



# Solomon Islands Consolidated Legislation

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## Prisons Act [Cap 111]

### LAWS OF SOLOMON ISLANDS

1996 EDITION]

#### CHAPTER 111

#### PRISONS

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**CHAPTER 111**  
**PRISONS**

**AN ACT TO PROVIDE FOR THE BETTER SUPERVISION OF AND DISCIPLINE**

**IN PRISONS IN SOLOMON ISLANDS AND FOR PURPOSES ANCILLARY  
THERE TO OR CONNECTED THEREWITH**

*[1st May 1973]*

*20 of 1972  
LN 46A of 1978  
LN 88 of 1978*

**PART I  
PRELIMINARY**

**Short title**

1. This Act may be cited as the [Prisons Act](#).

**Interpretation**

*LN 46A of 1978*

*LN 88 of 1978*

2. In this Act, unless the context otherwise requires—

"civil prisoner" means any prisoner other than a criminal prisoner;

"convicted" means convicted by a court exercising criminal jurisdiction;

"criminal prisoner" means any prisoner duly committed to custody under a writ, warrant or order of a court exercising criminal jurisdiction;

"Inspector of Prisons" means the officer appointed to be the Inspector of Prisons pursuant to this Act;

"medical officer" means a person appointed pursuant to section 58 to be the medical officer for any prison;

"Officer in Charge" means the officer for the time being having charge of any prison;

"prison" means any building, enclosure or place or part thereof, declared to be a prison under section 3 and any temporary prison established under section 4;

"prisoner" means any person lawfully detained in any prison and also any person lawfully transferred from prison custody for treatment in any hospital;

"prison minister" means any minister of religion appointed to be a prison minister pursuant to section 59;

"prison officer" includes the Superintendent of Prisons, the Inspector of Prisons, any Officer in Charge and any subordinate officer;

"prohibited article" means any article which is not issued to any prisoner by the authority of the Officer in Charge, with the approval of the Superintendent of Prisons, or an article the introduction or removal of which into or out of a prison is prohibited by this Act;

"the Service" means the Prison Service established under section 6;

"subordinate officer" means and includes any officer of the Service, whether male or female, notified to be such by the Police and Prisons Service Commission;

"Superintendent of Prisons" means the officer appointed to be the Superintendent of Prisons pursuant to this Act;

"visiting justice" means a visiting justice appointed under section 60.

**PART II**  
**ESTABLISHMENT AND CONTROL OF PRISONS**

**Establishment of prisons**

*LN 46A of 1978*

3.—(1) The Prime Minister may in his discretion by notice provide for—

- (a) any place or building or any part of any building to be set apart for the purpose of a prison;
- (b) the discontinuance of the use of any prison and the appropriation of the sites and buildings thereof for any other lawful purpose.

(2) The prisons, together with the sites and buildings thereof, specified in the First Schedule shall be prisons duly set apart under subsection (1).

*First Schedule*

(3) The Prime Minister may in his discretion amend the First Schedule from time to time by order.

**Power to provide temporary accommodation for prisoners**

*LN 46A of 1978*

4.—(1) Whenever—

- (a) it appears to the Superintendent of Prisons that the number of prisoners in any prison is greater than can be conveniently kept therein and that it is not convenient to transfer the excess number to some other prison; or
- (b) owing to the outbreak of epidemic disease within a prison or for any other reason, it is desirable to provide for the temporary shelter or safe custody of any prisoners,

the Superintendent of Prisons may, with the approval of the Prime Minister, establish a temporary prison in any building, enclosure or place, or part thereof.

(2) The Superintendent of Prisons may at any time cancel the establishment of a temporary prison.

**General control vested in Superintendent of Prisons**

5. Prisoners shall be under the general control of the Superintendent of Prisons who may—

- (a) allocate prisoners to any prison; and
- (b) classify prisoners according to classifications specified by regulations made from time to time under section 61.

**Establishment of Prison Service**

*LN 46A of 1978*

6.—(1) There is hereby established a Prison Service to be known as the Solomon Islands Prison Service.

(2) The provisions of this Act shall extend to all persons who at the commencement of this Act are serving as officers of the Prisons Department under the provisions of the [Prisons Act](#) repealed by this Act and service under that Act shall for the purposes of this Act be deemed to be service under this Act.

*Cap. 37 1969 Edition*

(3) The Service shall consist of a Superintendent of Prisons, an Inspector of Prisons and such other ranks appointed by the Police and Prisons Service Commission.

### **General powers of Superintendent**

*LN 46A of 1978*

7.—(1) The Superintendent of Prisons shall have the administrative command and direction of the Service and subject to the provisions of this Act may—

- (a) make such appointments and promotions in respect of all subordinate officers below the rank of Assistant Prison Officer as he may see fit; and
- (b) from time to time make orders for the general government of prison officers in relation to their enlistment, discharge, training, arms, clothing, equipment and other appointments and particular services as well as their distribution and inspection, and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of prison officers in the discharge of their duties.

(2) Any act or thing which may be done, ordered or performed by the Superintendent of Prisons may, subject to the orders and directions of the Superintendent of Prisons, be done or performed by the Inspector of Prisons:

Provided that nothing in this subsection shall empower the Inspector of Prisons to hear any appeal under this Act relating to any offence against discipline or to impose upon a prison officer any punishment which includes reduction in rank or dismissal.

### **Employment of police officers as prison officers**

8.—(1) In the absence of the appointment of an officer of the Service to be the Officer in Charge of any prison, the police officer for the time being in charge of the police district in which such prison is situated shall be, ex officio, the Officer in Charge of that prison.

(2) Where in any prison the number of subordinate officers employed is insufficient to secure the good management and government thereof it shall be lawful for the Superintendent of Prisons to employ temporarily such number of police officers, including special constables, of or below the rank of Inspector as he may consider necessary to perform the duties of subordinate officers in such prison.

(3) Every police officer or special constable appointed in pursuance of subsection (1) shall thereupon have all the powers and perform in such prison all the duties of a subordinate officer and for the purpose of the provisions of this Act shall be deemed to be a subordinate officer.

(4) Where on the removal of any prisoner from any prison the staff of subordinate officers is insufficient to provide escort for such prisoner it shall be lawful for the Officer in Charge of the prison from which the prisoner is to be removed to deliver the prisoner to any police officer or special constable who may be detached for such duty and thereupon the police officer or special constable shall have the same powers and be subject to the same responsibilities, discipline and penalties and to the same authorities as a subordinate officer would have and be subject to in like circumstances.

### **Power to order prison enquiries**

*LN 46A of 1978*

9. The Prime Minister may, whenever he considers it necessary or desirable, appoint a committee of two or more suitable persons, of whom at least one shall be a public servant, to enquire into and report to him upon the conduct, management or administration of any prison or any matter connected therewith or incidental thereto.

### **Enlistment**

10. Every subordinate officer shall be enlisted in the Service for a period of two years on probation and shall, on the conclusion of such probationary period to the satisfaction of the Superintendent of Prisons, be confirmed by the Superintendent of Prisons in his appointment.

### **Declaration on enlistment**

*Second Schedule*

11.—(1) Every prison officer shall, on joining the Service or before entering on the duties of his office, make before the Superintendent or Inspector of Prisons a declaration on oath or affirmation in the form specified in the Second Schedule.

(2) Every prison officer required to make a declaration under subsection (1) shall, on joining the Service and before making such declaration, answer truly any question which may be put to him as to his previous service in any of Her Majesty's Forces, police or prison service and as to whether he has at any time been convicted of any offence.

(3) Any person who wilfully makes a false statement in reply to any question put to him under the provisions of subsection (2) shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment for one month.

### **Liability for service**

*LN 46A of 1978*

12. Every prison officer shall be deemed to be available for duty at all times and shall be bound to proceed to and serve at any place in Solomon Islands.

### **Prison officers not to engage in other employment or in political activities**

13. No prison officer shall—

(a) engage in any trade, business, employment or office whatsoever, or take part in any commercial undertaking, outside the scope of his duties under this Act, except with the authority of the Superintendent of Prisons; or

(b) take any active part in any political organisation or electoral campaign or engage in any other activity which is likely to interfere with the impartial discharge of his duties under this Act.

**Prison officer not to be member of trade union, etc**

*LN 46A of 1978*

14.—(1) For the purpose of enabling prison officers to consider and bring to the notice of the Government any matter affecting their welfare and efficiency, other than questions of discipline and promotion, the Prime Minister may in his discretion by order establish and provide for the regulation of one or more prison officers' associations which, including any branch or branches thereof, shall be entirely independent of, and unassociated with, any body or person outside the Service, and shall be deemed not to be a trade union within the meaning of the [Trade Unions Act](#).

*Cap. 76*

(2) Subject to the provisions of subsection (1), no prison officer shall become a member of any trade union, or of any association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the Service or of the public service of Solomon Islands or any part thereof; and any prison officer who contravenes this provision shall be guilty of an offence and liable to a fine of eighty dollars and to imprisonment for two months.

(3) Any question whether any body is a trade union or association to which subsection (2) applies shall be determined by the Prime Minister in his discretion, and such determination shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

(4) Notwithstanding the provisions of subsection (2), it shall be lawful for a prison officer, until such time as there is established under subsection (1), a prison officers' association of which he may be a member, to join and be a member of any association of civil servants for the time being approved by the Prime Minister in his discretion by notice.

**Resignation**

15. Any prison officer may resign from the Service at any time by giving not less than three months' notice of his intention to resign in writing to the Superintendent of Prisons:

Provided that in any case the Superintendent of Prisons may in his discretion waive the provisions of this section regarding the period of notice to be given.

