Length of sentence or other measure restrictive on personal liberty _____

Signed this _____ day of _____, 199_____.

Signature of Registrar
or other authorised officer

Form A — Registrar or other authorised officer

PRISON COMMITTAL DOCUMENT

To the Director of Prisons:

The below-named individual is committed for confinement to the prison:

Name _____ Age _____

Identity Card or Passport Number _____

Last Known Address _____

Other particulars sufficient to establish the identity of the person admitted _____

This committal is made pursuant to competent authority other than a Court or the Police

Name of Authority _____

Reason for committal (indicate relevant provision of section 4 of the Prisons Act, (Cap. 260)) _____

Date of order of competent authority _____

Length of period for which person is committed to prison by such authority _____

Signed this _____ day of _____, 199____.

Signature of Officer
authorised by the competent authority

Form B — Authority Other Than Court or Police

PRISON COMMITTAL DOCUMENT

To the Director of Prisons:

The below-named individual is committed for confinement to the prison:

Name _____ Age _____

Identity Card or Passport Number _____

Last Known Address _____

Other particulars sufficient to establish the identity of the person admitted _____

This committal is made pursuant to competent authority

Name of Police Officer _____

Reason for committal indicating relevant provision of section 4 of the Prisons Act, (Cap. 260) _____

Signed this _____ day of _____, 199 _____.

Signature of Police Officer

SECOND SCHEDULE

(Regulation 100)

**STATUTE
OF
THE PRISON OFFICERS ASSOCIATION OF MALTA**

Title of Association

1. The Association shall be known as the "Prison Officers Association of Malta".

Aims and Objectives of Association

2. The purpose of the Association is to bring to the notice of the competent authorities all matters affecting the welfare and efficiency of the prison service; other than questions of discipline, transfers, individual promotions and other matters affecting individuals.

In particular the Association shall aim at:-

- (a) the improvement of the conditions and circumstances of employment and salary and generally the protection of the professional interests and rights of its members,
- (b) the raising of the intellectual, moral and professional standard of the members,
- (c) the cultivation and development of relations among colleague members, and,
- (d) the rendering of benefits and financial aid to all members of the Prison Service and their dependants according to criteria which will be defined by all the members from time to time.

Affiliation with Bodies outside the Prison Service

3. The Association shall be entirely independent of, and unassociated with, any body outside the prison service, but subject to the approval of the Minister responsible for Prisons, may be affiliated to an internationally recognised association of prison officers.

Membership of the Association

4. Every member of the prison service and every trainee in that service shall be a member of the Prison Officers Association of Malta. No other person can be a member of the Association.

Central Committee

5. (1) There shall be constituted a Central Committee comprising representatives of all grades in the prisons service. The committee shall be composed as follows:-

- (a) one (1) representative of the managerial grades
- (b) two (2) representatives of the supervisory grades
- (c) four (4) representatives of the senior correctional officers grades
- (d) seven (7) representatives of the correctional officers grades

(2) Two (2) representatives of trainees shall be entitled to attend and participate fully in the proceedings of the meetings of the committee, but without the right to vote on matters of decisions.

Chairman and Vice-Chairman of the Central Committee

6. At its first meeting after the elections of the members, the Committee shall elect by simple majority the Chairman and Vice-Chairman from among its members. In electing the Chairman and the Vice-Chairman the representatives of the trainees shall be entitled to vote. A vacancy in the membership of the Committee shall immediately occur on the election of the Chairman. The vacancy shall be filled by not later than the subsequent meeting of the Committee after the election of the Chairman by co-option from the grade in the prison service that the person appointed as Chairman had represented as member.

Secretary of the Central Committee

7. At its first meeting after the elections of its members, the Committee shall appoint a secretary from among its own members. The secretary shall be entitled to participate and vote in the Committee.

Duration of the Central Committee

8. The duration of the Committee shall be of two (2) years from one election to the next. Vacancies in the Committee shall be filled by co-option from the grades represented by the vacating member by not later than the subsequent meeting of the Committee after the vacancy occurs.

Elections of the Central Committee

9. (1) Every member of the Association shall have the right to elect and be elected.

(2) Every member of the Association shall be entitled to vote in the election of the Central Committee for the candidates in the grade in which the member of the Association is employed in the prison service. Where there are not sufficient candidates to make up a Central Committee composed of fourteen (14) members, the Committee shall, notwithstanding subparagraph (1) of paragraph 5 of this statute and subparagraph (4) of this paragraph, be formed of such number as has been elected.

(3) The Director of Prisons shall appoint an election board comprised of one representative from each grade to organise and supervise the election of the members of the Association. Elections shall be held every two (2) years. New elections for a Committee shall be held by not later than the one (1) month from the expiration of the previous Committee's term of office. Elections of members shall be by secret ballot and shall be held over a two-day period on dates fixed by the Director. The election board will investigate any complaints of irregularities during elections and shall decide as to the validity of the complaints and give remedial directives where and when applicable. In such eventualities the decisions of the election board shall be final and conclusive.

(4) Elections of members of the Central Committee shall be on the principle of the highest or next higher number of votes obtained individually by each candidate in respect of each group of grades represented in the Committee, as follows:-

- (a) the candidate representing the managerial grade obtaining the most votes
- (b) the two (2) candidates representing the supervisory grade obtaining the most votes
- (c) the four (4) candidates representing the senior correctional officers grade obtaining the most votes
- (d) the seven (7) candidates representing the correctional officers grade obtaining the most votes
- (e) the two (2) candidates representing trainees obtaining the most votes.

