

L.N. 475 of 2021

**PRISONS ACT
(CAP. 260)**

Prisons (Amendment No. 2) Regulations, 2021

IN EXERCISE of the powers conferred by article 6 of the Prisons Act, the Minister for Home Affairs, National Security and Law Enforcement has made the following regulations:-

Citation. **1.** The title of these regulations is the Prisons (Amendment No. 2) Regulations, 2021 and these regulations shall be read and construed as one with the Prisons Regulations, hereinafter referred to as "the principal regulations".
S.L. 260.03.

Amends regulation 104A of the principal regulations. **2.** Regulation 104A of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) The Board shall consist of:

- (a) a Chairperson;
- (b) at least six (6) other members to be appointed by the President of Malta, from amongst persons who are experienced in the criminal justice or social science field including members of non-governmental organisations; and
- (c) the Commissioner for Inmates Welfare and Development."; and

(b) immediately after sub-regulation (4) thereof there shall be added the following new sub-regulation:

"(5) The Commissioner for Inmates Welfare and Development shall maintain constant monitoring of the way in which the psychosocial and rehabilitative field of the prison is being conducted. The Commissioner shall report to the Board as necessary."

Substitutes regulation 107 of the principal regulations. **3.** Regulation 107 of the principal regulations shall be substituted by the following new regulation:

"107. It shall also be the duty of the Board to hear and decide, in line with regulation 108, on any complaints or issues

relating to conditions of detention brought to its attention during the course of visits or inspections."

4. Regulation 108 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 108 of the principal regulations.

"Recommendations of the Board.

108. (1) The recommendations of the Board shall be taken by a majority of the members present and voting. In the case of an equality of votes the Chairperson shall have a casting vote in addition to his original vote.

(2) Each recommendation of this Board shall be reported to the Director who shall have three (3) working days to communicate whether it is possible to implement such recommendation.

(3) Should the Director be in agreement with the recommendation, the Director shall implement the recommendation within fifteen (15) days or else within a time period as agreed upon between the Director and the Board.

(4) In the eventuality that the Director is not in agreement with the recommendation, the Director shall have three (3) working days to inform the Board with valid reasons why such decision was taken.

(5) When the Board receives such a refusal it shall not later than ten (10) days from the receipt of such refusal hold a meeting to reconsider the request. The decision of the Board shall be final and shall be implemented as indicated in sub-regulation (1).

(6) The Board shall also decide on complaints and requests made by prisoners relating to the conditions of their detention within two (2) months from the date on which they received the request or complaint and after consulting the Director in respect of the said claims and complaints."

5. Sub-regulation (1) of regulation 116 of the principal regulations shall be substituted by the following new sub-regulation:

Amends regulation 116 of the principal regulations.

"(1) The Board shall send an annual report to the Minister and it shall be laid on the table of the House within one (1) month."