**Prolongation of service in event of hostilities, etc.**

16. Any prison officer whose period of service expires during a state of war, insurrection or hostilities or whenever the Prime Minister is satisfied that a state of civil commotion which threatens the public safety exists or is likely to arise in Solomon Islands or in any part thereof, may be retained and his service prolonged for such further period, not exceeding six months after the cessation of such state of war, insurrection, hostilities or civil commotion which threatens the public safety, as the Prime Minister may in his discretion direct.

### **Discharge**

17. The Superintendent of Prisons may at any time discharge from the Service a subordinate officer who has not been confirmed in his appointment if the Superintendent of Prisons considers that he is unlikely to become an efficient prison officer:

Provided that no subordinate officer shall be so discharged unless he has been given one month's notice of the intention to discharge him or, at the option of the Superintendent of Prisons, one month's pay in lieu of such notice.

### **Arms and equipment to be delivered up on ceasing to be a prison officer**

18.—(1) When a prison officer ceases to be a member of the Service he shall forthwith deliver up to the person appointed by the Superintendent of Prisons for that purpose, or to the Officer in Charge at the place at which he was last stationed, all arms, ammunition, equipment, uniform and other appointments which have been supplied to him and which are the property of the Government.

(2) Any prison officer who, having ceased to belong to the Service, fails without good cause to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine of eighty dollars and to imprisonment for two months and, in addition thereto, shall be liable to pay the value of the property not delivered up, which value may be ascertained by the court in a summary manner and shall be recoverable as a fine.

### **Prison officers liable to same provisions as other public officers**

19. Save as otherwise provided in this Act, every prison officer shall be subject to the same provisions as are applicable to other public officers of corresponding status.

### **Use of force by prison officer**

20.—(1) Any prison officer may use such force against a prisoner as is reasonably necessary in order to make him obey lawful orders which he refuses to obey or in order to maintain discipline in a prison.

(2) Any prison officer may use any weapons which have been issued to him, including firearms—

(a) against a prisoner if—

(i) he is escaping or attempting to escape and refuses or fails, when called upon, to return; or

- (ii) he is engaged with other persons in breaking out or attempting to break out of any part of a prison and continues to break out or attempt to break out when called upon to desist; or
  - (iii) he is engaged with others in riotous behaviour in a prison and refuses to desist when called upon; or
  - (iv) he is endangering the life of, or is likely to inflict grave injury to, the prison officer or to any other prison officer or person and the use of weapons, including firearms, is the only practicable way of controlling the prisoner:  
Provided that weapons shall not be used as authorised in sub-paragraphs (i), (ii) and (iii) unless the prison officer has reasonable cause to believe that he cannot otherwise prevent the escape, breaking out or riotous behaviour, as the case may be;
- (b) against any person who—
- (i) is engaged in assisting a prisoner to escape and refuses or fails, when called upon, to desist; or
  - (ii) is engaged with other persons in breaking into or attempting to break into any part of a prison and continues to break in or attempt to break in when called upon to desist:

Provided that weapons shall not be used as authorised in sub-paragraphs (i) and (ii) unless the prison officer has reasonable cause to believe that he cannot otherwise prevent the escape or break in, as the case may be.

(3) No prison officer shall, in the presence of a prison officer of a higher rank than himself, use weapons as authorised by subsection (2), except on the orders of such prison officer of higher rank.

(4) As far as possible weapons shall be used to disable and not to kill.

#### **Non-liability for act done under authority of a warrant**

21.—(1) Where the defence to any suit instituted against a prison officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court or other competent authority, the court shall, upon production of the warrant and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such prison officer.

(2) No proof of the signature on a warrant shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of a prison officer if it is proved that, at the time the act complained of was committed, he believed on reasonable grounds that the signature was genuine.

#### **Prison officers to have powers of police officers when acting as such; powers of arrest, examination, stoppage and search**

22.—(1) Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a police officer.

(2) Every prison officer may without warrant examine anything within, or being brought into or taken out of, a prison, and may stop and search or cause to be stopped and searched any vehicle or person within a prison, or going into or out of a prison, or, whether within or without a prison, any person who, or any vehicle which, is without authority close to a

prisoner or prisoners if he has reason to suspect that such person or vehicle is carrying a prohibited article or any property belonging to the Government in use in a prison.

(3) The senior officer on duty in a prison may refuse admission to the prison to any person who is not willing to be searched.

(4) The senior officer on duty in a prison may order any person within a prison who refuses to be searched to leave the prison and, if such person refuses to leave, may cause him to be removed from the prison and for that purpose may use such force as may be necessary.

(5) If on the stopping and searching of any vehicle or person under the provisions of subsection (1) a prison officer finds any prohibited article or any property belonging to the Government in use in a prison he may arrest that person or the person on the vehicle who appears to have charge of the article or property and shall as soon as practicable cause any such person to be made over to a police officer, or, in the absence of a police officer, to be taken to the nearest police station.

(6) Any search of a woman under this section shall be made by another woman officer and with due regard to decency.

### **PART III**

#### **OFFENCES BY AND IN RELATION TO PRISON OFFICERS AND PRISONERS**

##### **Mutiny, sedition, striking superior officer, etc.**

23. Any prison officer who—

(a) begins, excites, causes or joins in any mutiny or sedition amongst the Service or in any prison, or does not use his utmost endeavours to suppress such mutiny or sedition, or conspires with any other person to cause any mutiny or sedition, or being cognisant of any mutiny or sedition, or intended mutiny or sedition, does not without delay give information thereof to his superior officer; or

(b) strikes or offers violence to his superior officer, such superior officer acting in the execution of his duty,

shall be guilty of an offence and liable to imprisonment for three years.

##### **Desertion**

24.—(1) Any prison officer who—

(a) deserts;

(b) persuades, procures or assists any prison officer to desert, or being cognisant of any such desertion, or intended desertion, does not without delay give information thereof to his superior officer; or

(c) knowing that any prison officer has deserted or intends to desert, does not without delay give information to his superior officer,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

(2) No prison officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of the prison officer not to return to the Service.

(3) Any prison officer who absents himself from duty without leave or reasonable cause for a period exceeding twenty-eight days, shall, unless the contrary is proved, be deemed to have had the intention not to return to the Service.

(4) Any prison officer or any police officer may without warrant apprehend any person whom he has reason to believe is a deserter from the Service and convey him, or cause him to be conveyed, to a police station.

### **Inciting prison officers or prisoners to mutiny**

25. Any person who, directly or indirectly, instigates, commands, counsels, or solicits any mutiny or sedition amongst any prison officers or prisoners or disobedience to any lawful command given by any prison officer, or who wilfully attempts to seduce any prison officer from his allegiance or duty, shall be guilty of an offence and liable to imprisonment for three years.

### **Procuring desertion and harbouring deserters**

26. Any person who by any means, directly or indirectly, procures or persuades, or attempts to procure or persuade, any prison officer to desert, or who aids, abets, or is accessory to the desertion of any prison officer, or who knowingly harbours such deserter or aids him in concealing himself or assists in his rescue, shall be guilty of an offence, and liable to a fine of two hundred dollars and to imprisonment for six months.

### **Unlawfully supplying prisoners with prohibited articles**

27. Any prison officer who without lawful authority—

(a) knowingly suffers any intoxicating liquor, tobacco, drug, opiate, money, clothing, provisions, letters, papers, books or other article to be delivered to or received from or used by or on behalf of any prisoner;

(b) delivers to any prisoner any intoxicating liquor, tobacco, drug, opiate, money, clothing, provisions, letters, papers, books or other article;

(c) knowingly suffers any article to be brought out of any prison or to be conveyed from any prisoner,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

### **Dealings with prisoners and prison contracts**

28. Any prison officer or other person (not being a prison officer) charged with any duty relating to prisoners which gives rise to personal contact with prisoners who directly or indirectly—

(a) sells or supplies or has any interest in or derives any pecuniary benefit or other advantage from the sale or supply of any article to or for the use of any prisoner or to or for the use of any prison; or

(b) has any pecuniary interest in the purchase of any supplies for the use of any prison or receives any discount, gift or other consideration from any contractor for or any seller of any such supplies; or

(c) has any pecuniary dealings with any prisoner or with any friend of any prisoner with regard to such prisoner or on behalf of any prisoner holds any unauthorised communication with any person,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

#### PART IV **DISCIPLINE OF STAFF**

##### **Interdiction of subordinate officers**

*LN 46A of 1978*

29.—(1) The Superintendent of Prisons subject in this Part of this Act to the provisions of section 124 of the Constitution may interdict from duty any subordinate officer pending any investigation or inquiry into, or trial of, any offence against discipline under this Act or any offence against any written law, and pending the determination of any appeal.

(2) A prison officer interdicted from duty under this section shall not by reason of such interdiction cease to be a prison officer:

Provided that the powers, privileges and benefits vested in him as a prison officer shall during his interdiction be in abeyance but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(3) A prison officer interdicted from duty under this section shall not, save as is hereinafter provided, be entitled to receive any pay in respect of the period of such interdiction:

Provided that—

(a) he shall be allowed to receive such portion of his pay not being less than one half as the Superintendent of Prisons may think fit; and

(b) if the proceedings against any such prison officer do not result in the dismissal of the prison officer, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

##### **Offences against discipline**

30. Any subordinate officer who commits any offence against discipline as may be prescribed under this Act shall be liable to suffer punishment in accordance with the provisions of this Act:

Provided that—

- (a) nothing in this connection shall be construed to exempt any such officer from being proceeded against for any offence by any other process of law;
- (b) no such officer shall be punished twice for the same offence.