Decisions of the Central Committee

10. The decisions of the Committee shall be by consensus. Where in the opinion of the Chairman a consensus is unobtainable, decisions shall be taken by a simple majority of votes cast. "Votes cast" means votes of members of the Committee voting for or against. The Chairman shall not be entitled to vote, except as a casting vote in case of a tie. Quorum shall consist of half the elected members, including the Chairman. In case of no quorum at the fixed time of the meeting the Chairman shall give an extension of half an hour after which those present shall form a quorum. A member who absents himself without valid reason for more than four (4) consecutive meetings shall be considered as having resigned and his post declared vacant.

Meetings of the Central Committee

11. The Committee shall meet at least once a month, but the Chairman may call meetings at more frequent intervals.

Accommodation of the Association

12. The Director of Prisons shall make available free of charge reasonable accommodation in premises provided for prison purposes for the Association to carry out its functions efficiently and unimpeded. The Director shall provide, also free of charge, such other assistance as is required for the proper function of the Association.

Annual Conference

13. There shall be held annually a conference of all members of the Association to be called the annual conference. The venue, date and duration of the conference shall be fixed by the central committee. The annual conference shall adopt an agenda at the beginning of each session on the basis of a draft prepared by the central committee. The Chairman, Vice-Chairman and Secretary of the conference shall be elected by a majority of votes cast at the beginning of the conference. Their terms of office shall continue until the election of the next Chairman, Vice-Chairman, and Secretary. Decisions of the conference shall be taken by a majority of the votes cast. "Votes cast" means votes of members voting for or against. The Chairman shall not participate in the voting, except when a tie results.

Subscriptions, etc

14. (1) Subscription shall be payable by monthly contributions by each member at the following rates:-

Lm2.00	Assistant Manager
Lm1.75	Correctional Supervisor
Lm1.50	Senior Correctional Officer
Lm1.00	Correctional Officer

(2) The payment of the monthly contributions of each member can be deducted from the salary of the member by a decision of the member following an arrangement between the members and the Treasury Department.

(3) The rate of subscription may be revised on a recommendation by the Central Committee, but shall be approved only at a session of the annual conference and shall come into force on such a date as approved by the Minister responsible for Prisons.

(4) Without prejudice to subparagraph (1) hereof, Association rules may make provision in particular for the raising of funds by -

- (a) the borrowing of money;
- (b) the acceptance of donations from individuals or bodies; and
- (c) the sale of publications or other articles, and the receipt of commission in connection with the sale thereof.

(5) Subject to the provisions of this Part, any funds so raised shall be dealt with in accordance with Association rules and such directions as shall be made from time to time by the central committee.

Expenses

15. (1) There shall be paid to the Central Committee out of the funds of the Association such sums as the Central Committee shall determine.

(2) Subject to paragraph 17 of this statute, any expenses incurred by or for the purposes of the Central Committee or any sub-committee or other body appointed by the Committee shall be defrayed out of the funds of the Association .

Accounts

16. (1) The Central Committee shall, in relation to the funds of the Association held by the Committee, keep accounts showing all moneys received or paid out and shall cause the accounts for each year to be audited by an independent auditor.

(2) The independent auditor shall be a person or a partnership holding the warrant of auditor under the Accountancy Profession Act (Cap. 281).

(3) After the end of each financial year a summary of the accounts for that year, together with a copy of the independent auditor's report thereon, shall be made available to the Central Committee at the annual conference and sent to the Minister responsible for Prisons and published, in a manner approved by the Central Committee, for the information of members.

Use of the funds of the Association

17. (1) The funds of the Association shall not, without the consent of the Minister responsible for Prisons, be used otherwise than for defraying expenses incurred in accordance with the provisions of this Part.

(2) Association funds shall not be used -

- (a) to support a political party, or to promote, directly or indirectly, a person's candidature, in a parliamentary, or local council election; or

(b) to contribute to the funds of a political party or to a trade union or any other body or organisation not being connected with the prison force or its welfare or carrying out charitable work for the welfare of others.

ASSOCIATION RULES

Association Rules

18. (1) Subject to the provisions of this Part, rules made by the Central Committee (in this Part referred to as 'Association Rules') may, in addition to providing for anything which under the foregoing provisions of this Part may be provided for or prescribed by such rules, provide for -

(a) the objectives, functions and membership of any sub-committees and other bodies appointed by the Central Committee;

(b) the proceedings of the said sub-committees and bodies;

(c) the raising of funds for the purposes of the Association;

(d) subject to paragraph 15 of this statute, the use to which funds may be put;

(e) the vesting of property and funds of the Association in persons appointed as trustees for that purpose;

(f) the making by the Association of standing orders for the purpose of implementing any provision made by Association rules.

(2) Subject to subparagraph (3) hereof, Association rules shall be prepared in draft by the Central Committee and submitted to the annual conference for approval.

(3) Where it appears to the Central Committee that the case is one of urgency, it shall not be necessary to submit rules in draft to the annual conference for their approval and it shall be sufficient for the rules to be approved by the Minister responsible for Prisons in accordance with subparagraph (4) hereof; but in such case the rules shall cease to have effect unless they are ratified at the next meeting of the annual conference.

(4) After approval by the annual conference, Association rules shall be submitted to the Minister responsible for Prisons for his approval, and shall not have effect until approved by him.