### **Power of arrest**

31.—(1) Any prison officer may arrest without warrant any prison officer not being an officer of his own or of a higher rank who is accused of any offence against discipline under this Act.

(2) A prison officer, other than an Officer in Charge, effecting an arrest under this section shall forthwith bring the accused person before an Officer in Charge or in the absence of such an officer before the most senior prison officer readily accessible.

### **Trial and punishment of offences against discipline**

*LN 46A of 1978*

32.—(1) Any offence against discipline under this Act may be inquired into and dealt with by the Superintendent of Prisons and by any Officer in Charge.

(2) The Superintendent of Prisons shall have the power subject to section 124 of the Constitution to impose any one or more of the following punishments:-

- (i) reprimand;
- (ii) severe reprimand;
- (iii) fine not exceeding ten days' pay;
- (iv) reduction in rank;
- (v) dismissal;
- (vi) confinement to quarters for any period not exceeding fourteen days with or without extra duties.

(3) An Officer in Charge shall have power to impose any one or more of the following punishments on any subordinate officer:—

- (i) reprimand;
- (ii) confinement to quarters for any period not exceeding seven days with or without extra duties;
- (iii) fine not exceeding five days' pay.

(4) No prison officer shall be convicted of an offence against discipline unless the charge has

been read and inquired into in his presence and he has been given sufficient opportunity to make his defence thereto.

(5) Any prison officer upon whom a punishment is inflicted which entitles him to appeal to the Police and Prisons Service Commission under section 34 shall, at the time when such punishment is imposed, be informed of his right of appeal.

### **Review by Superintendent of Prisons**

33.—(1) The Superintendent of Prisons shall have power to review all disciplinary proceedings under this Act, other than proceedings conducted by himself.

(2) Upon review, the Superintendent of Prisons, if he thinks that such proceedings ought to be revised, shall have power—

- (a) to quash the finding;
- (b) to alter the finding and find the accused guilty of another offence;
- (c) with or without altering the finding—
  - (i) to reduce or increase the punishment;
- (ii) with or without such reduction or increase, to alter the nature of the punishment; or
  - (d) to remit the proceedings to the officer who heard them or to another officer for rehearing: Provided that the Superintendent of Prisons shall not—
    - (i) impose any punishment which the officer who conducted the proceedings was not empowered to impose;
    - (ii) increase any punishment without giving the accused an opportunity of making representations either orally or in writing as the accused may decide.

### **Appeal**

*LN 46A of 1978*

34.—(1) Any prison officer upon whom the Superintendent of Prisons has imposed any punishment which includes—

- (a) reduction in rank; or
- (b) dismissal,

may appeal in the manner hereinafter provided to the Police and Prisons Service Commission against either the finding or the punishment or both, and the Police and Prisons Service Commission may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

Provided that nothing in this subsection shall be construed as empowering the award of any greater punishment than could have been awarded by the officer inflicting the punishment.

(2) An appeal under subsection (1) may be made by lodging with the Secretary of the Police and Prisons Service Commission within seven days after the imposition of the punishment a written statement of the intention to appeal and of the grounds thereof: Provided that the Chairman of the Police and Prisons Service Commission may in his

discretion extend the time within which an appeal may be so lodged.

(3) Any prison officer upon whom any Officer in Charge has imposed any punishment for the commission of an offence against discipline may within seven days of the imposition of the punishment, or such further time as the Superintendent of Prisons may allow, appeal to the Superintendent of Prisons, who, for the purpose of disposing of such appeal, shall have all the powers provided in section 33(2).

#### **Power to summon witnesses**

35.—(1) The Superintendent of Prisons and any Officer in Charge shall, for the purpose of inquiring into any offence against discipline, or in the case of the Superintendent of Prisons for the purpose of disposing of any appeal under section 34(3), have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry or appeal, and to adjourn such proceedings from time to time.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons, or on adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment for one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

#### **Procedure in cases of grave or repeated offences**

36. In any case where a subordinate officer has upon inquiry been found to have committed an offence against discipline and where it appears to the officer conducting the inquiry that, by reason of the gravity of the offence or by reason of previous offences or for any other reason, the offender would not be adequately punished by any of the punishments he is empowered to impose, such officer shall record any statement which the offender wishes to make in mitigation and shall stay the proceedings and transmit them to the Superintendent of Prisons, and the Superintendent of Prisons may impose such punishment as he deems to be warranted or he may direct that the case be dealt with by the officer who transmitted it:

Provided that when no statement in mitigation has been recorded, the Superintendent of Prisons shall give the offender an opportunity of making representations to him either orally or in writing as the Superintendent of Prisons in his discretion shall direct.

#### **Dismissal and reduction in rank of subordinate officers convicted by court**

*LN 46A of 1978*

37.—(1) The Superintendent of Prisons may by order reduce in rank, or may dismiss from the Service, any subordinate officer who has been convicted by any court in respect of any offence, whether against this Act or otherwise, unless such officer has successfully appealed from such conviction.

(2) Any prison officer who is aggrieved by an order of the Superintendent of Prisons made under subsection (1) may appeal to the Police and Prisons Service Commission under section 34(1).

### **Summary admonishment and reprimand**

*LN 46A of 1978*

38. Notwithstanding anything to the contrary contained in this Act, or the General Orders of Solomon Islands, the Superintendent of Prisons may summarily administer admonishment or reprimand to any prison officer in the case of minor misconduct.

### **Fines to be recovered by stoppage of pay**

39.—(1) All fines imposed on a prison officer in respect of offences against discipline under this Act may be recovered by stoppage of such officer's pay.

(2) The amount of stoppage in respect of any fine or for any other cause authorised by this Act shall be in the discretion of the officer by whom the fine was imposed or the cause dealt with, as the case may be, but shall in no case exceed one-third of the offender's monthly pay; and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped as shall leave him a residue of at least two-thirds of his monthly pay.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

### **Loss or damage to arms and equipment to be made good by stoppage of pay**

40. If any prison officer pawns, sells, loses by neglect, makes away with or wilfully or by neglect damages any arms, ammunition, equipment, clothing or other appointments supplied to him or any Government property committed to his charge he may, in addition to or in lieu of any other punishment, be ordered to make good either partially or wholly the amount of such loss or damage, and such amount may be recovered by stoppage from his pay, subject to subsections (2) and (3) of section 39:

Provided that no such amount shall be ordered to be made good if it exceeds one-third of the officer's monthly pay unless the officer admits liability to make good that amount.

### **Pay not to accrue during absence without leave or imprisonment**

*LN 46A of 1978*

41. Subject to the General Orders of Solomon Islands, no pay shall accrue to any prison officer in respect of any period exceeding twenty-four hours during which he is absent from duty without leave, or is undergoing any sentence of imprisonment, either for any offence against discipline or for any other offence whatsoever:

Provided that in any case the Superintendent of Prisons may in his discretion authorise the payment of such proportion of pay, not being more than two-thirds, as he may think fit.

## **PART V PRISON SERVICE FUND**

## **Prison Service Fund**

*LN 46A of 1978*

42.—(1) There shall be established a fund to be known as the Prison Service Fund.

(2) Such fund shall consist of—

- (a) fines inflicted on prison officers under the powers conferred by this Act;
- (b) donations offered to the fund and accepted by the Superintendent of Prisons; and
- (c) such sums as may be voted by the National Parliament

(3) Subject to any regulations made under this Act, the Prison Service Fund shall be administered by the Superintendent of Prisons, and shall be applied for the purpose of—

- (a) assistance to the wives or families of deceased prison officers or to any prison officer discharged from the Service as medically unfit for further service;
- (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Service;
- (c) purchase of ammunition for the encouragement of range practice amongst prison officers;
- (d) payments to subordinate officers as rewards for meritorious acts or service in the execution of duty, if such payments are not met from public funds;
- (e) expenditure for the benefit and advancement of authorised recreation and sport and other branches of prison activity organised within the Service;
- (f) any other purpose which the Superintendent of Prisons considers to be for the general welfare of prison officers.

(4) Upon the coming into force of this Act all moneys comprised in the Prisons Rewards and Fines Fund constituted by the [Prisons Act](#) repealed by this Act shall be deemed to be transferred to and shall form part of the Prison Service Fund constituted by this Act.

*Cap. 37 1969 Edition*

## **PART VI**

### **ADMISSION, CUSTODY AND CONTROL OF PRISONERS AND OFFENCES IN RELATION TO PRISONS**

#### **Admission of prisoners**

43.—(1) No prisoner shall be admitted into a prison unless accompanied by a remand warrant, order of detention, warrant of conviction or of committal purporting to be signed by a person having authority to sign the same.

(2) The Officer in Charge shall, before the admission of any prisoner, satisfy himself that such prisoner is the person named in the warrant or order of detention accompanying him:

Provided that he shall not refuse to accept any prisoner merely on the ground that there is an

error on the face of any such warrant or order, but shall take steps as soon as practicable to have such error corrected.

(3) Subject to such conditions as may be specified by the Superintendent of Prisons, the infant child of a woman prisoner may be received into the prison with its mother and may be supplied with clothing and necessaries at the public expense:

Provided that, when the child has been weaned, the Officer in Charge, on being satisfied that there are relatives or friends of the child able and willing to support it, shall cause the child to be handed over to the relatives or friends, or, if he is not so satisfied, shall, subject to any other written law, hand the child over to the care of such welfare authority as may be approved for the purpose by the Superintendent of Prisons.

### **Custody and conveyance of prisoners**

44.—(1) A person shall be deemed to be a prisoner and in lawful custody whenever he is being taken to and from, or is confined in, any prison in which he may be lawfully confined, whether under criminal or civil process, or whenever he is working outside or is otherwise outside any prison in the custody or under the control of any prison officer.

(2) Any police officer or other officer acting under the order of any Judge or Magistrate or other person having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be lawfully committed or removed.

### **Separation of male and female prisoners**

45.—(1) In any prison used for both male and female prisoners separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent as far as practicable the one from seeing or communicating with the other.

(2) Male prisoners shall be supervised only by male prison officers and female prisoners only by female prison officers.

(3) Where any female prisoner is confined in any prison to which for the time being a subordinate woman prison officer has not been appointed, the Officer in Charge shall arrange for the temporary employment of such suitable women as may be necessary for the superintendence of such female prisoner for so long as may be required.

(4) The employment of any woman pursuant to the power conferred by subsection (3) shall forthwith be reported to the Superintendent of Prisons.

### **Prisoner to be brought before a court or other authority**

46.—(1) If the presence of any prisoner is required in any court, or by any person empowered by law to summon witnesses, either for the purpose of his being examined as a witness in any cause or matter, civil or criminal, or for the purpose of a criminal charge being preferred against him, it shall be lawful for such court or person, if he considers the presence of such prisoner necessary for the ends of justice, to issue an order to the Officer in Charge of the prison where such a prisoner is confined, requiring him to bring such prisoner, in proper custody, at a time to be named in the order, before such court or person.

(2) On receipt of any order issued under subsection (1) or of any other Act, requiring him to bring any prisoner before any court or person, the Officer in Charge of any prison in which such prisoner is confined shall act in accordance with such order and shall provide for the custody of such prisoner during his absence from the prison.

(3) The court before which any person is produced in accordance with an order issued under subsection (1) for the purpose of any civil proceedings in such court may give such directions as to the costs of compliance with the order as the court may deem fit.

### **Removal of prisoners for mental treatment**

47.—(1) No prisoner of unsound mind shall be detained in any prison longer than is necessary for his committal and transfer to a mental hospital in accordance with the provisions of the [Mental Treatment Act](#).

*Cap. 103*

(2) Any prisoner adjudged according to law to be of unsound mind shall remain in the place named in the order providing for his detention as such until he has been discharged from that place according to law, whereupon, if the prisoner has not completed the sentence in respect of which he was committed, the Governor-General shall order that he be delivered into the custody of the Officer in Charge of a prison for the completion of such sentence or, if the prisoner has completed the sentence in respect of which he was committed, he shall forthwith be released.

*LN46A of 1978*

(3) Any prisoner while detained in any mental hospital shall be deemed during such detention to be in lawful custody and serving sentence.

### **Removal of prisoners for medical treatment**

48.—(1) The Superintendent of Prisons or any Officer in Charge on being satisfied that a prisoner is suffering from a disease or other illness and cannot properly be treated in a prison or that a female prisoner is pregnant and that a birth may be imminent, may order that the prisoner be taken to a Government hospital or other suitable place for the purpose of treatment or such birth, as the case may be, and while absent from a prison in pursuance of such order the prisoner shall be deemed to be in lawful custody and serving sentence.

(2) When, in the opinion of the medical authority in charge of a hospital, it is no longer necessary that a prisoner should remain therein, he shall notify the Officer in Charge of the prison whence the prisoner was removed, and thereupon, if the prisoner has not completed the sentence in respect of which he was committed, the Officer in Charge shall forthwith cause him to be returned to the prison.

(3) Every reasonable precaution shall be taken to prevent the escape of a prisoner at any time under treatment therein, and it shall be lawful to take such measures for preventing the escape

of a prisoner as are reasonably necessary:

Provided that the medical authority in charge of a hospital may refuse to take or permit any action authorised under this section if, in his opinion, such action would be prejudicial to the health of the prisoner or impracticable for any good and sufficient reason.

(4) Where, on account of the gravity of the offence for which a prisoner is in custody, or for any other reason, an Officer in Charge considers it to be desirable to take special measures for the security of that prisoner while he is undergoing treatment in hospital, it shall be lawful for him to give that prisoner into the custody of fit and proper persons, being not less than two in number, one of whom at least shall always be with such prisoner by day and night, and those persons are hereby vested with authority to do all things reasonably necessary to prevent that prisoner from escaping and shall be answerable for his safe custody until such time as he is handed over to an Officer in Charge on his discharge from hospital, or until such time as his sentence expires, whichever may first occur.

### **Transfer of prisoners to another prison**

49. The Superintendent of Prisons may, by any general or special order, direct that any prisoner shall be removed to any prison other than that in which he is confined or to which he has been committed.

### **Privileges of unconvicted prisoners**

50.—(1) Any unconvicted prisoner may be permitted to maintain himself and to purchase or receive from private sources food, clothing, bedding or other requirements.

(2) No food, clothing, bedding or other luxuries belonging to any unconvicted prisoner shall be given, hired, loaned or sold to any other prisoner; and any prisoner failing to comply with the provisions of this section shall be liable to lose the privilege of purchasing or receiving his food, clothing, bedding or other requirements from private sources for such time as the Officer in Charge may think proper.

(3) If an unconvicted prisoner does not provide himself with food, clothing or bedding, or if such food, clothing or bedding is, in the opinion of the Officer in Charge unsatisfactory, such prisoner shall receive the standard food, clothing and bedding issued for the use of convicted criminal prisoners.

### **Introduction of prohibited articles into prisons and interference with prisoners**

51.—(1) Any person who—

(a) brings, throws or in any other manner introduces or conveys into any prison, or conveys to any prisoner while in custody outside any prison, or deposits in any place outside any prison with intent that it shall come into the possession of any prisoner, or carries out of a prison any arms, ammunition, weapon, instrument, intoxicating liquor, tobacco, drug, money, clothing, provisions, letters, papers, books or any other article whatsoever, unless so authorised by regulations made under this Act or by the Superintendent of Prisons; or

(b) is found loitering within one hundred yards of any prison, or other place where prisoners may be, and who fails to depart therefrom when requested so to do by any prison officer or

police officer, or who in any manner wilfully interferes with or endeavours to interfere with or communicate with any prisoner or gang of prisoners,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

(2) Any prison officer may arrest without warrant any person whom he reasonably suspects of committing or attempting to commit any offence specified in subsection (1), and shall deliver such person as soon as may be into the custody of a police officer.

### **Correspondence by prisoners**

*LN46A of 1978*

52.—(1) Every letter or document, except as may be prescribed, written in a prison by or on behalf of a prisoner shall be delivered to the Officer in Charge who shall, before the letter or document is removed from the prison, clearly endorse or cause to be endorsed thereon—

- (a) the name of the prison;
- (b) a statement to the effect that its removal from the prison is authorised; and
- (c) the signature or initials of the prison officer making the endorsement.

(2) Every person who comes into possession of a letter or document which he has reasonable cause to believe was written in a prison by or on behalf of a prisoner and which is not endorsed in accordance with the provisions of subsection (1) shall report that fact as soon as possible to the Superintendent of Prisons or the Officer in Charge of the nearest prison and shall deliver the letter or document or cause it to be delivered to the Superintendent of Prisons or such Officer in Charge.

(3) No person shall, without the authority of the Governor-General, publish or cause to be published or transmit to any person for publication or otherwise the whole or any part of a letter or document which he has reasonable cause to believe was written in a prison by or on behalf of a prisoner and which is not endorsed in accordance with the provisions of subsection (1).

*LN 46A of 1978*

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for three months.

### **Escaping or aiding escape from prison or lawful custody**

53. Any person who—

- (a) escapes or attempts to escape from any prison or from lawful custody;
- (b) aids any prisoner in escaping or attempting to escape from any prison or from lawful custody;

(c) with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed anything into a prison or to a prisoner or places anything anywhere outside a prison or other place where a prisoner may be with a view to its coming into the possession of a prisoner; or  
(d) harbours, employs or otherwise assists any prisoner whom he knows or has reason to believe to be unlawfully at large,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

### **Unauthorised possession of prison property**

54. Any person, other than a prison officer, who is found in possession of any article which has been supplied to any prison officer for the purposes of his duty, or of any other prison property, and who fails to account satisfactorily for his possession thereof, or who, without lawful authority, purchases or receives any such article or property from any prison officer, or who aids or abets any prison officer in selling or disposing of any such article or property, shall be guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for three months.

### **Unauthorised use of uniform or insignia**

55. Any person who without lawful authority—

- (a) wears or uses any uniform, insignia or other emblem supplied to or authorised for use by prison officers or any uniform, insignia or other emblem so nearly resembling the same as to be calculated to deceive; or
- (b) falsely represents himself to be a person who is or has been entitled to wear or use such uniform, insignia or other emblem,

shall be guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for three months.

### **Notice of sections 51–54 to be displayed outside prisons**

56. The Superintendent of Prisons shall cause notices to be affixed in a conspicuous place outside every prison setting forth the substance of sections 51, 52, 53 and 54 and the penalties which may be incurred in respect of any breach thereof.

## **PART VII** **EMPLOYMENT OF PRISONERS**

### **Employment of prisoners**

57.—(1) Subject to the provisions of this Act every criminal prisoner shall be engaged in such work within or without the precincts of any prison as the Officer in Charge may direct, and as far as practicable such work shall take place in association with other convicted criminal prisoners.

(2) Notwithstanding the provisions of subsection (1), no prisoner shall be required to do compulsory work—

- (a) as a means of political coercion or education or as a punishment for holding or expressing political or views ideologically opposed to the established political, social or economic system;
- (b) as a means of labour discipline;
- (c) as a punishment for having participated in strikes;
- (d) as a means of racial, social, national or religious discrimination.

(3) Convicted criminal prisoners who by virtue of the provisions of subsection (2) are not required to do compulsory work and all prisoners other than convicted criminal prisoners shall be required to keep their cells, the precincts thereof and the furniture, clothing and utensils therein, clean, but shall not be required to be employed in other work or duties without their consent.

### **PART VIII**

#### **MEDICAL OFFICERS, PRISON MINISTERS AND VISITING JUSTICES**

##### **Appointment of medical officer**

*LN 46A of 1978*

58.—(1) In each prison the medical officer shall be a medical practitioner appointed by the Minister of Health and Medical Services.

(2) A medical officer appointed under subsection (1) shall perform such duties as may be prescribed and, subject to the control of the Officer in Charge, shall have the general care of the health of prisoners in the prison to which he is appointed.

##### **Appointment of prison ministers**

*LN 46A of 1978*

59.—(1) The Governor-General may, from time to time, appoint ministers or priests of any religious faith to be prison ministers; and the Superintendent of Prisons may frame standing orders for the guidance of such prison ministers.

(2) In every prison reasonable facilities shall be provided for prison ministers to conduct religious services and to give religious instruction and advice to prisoners of their respective denominations.

##### **Appointment, powers and duties of visiting justices**

*LN 46A of 1978*

60.—(1) The Governor-General may, from time to time, appoint fit and proper persons to be visiting justices to prisons in Solomon Islands.

(2) Judges of the High Court shall be ex officio visiting justices.

(3) Every Magistrate shall be a visiting justice to any prison situated in the district in which he is stationed or which he may visit in the course of his duty.

(4) A visiting justice may at any time visit a prison in respect of which he is appointed and may—

(a) call for all books, papers and records relating to the management and discipline of the prison;

(b) visit every part of the prison and see every prisoner in confinement;

(c) inspect and test the quality and quantity of prisoners' food; and

(d) ascertain as far as possible that the regulations, rules and standing orders relating to the prison are adhered to.

(5) Any visiting justice shall hear any complaint made to him by any prisoner and shall make such recommendations thereon as may be necessary to the Superintendent of Prisons or the Officer in Charge, as may be appropriate.

(6) On the completion of the visit every visiting justice shall enter in a book to be kept for the purpose such remarks, suggestions or recommendations as he may deem fit to make.

## PART IX MISCELLANEOUS

### **Regulations**

*LN 46A of 1978*

61.—(1) The Prime Minister may make regulations for the better carrying into effect of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations providing for—

- (i) the powers, duties and responsibilities of prison officers and other persons employed in prisons;
- (ii) the maintenance and enforcement of discipline in the Service and among prisoners;
- (iii) the conditions of service, rates of pay and gratuities, training and discipline of subordinate officers;
- (iv) the powers and duties of medical officers; the medical inspection of prisons and prisoners, and the prevention of contagious diseases in prison;
- (v) the powers and duties of visiting justices, prison ministers and prisoners' aid societies;
- (vi) the construction, description, equipment and supervision of cells for separate confinement and wards;
- (vii) the classification of prisons and prisoners into categories and their separation accordingly;
- (viii) the admission, discharge, safe custody, management, organisation, hours, mode and kind of labour and employment, clothing, bedding, maintenance, instruction, discipline, segregation, treatment, restraint, correction and training of prisoners;
- (ix) visits to and communications with prisoners;
- (x) the introduction of a progressive stage system;
- (xi) the disposal of the products of prison labour;
- (xii) the establishment of staff welfare funds and the method of administration of such funds;

- (xiii) the appointment and duties of officers responsible for the after care and rehabilitation of prisoners;
- (xiv) the responsibility, accounting and safe keeping of all stores, equipment and accoutrements issued to prisons;
- (xv) accounts and accounting procedure;
- (xvi) prohibiting prison officers, medical officers, ministers or visiting justices, or other persons who have access to prisons from divulging to any unauthorised person any information concerning the administration of prisons or the condition, treatment and affairs of prisoners;
- (xvii) the establishment, constitution, functions, and procedure of a prison officers' staff association and for matters incidental thereto;
- (xviii) the custody and maintenance, including charges to be paid by a judgment creditor, of persons who may be committed to a prison under the provisions of any law relating to imprisonment for non-payment of debts;
- (xix) the carrying out of any sentence of confinement in a separate cell, or penal or reduced diet, awarded under the provisions of any law;
- (xx) the establishment of such boards as the Prime Minister may deem necessary or expedient for any purpose arising under this Act and the powers, rights, privileges and duties of and the procedure to be followed by such boards;
- (xxi) the medical examination, measuring, photographing and taking of fingerprints, impressions, footprints and casts thereof, palm prints or other records of prisoners detained in any prison or otherwise detained in custody, including detailed personal statistics and histories and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories, and the disposal of such measurements, photographs, fingerprint impressions, footprints and casts thereof, palm prints or other records;
- (xxii) the release on licence or parole and the remission of a portion of prison sentences for good conduct by prisoners;
- (xxiii) the manner in which petitions by prisoners may be submitted;
- (xxiv) the provision of suitable diets and dietary scales, including penal diets for prisoners, and prescribing the conditions under which such diets and scales may be varied;
- (xxv) the establishment and operation of a wage-earning system for prisoners;
- (xxvi) prescribing anything to be prescribed under the provisions of this Act; and
- (xxvii) generally for the effective administration of this Act, for the good management and government of prisons, and the discipline and safe custody of prisoners.

(2) Regulations made under the provisions of subsection (1) may prescribe penalties for contravention thereof not exceeding a fine of two hundred dollars and imprisonment for six months.

(3) In exercising the powers conferred upon him by subsection (1) the Prime Minister may restrict the application of any regulation to one or more prisons and may apply differing regulations in respect of different prisons or classes of prisoners.

(4) Different regulations may be made under the provisions of subsection (1)(i) for different classes of prison officers and other persons employed in prisons.

(5) For the avoidance of doubt, it is hereby declared that regulations may be made under the provisions of subsection (1)(i) in relation to persons who, immediately before the commencement of this Act, were prison officers or other persons employed in prisons.

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**FIRST SCHEDULE**

(Section 3(2))

**Prisons**

Central Prison, Honiara, Central District  
Auki Prison, Malaita District  
Gizo Prison, Western District  
Kira Kira Prison, Eastern District  
Santa Cruz Prison, Eastern District

**SECOND SCHEDULE**

*LN 46A of 1978LN 46A of 1978*

(Section 11 (1))

**FORM OF DECLARATION ON ENLISTMENT**

I,..... swear by Almighty God  
do solemnly and sincerely affirm that I will be  
faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and  
Successors, and that I will faithfully serve Her and Her Heirs and Successors, during my  
service in the Solomon Islands Prison Service and will obey all orders of the officers placed  
over me and will subject myself to all Acts, Orders and Regulations relating to the Solomon  
Islands Prison Service now in force or which may from time to time be enforced.

Signature of officer of the Prison Service

Sworn (or affirmed) at .....this day of ..... 19 .....

Before me  
(Signature of Superintendent or  
Inspector of Prisons)

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**CHAPTER 111**

**PRISONS**

Subsidiary Legislation

**ESTABLISHMENT OF PRISON**

(Section 3(1))

The area of land specified in the schedule together with all buildings thereon is declared to be set aside for the purpose of a prison with effect from 1st July 1975.

### **SCHEDULE**

The area of land previously occupied by Tetere Hospital, east of Honiara, more particularly shown as Lot 43 to LR 536 on Plan No. XK 32/52 deposited in the office of the Commissioner of Lands, Honiara.

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## **THE PRISONS (OFFICERS' ASSOCIATION) ORDER**

LN 10/1973

(Section 14(1))

*[23rd February, 1973]*

### **Citation**

1. This Order may be cited as the Prisons (Officers' Association) Order.

### **Interpretation**

2. In this Order—

"Association" means the Prison Officers' Association established by paragraph 3;  
"Central Committee" means the Central Committee established under paragraph 5.

### **Establishment of Association**

3. There is hereby established an association to be known as the Prison Officers' Association, the objects of which shall be to enable prison officers to bring to the notice of the Government any matter affecting their welfare and efficiency, other than matters of discipline or promotion.

### **Membership of Association**

4. All prison officers are hereby declared to be members of the Association.

### **Central Committee**

5. There shall be established a Central Committee through which the Association shall act.

### **Constitution of Central Committee**

6.—(1) The Central Committee shall consist of five members of the Association.

(2) Annual elections to the Central Committee shall be held in the manner hereinafter provided in the month of December in each year:

Provided that—

(a) if at any time the Central Committee has no or less than three members, elections shall be held as soon as practicable for the election of the whole Committee;

(b) if elections have been held in pursuance of clause (a) during the six months preceding the month of December in any year, annual elections shall not be held in that year but shall be held in the month of December in the following year.

(3) The Central Committee shall hold its first meeting within three months of its election, on a day to be fixed by the Superintendent:

Provided that no meeting shall last for more than one day, nor shall more than two meetings be held in any one year, without the consent of the Superintendent.

(4) The Central Committee shall, at its first meeting, elect from its members a Chairman and a Secretary.

(5) The members of the Central Committee and the officers elected under sub-paragraph (4) shall, except upon resignation accepted by the Superintendent or ceasing to be prison officers, hold office from the first meeting following the election of the Committee until the first meeting of the next Committee following the election of that Committee.

### **Election of Central Committee**

7.—(1) All elections of members of the Central Committee shall be conducted in such a manner as the Superintendent may direct.

(2) Every member of the Association shall have a right to vote at the election of members of the Central Committee.

(3) Subject to the provisions of this Order and the directions of the Superintendent, the Central Committee shall, by nomination of any member of the Association, fill any vacancy caused by resignation or by a member ceasing to be a prison officer.

### **Procedure and quorum**

8.—(1) The Chairman at any meeting of the Central Committee shall have a casting as well as a deliberative vote.

(2) The quorum at a meeting of the Central Committee shall be three.

(3) Subject to the provisions of this Order, the Central Committee may regulate its own procedure including the appointment of committees and sub-committees.

(4) The Secretary of the Central Committee shall keep minutes of the meetings of the Committee and shall within thirty days after each such meeting forward two copies of the minutes thereof to the Superintendent and one copy thereof to each member of the Central Committee.

### **Representations**

9. The Central Committee may at any time submit representations in writing to the Superintendent and, through the Superintendent, to the Prime Minister and shall consider and report upon any matters referred to it by the Superintendent or by the Prime Minister:

Provided that all such representations and reports shall be submitted in such a manner as the Superintendent may from time to time direct.

### **Facilities for meetings**

10. Except where a member of the Committee is required for duty for which no substitute is available, leave shall be given for attendance at all meetings held under the provisions of this Order, and every such occasion shall be deemed to be an occasion of duty.

### **Suspension of Central Committee**

11.—(1) The Superintendent, with the prior approval of the Minister, may at any time suspend the Central Committee if he considers that the overall interests of the Service so require.

(2) The suspension of the Central Committee shall include the suspension of any committee or sub-committee appointed by the Central Committee.

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## **THE PRISONS REGULATIONS**

*LN 31/1973*

*LN 9/1974*

*LN 43/1975*

*LN 10/1979*

*LN 58/1980*

(Section 61)

*[27th April 1973]*

## **PART I PRELIMINARY**

## **Citation**

1. These Regulations may be cited as the Prisons Regulations.

## **Interpretation**

2. In these Regulations unless the context otherwise requires—

"Gaoler" means a prison officer appointed under regulation 47 to be the Gaoler of a prison and includes any prison officer performing the duties of the Gaoler;

"Minister" means the Prime Minister or other Minister to whom responsibilities for Prisons has been assigned;

*LN 10/1979*

"penal diet" means the penal diet prescribed by regulation 80 and specified in the First Schedule;

*First Schedule*

"unconvicted prisoner" means any person lawfully detained in any prison otherwise than as a result of conviction and sentence for a criminal offence;

"young prisoner" means a prisoner between the apparent ages of fourteen and eighteen years and may, at the discretion of the Officer in Charge, include a prisoner whose apparent age does not exceed twenty years.

## **General principles underlying application of Regulations**

3.—(1) These Regulations shall be applied, due allowance being made for the differences in character and respect for discipline of various types of prisoners, in accordance with the following principles:—

- (a) discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life;
- (b) in the control of prisoners, prison officers should seek to influence them through their own example and leadership, so as to enlist their willing co-operation; and
- (c) at all times the treatment of convicted criminal prisoners shall be such as to encourage their self-respect and a sense of personal responsibility, so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

(2) These Regulations apply to all classes of prisoners except in so far as they may be inconsistent with regulations made to govern any particular classes of prisoners.

## **PART II DUTIES OF PRISON SERVICE**

### **Division 1 The Superintendent of Prisons**

## **General duties of Superintendent**

*LN 10/1979*

4. The Superintendent of Prisons shall be responsible to the Minister for the proper administration and maintenance of discipline in the Service, the efficient management of prisons, the discipline, control and welfare of prisoners and the implementation of the provisions of the Act and these Regulations and shall take all necessary steps to secure as far as may be uniformity of administration throughout all prisons in Solomon Islands.

## **Inspection of prisons by Superintendent**

*LN 10/1979*

5. The Superintendent of Prisons shall, at least once a year, inspect or cause to be inspected every prison established under the provisions of the Act, and shall report any matter which he considers should be brought to the notice of the Government and, once each year, shall forward a full report on the prisons to the Minister.

## **Division 2 Inspector of Prisons**

### **General duties of Inspector of Prisons**

6. The Inspector of Prisons shall be subordinate to the Superintendent of Prisons and shall be charged with the duty of periodically visiting and inspecting all prisons in Solomon Islands and with such other duties as the Superintendent of Prisons may from time to time allocate to him.

### **Inspection of prisons by Inspector**

7.—(1) On the occasion of each visit to any prison the Inspector of Prisons—

- (a) shall see every prisoner, and shall enquire into all complaints and applications which any of the prisoners may make to him;
- (b) shall give special attention to the sick and weakly, and to those who are in cellular confinement;
- (c) shall inspect and initial all official diaries, registers, books and records kept in the prison; and
- (d) shall inspect and satisfy himself that the quantity and quality of the food supplied to the prisoners conforms with the standard of diet for the time being prescribed.

(2) On the occasion of each visit of inspection to a prison the Inspector of Prisons shall render a report to the Superintendent of Prisons with such recommendations, if any, as he may consider necessary.

### **Central Prison**

8. The Inspector of Prisons shall ordinarily be the Officer in Charge of the Central Prison, Honiara.

### **Division 3 Officers in Charge of Prisons**

#### **Appointment of Officers in Charge**

9. The Superintendent of Prisons may appoint to any prison an Officer in Charge, and may from time to time rescind or alter such appointment as shall to him seem fit.

#### **General duties of Officers in Charge**

10. Every Officer in Charge shall supervise and control all matters in connection with the prison to which he is appointed, and shall keep or cause to be kept such records as the Superintendent of Prisons may from time to time direct.

#### **Custody of prison equipment, stores and property of prisoners**

11.—(1) Every Officer in Charge shall be responsible for the safe custody of arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison, the prison officers and the prisoners under his control, and all public money in relation thereto for which he may be held accountable, and also, subject to the provisions of these Regulations, for all valuables, money, articles of clothing and other property entrusted to his keeping being the property of prisoners, and shall account for the same in the event of their being lost or damaged otherwise than by unavoidable accident, theft, robbery or lawful use, or by being destroyed or otherwise disposed of pursuant to the provisions of these Regulations.

(2) Where any property specified in paragraph (1) is lost or damaged the Officer in Charge shall proceed to ascertain the cause of the loss or damage and any individual upon whom responsibility therefore may rest and shall report his finding to the Superintendent of Prisons.

#### **Investigation of contraventions**

12.—(1) An Officer in Charge shall without unnecessary delay, investigate any contraventions of the provisions of the Act or of these Regulations or of any Standing Orders of the Prison under his charge which is brought or comes to his notice and if his powers as Officer in Charge thereto enable him, he shall deal with the same, otherwise he shall forthwith report the matter to the Inspector of Prisons.

(2) Every Officer in Charge shall, as soon as may be, report to the Inspector of Prisons any case of serious misconduct or neglect of duty by a prison officer subordinate to him notwithstanding that he may himself be competent to deal with the matter and may so deal with the matter accordingly.

#### **Prison diaries**

13. The Officer in Charge shall cause a diary to be kept wherein shall be recorded all matters

of importance relating to the prison or prisoners under his charge, and all such matters of which a record is directed to be kept by these Regulations or by any Standing Order of the prison.

### **Records to be kept on prisoners**

14. The Officer in Charge is responsible for seeing that proper records are kept of all circumstances, and of any correspondence connected with such circumstances, as affect the interests of particular prisoners, and shall bring such records to the notice of the Superintendent or Inspector of Prisons, as each case may require.

### **Warrants of commitment**

15. An Officer in Charge shall cause all prisoners' warrants of commitment to be kept in safe custody.

### **Officers in Charge to inspect prisons**

16. An Officer in Charge shall from time to time personally visit the prison at uncertain hours both by day and by night and shall inspect all parts of the prison, including any machinery and equipment, and in his discretion shall summon before him and inspect all or any of the prisoners and shall record every such visit and the particulars of the inspection carried out and the results thereof in the Prison Diary, and shall thereafter take all steps within his competence to rectify errors, deficiencies or other matters requiring rectification.

### **Prisoners to be given opportunity to file appeals, etc.**

17. An Officer in Charge shall ensure that every prisoner is given opportunity and reasonable facilities to—

- (a) note and prosecute an appeal against conviction and, additionally or alternatively, sentence; or
- (b) submit a petition for review in terms of any law relating to the review of criminal judgments.

### **Complaints, applications and petitions by prisoners**

*LN 10/1979*

18.—(1) An Officer in Charge shall ensure that prisoners who have complaints or applications to make are enabled to make them to himself personally if they so wish; and in every such case shall investigate the grounds of complaint and, as far as may be, shall endeavour to remove the same or to grant the application, as the case may be.

(2) Where by any provisions of these Regulations or otherwise a prisoner is permitted to petition the Governor-General, the Minister, the High Court or any other authority, the petition not being a complaint or application addressed to the Officer in Charge, such petition shall be reduced to writing and delivered to the Officer in Charge who shall forthwith forward the same, with or without his comments thereon, through the Inspector of Prisons to the Superintendent of Prisons for transmission to the authority so petitioned.

### **Prisoners under medical treatment or punishment**

19. An Officer in Charge shall ensure that the medical officer's instructions are carried out as far as possible and shall at all times pay special attention to those prisoners who are under medical treatment or are undergoing punishment for prison offences.

### **Medical officer to be advised of prisoners' injuries or ailments**

20. An Officer in Charge shall cause the medical officer to be notified immediately of the name of any prisoner who—

- (a) is ill or injured;
- (b) complains of illness or injury;
- (c) appears to the Officer in Charge to require treatment for any physical or mental condition;
- or
- (d) dies.

### **Reports of serious injuries or ailments of prisoners**

21. If any prisoner is seriously injured or becomes seriously ill, the Officer in Charge shall, in addition to notifying the medical officer, submit a report in writing to the Inspector of Prisons giving full particulars of the circumstances of the case.

### **Recommendations of medical officer**

22.—(1) An Officer in Charge shall ensure that adequate arrangements are made for sick prisoners and for their safe custody and shall, so far as he is able in the circumstances, put into effect any recommendation regarding the treatment, isolation or care of any such prisoner made to him by the medical officer.

(2) If an Officer in Charge is of the opinion that it is not practicable to comply with any recommendation made to him by the medical officer, or that the recommendation is not lawful or reasonable, he shall refer the matter to the Inspector of Prisons for his decision.

### **Prisoners' relatives to be informed of serious illness**

23. The Officer in Charge shall, upon the serious illness of a prisoner, cause immediate notice thereof to be given to the most accessible known relative of the prisoner.

### **Procedure on death of prisoner**

24.—(1) Upon the death of any prisoner, the Officer in Charge shall cause immediate notice thereof to be given to the Superintendent of Prisons, a Magistrate and to the deceased's next of kin or nearest accessible relative.

(2) Upon the death of any prisoner a death inquiry shall be held pursuant to the provisions of the Death and Fire Inquiries Act.

(3) If the interests of public health and the circumstances permit, the Officer in Charge shall, after making any necessary arrangements for compliance with paragraph (2), cause the body of any prisoner who has died to be delivered to his relatives or friends for burial should they so request.

(4) If the relatives or friends of any dead prisoner do not request that the body of the prisoner be delivered to them for the purpose of burial, the Officer in Charge shall cause the body to be decently interred at public expense.

### **Report of mental disorders of prisoners**

25.—(1) An Officer in Charge shall, without delay, report to the Inspector of Prisons and to the medical officer, any case of mental disorder or apparent mental disorder in a prisoner.

(2) The Officer in Charge shall, without delay, report to the Inspector of Prisons any case in which the medical officer is of opinion that the mental health of any prisoner is becoming impaired by continued imprisonment, or that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence or is totally and permanently unfit for prison discipline.

### **Restrictions on visitors to prisons**

26.—(1) No person, other than the medical officer, a prison minister, a visiting justice, a prison officer or any prisoner confined in the prison shall be permitted to enter or remain in any prison except with the written permission of the Minister given in his discretion, the Superintendent of Prisons or the Officer in Charge.

(2) Visitors authorised to visit a prison shall give their names and addresses and sign their names in the Official Visitors' Book and are liable to be searched by order of the Officer in Charge.

(3) The Officer in Charge shall ensure that no person authorised to visit a prison makes a sketch or takes a photograph of any part of the prison or any prisoner unless such person has received written authority therefor from the Superintendent of Prisons.

(4) Every visitor to a prison shall be accompanied throughout his visit by a Prison Officer:

Provided that the provisions of this paragraph may be relaxed in the case of workmen employed in the prison to such extent as the Officer in Charge may authorise in general or in any particular case.

(5) The Officer in Charge may remove or cause to be removed from the prison any visitor to the prison whose conduct is in his opinion improper.

(6) Every vehicle entering or leaving a prison shall be liable to search.

### **Records to be maintained by Officer in Charge**

27. An Officer in Charge shall keep or cause to be kept—

- (a) a Prisoner's Record file for each prisoner committed to Prison recording the sentence, date of commitment and the date at which such sentence will expire, and the name, age, professed religion (if any), height, weight, identification marks and general appearance of the prisoner and any other particulars which may be required, and, in the case of prisoners who are by these Regulations eligible to earn remission, a record of remission earned or forfeited;
- (b) a Prison Register in which shall be entered the name of every prisoner admitted to the prison and the date upon which such prisoner shall be due for release, and such date shall be kept properly amended as may be necessary;
- (c) a Prisoners' Property Book in such form as may be approved by the Superintendent of Prisons;
- (d) a Prison Diary;
- (e) an Official Visitors' Book;
- (f) a Visiting Justices' Book in which every visiting justice on the completion of his visit to the prison shall record his visit and enter any remarks, suggestions or recommendations which he may wish to make;
- (g) such other books or records as the Superintendent of Prisons may from time to time direct.

### **Matters of importance, etc. to be reported or referred**

28.—(1) Without prejudice to any other provisions of these Regulations, an Officer in Charge shall—

- (a) report to the Inspector of Prisons all escapes, serious assaults, outbreaks of disease or any occurrence of an unusual or serious nature; and
- (b) shall refer to the Inspector of Prisons all questions of discipline or interior economy of the prison with which the Officer in Charge himself cannot deal.

(2) After a visit to a prison by a visiting justice the Officer in Charge shall send forthwith to the Magistrate of the district in which the prison is situated and to the Superintendent of Prisons a copy of any remarks, suggestions or recommendations made in the Visiting Justices' Book by such visiting justice.

### **Cases of emergency**

29. Notwithstanding any other provisions of these Regulations, in cases of emergency the Officer in Charge shall take such action as may in the circumstances be necessary to deal with the immediate situation and shall enter the particulars of the emergency and the action taken in the Prison Diary and forthwith send or make a report of the same to the Inspector of Prisons.

### **Surveillance of public funds**

30. An Officer in Charge shall keep a strict surveillance over the expenditure of such public money as may be allocated to his prison, and he shall ascertain that all moneys received are properly accounted for.

### **Annual reports, etc.**

31. The Officer in Charge shall furnish to the Superintendent of Prisons, by a day early in each year to be declared by the Superintendent of Prisons, a general report, together with all appropriate statistics, upon the prison under his charge and such special or periodic reports as may from time to time be required by the Superintendent of Prisons.

### **Interpretation of regulations where Inspector of Prisons acts as Officer in Charge**

32. Where the Inspector of Prisons is himself acting as the Officer in Charge of any prison and any regulation of this Division of these Regulations requires that any matter relating to that prison be reported or referred to the Inspector of Prisons, such matter shall be reported or referred to the Superintendent of Prisons.

## **Division 4 Medical Officers**

### **General duties of medical officer**

33.—(1) Subject to the provisions of these Regulations the medical officer appointed to any prison shall have the general care of the health of the prisoners therein and shall visit the prison as often as shall be practicable or when called upon by the Officer in Charge.

(2) The medical officer shall report to the Officer in Charge any circumstances connected with the prison or the treatment of prisoners which appear to him to require consideration on medical or health grounds.

### **Examination of prisoners on admission**

*LN 58/1980*

34.—(1) Every prisoner shall as soon as possible after his admission to any prison, and, if possible, before he undertakes any labour, be separately examined by the examining officer who shall enter in the Prisoner's Record particulars of the state of health of the prisoner; and shall note in respect of what diseases he has been vaccinated or inoculated or to which he may otherwise have been rendered immune, and any other information which it may seem desirable to record.

(2) The examining officer shall record whether or not the prisoner is fit for normal labour and whether there shall be any restriction or condition regarding the type of labour to which the prisoner may be put.

*LN 58/1980*

(3) As far as possible prisoners upon first admission shall be kept separate from the other prisoners until medical examination is completed.

(4) In this Division "examining officer", in relation to a prison, means the medical officer for the prison or a person authorised by the medical officer in that behalf.

**Examination on discharge of prisoners**

*LN 58/1980*

35. Every prisoner shall, if reasonably possible, be examined by the examining officer before being discharged and a record shall be retained of his state of health at the time of his discharge.

**Examination of prisoners before punishment**

36. Before any prisoner shall undergo punishment for any prison offence which involves confinement in a separate cell or a reduction of the prisoner's normal diet, such prisoner shall, if reasonably possible, be examined by the medical officer of the prison who shall certify that the prisoner is medically fit to undergo such punishment without danger of injury to his health.

**Recording of examination of prisoners**

*LN 58/1980*

37. In the absence of any other direction by the Superintendent of Prisons relating to the recording of the results of the medical examination of prisoners, the results of any such examination shall be entered by the examining officer in the Record of the prisoner concerned.

**Mentally disturbed prisoners**

38. The medical officer shall report to the Officer in Charge the case of any prisoner whose mind has been or appears likely to be injuriously affected by confinement and shall give such written directions in the case as he may think proper; and shall report in writing to the Officer in Charge the case of any prisoner appearing to be mentally disordered.

**Special treatment of prisoners on medical grounds**

39. The medical officer shall report in writing to the Officer in Charge the case of any prisoner in respect of whom he thinks it necessary on medical grounds to draw attention and shall make such recommendation as he deems needful for the alteration of the discipline or treatment of the prisoner or for the supply of additional or alternative food or articles to the prisoner.

**Diet of prisoners in civil hospitals**

40. A prisoner admitted to a civil hospital shall receive the normal hospital diet.

**Reports on prisoners medically unfit to serve sentence**

41. Whenever the medical officer is of the opinion that the life of a sick prisoner will not survive his sentence, or that a prisoner is totally and permanently unfit for prison discipline, he shall state his opinion and the grounds thereof in writing to the Officer in Charge who

shall forward the same to the Superintendent of Prisons.

### **Examination of prison premises by examining officer**

*LN 58/1980*

42. From time to time, and if possible at least once in every month, the examining officer shall inspect every part of the prison with special reference to the sanitary state thereof, the general health of the prisoners, and adequacy and proper cooking of the diets; and he shall periodically review the body weights of the prisoners as recorded in the Prisoner's Record.

### **Infectious, etc. diseases of prisoners**

43.—(1) The medical officer shall give directions in writing to the Officer in Charge for segregating prisoners having infectious or contagious diseases, for cleansing and disinfecting any room or cell occupied by any such prisoner and for cleansing, disinfecting, or destroying, if necessary, any infected clothing or bedding, and the Officer in Charge of the prison shall forthwith cause any such direction to be carried into effect.

(2) The medical officer shall in the event of any epidemic, or highly infectious or contagious disease, or any other circumstances affecting the health of the prisoners requiring unusual measures coming to his notice, make immediate report to the Officer in Charge without waiting for the time of any periodical report.

### **Pregnancy of female prisoners**

44.—(1) The medical officer shall notify the Officer in Charge in writing of any female prisoner who is pregnant.

(2) The Officer in Charge shall, in the case of any unconvicted female prisoner who is pregnant, report the fact to the court in which proceedings against her have been instituted.

### **Particulars to be recorded in case of death of prisoners**

45.—(1) The medical officer shall, on the death of any prisoner, ensure that a record is maintained of the following particulars, so far as they can be ascertained:—

- (a) the day on which the deceased was sentenced;
- (b) the day on which he was admitted to prison;
- (c) the day on which he first complained of illness, or was observed to be ill, and the labour, if any, on which he was engaged on that day and the scale of his diet on that day;
- (d) whether, and if so the day on which, he was admitted to hospital;
- (e) the day on which the medical officer or his subordinate was first informed of the illness;
- (f) the nature of the disease;
- (g) when the deceased was last seen before death by the medical officer or his subordinate;
- (h) when the prisoner died and, in cases where a post mortem examination is made, an account of the appearance after death, together with any special remarks that may appear to the medical officer to be required; and
- (i) his opinion as to the cause of death.

(2) Upon the completion of the death inquiry a copy of the record of the inquiry and the Magistrate's finding thereon shall be filed with the particulars specified in paragraph (1).

### **Obligation on prisoners to submit to medical examination**

46. Every prisoner when required shall submit himself to medical examination by the medical officer of the prison or such other medical officer as the Officer in Charge may specify.

## **Division 5 Gaoler**

### **General duties of Gaoler**

47.—(1) There shall be appointed to every prison a Gaoler who shall be responsible to the Officer in Charge that all written laws, rules and orders applicable to the prison are strictly observed and that proper discipline is maintained throughout the prison; and in the absence of the Gaoler the next senior officer will be responsible for performing all the duties of the Gaoler.

(2) In addition to the duties specified in paragraph (1), the Gaoler shall carry out such other duties as may from time to time be specially assigned to him by the Officer in Charge.

### **Daily inspection of prisons and prisoners**

48.—(1) The Gaoler shall visit and inspect the whole prison and see every prisoner at least twice in every twenty-four hours, and in default of such daily visits and inspections he shall record in the Prison Diary how far he has omitted them and the cause of such omission; and after every such inspection he shall ensure that everything is clean and in good order and that the means of security are effective.

(2) When visiting any section of a prison allocated to female prisoners the Gaoler shall be accompanied by a woman prison officer.

### **Inspection of prisoners at work**

49. So far as may be reasonably possible and subject to any standing orders the Gaoler shall visit every party of prisoners while at work each day, both inside and outside the prison, and shall ensure that discipline and order are maintained among them and shall report thereon to the Officer in Charge as may appear to the Gaoler to be necessary or as may be directed by the Officer in Charge.

### **Complaints and applications by prisoners**

50. The Gaoler shall take care that every prisoner having a complaint or application to make shall have an opportunity for doing so, and shall bring to the attention of the Officer in Charge as soon as may be every such complaint or application.

### **Inspection of meals and rations**

51.—(1) The Gaoler shall from time to time personally inspect and superintend the issuing of prisoners' meals and shall weigh the rations supplied to the prison; and a record shall be made of every such inspection and weighing in a book to be kept for that purpose.

(2) The Gaoler shall take care that every article of food supplied for the use of prisoners is sound and of good quality and shall take such measures as may be necessary to have unsatisfactory food exchanged by the supplier before it is issued for prisoners' use.

(3) The Gaoler shall take care to see that the rations issued are strictly in accordance with the prescribed scales of diet and that every prisoner receives the diet to which he is entitled.

(4) The Gaoler shall take action to ensure that the scales, weights and measures used for weighing prisoners' rations are in good order and accurate.

### **Personal cleanliness of prisoners**

52. The Gaoler shall ensure that prisoners' clothing and bedding are clean and in good order and repair and that prisoners keep themselves clean and cut their hair as is necessary.

### **Supervision of prisoners under punishment**

53. The Gaoler shall pay special attention to carrying into effect the orders of the Officer in Charge as to punishments to be inflicted on prisoners, and shall ensure that prisoners undergoing cellular confinement have opportunities of taking such exercise as such orders shall prescribe.

### **Particular matters to be recorded in the Prison Diary**

54. In addition to any other matters which it may be appropriate to record in the Prison Diary, the Gaoler shall ensure that daily entries be made therein of the following matters:—

- (i) the number of prisoners, counted twice daily;
- (ii) the actual hours at which prisoners go to labour, return from labour, go to exercise and return from exercise;
- (iii) what parts of the prison are searched and the names of the officers detailed for this purpose;
- (iv) the names of the officers deputed daily to take ordinary visitors to prisoners;
- (v) particulars of any special visits held and the names of the officers detailed to supervise them;
- (vi) particulars of escorts despatched and by whom inspected;
- (vii) the location of every prisoner;
- (viii) the work upon which the prisoners have been employed;
- (ix) mental or physical illness of any prisoner;
- (x) hours of opening and final closing of the prison and checking of keys; and
- (xi) any unusual or important occurrence.

### **Periodic searches of prisoners**

55.—(1) The Gaoler shall ensure that every prisoner is carefully searched on admission and that all prohibited articles are taken from the prisoner; and the Gaoler may, with the written

approval of the Officer in Charge, cause any dangerous or objectionable article found with any prisoner to be destroyed.

(2) The following prisoners and the cells which they occupy shall be searched each morning and evening:—

- (a) prisoners undergoing punishment for a prison offence;
- (b) prisoners awaiting trial for a prison offence;
- (c) prisoners who are mentally disordered or defective persons in terms of any law;
- (d) prisoners under observation.

(3) Working parties leaving the prison for labour outside shall be searched to ensure that no property is being taken out of the prison to be disposed of by prisoners.

(4) Every prisoner shall be searched on his return to prison from labour.

### **Care of sick prisoners**

56.—(1) The Gaoler shall report immediately to the Officer in Charge, or in the absence of the Officer in Charge to the medical officer, any case of apparent mental or physical disorder of any prisoner.

(2) The Gaoler shall carry into effect all written directions of the medical officer respecting the diet or treatment of any prisoner.

## **Division 6 Prison Officers—General**

### **Enlistment requirements**

57. No person shall be enlisted in the Service unless—

- (a) he is of or above the age of eighteen years and under the age of thirty-five years;
- (b) his height is not less than five feet six inches;
- (c) he has submitted himself to medical examination, including X-ray examination, by a Government medical officer and has been certified by such medical officer to be physically fit for service in the Service;

Provided that in any special case the Superintendent of Prisons may waive the requirements of paragraphs (a) or (b).

### **Issue of arms, equipment, etc.**

58.—(1) Prison officers shall be issued with such arms, ammunition equipment, clothing and appointments as may from time to time be determined by the Superintendent of Prisons.

(2) Unless the Superintendent of Prisons otherwise directs, every prison officer on duty shall

wear the appropriate uniform and badges of rank as laid down in such Standing Orders as may from time to time be made by the Superintendent of Prisons.

(3) All arms, ammunition, equipment, clothing and other appointments whatsoever supplied to any prison officer or for use by him under the provisions of these Regulations shall remain the property of the Government.

(4) Arms, ammunition, equipment, clothing and other appointments and stores issued or given under the care of any prison officer shall be used for prison purposes only.

#### **Issue of basic cleaning materials for uniforms, etc.**

59. Subordinate officers shall be issued free of charge with such items of basic cleaning materials for use on their uniform and equipment as may from time to time be determined by the Superintendent of Prisons.

#### **Training**

60. A prison officer shall undergo such training at such places and at such times as the Superintendent of Prisons shall determine.

#### **Report of sickness**

61. Any prison officer disabled from the regular performance of his duties by illness shall report the same to the Gaoler or to the Officer in Charge and shall obey such instructions as may be issued as regards the treatment of his illness.

#### **Absence from duty**

62.—(1) No prison officer shall be absent from any prison during his hours of duty without the authority of the Gaoler or, in the absence of the Gaoler, the immediate superior of such prison officer.

(2) No prison officer may leave his appointed place of duty without handing over his duties and any equipment in his charge in a proper manner to his relief.

#### **Search of prison officers or their quarters**

63.—(1) No search of a prison officer shall be made in the presence of any prisoner or otherwise than—

- (a) by a prison officer who is of like sex; and
- (b) in the presence of another prison officer of like sex.

(2) No search of a prison officer's quarters shall be made in the presence of any prisoner.

#### **Subordinate prison officers not to receive visitors in the prison**

64. Subordinate officers shall not receive visitors in the prison.

### **Testimonials not to be given to prisoners**

65. No prison officer shall give any certificate or testimonial to or in respect of any prisoner as regards his conduct in prison or otherwise.

### **Tobacco and liquor not to be used in prisons**

*LN 43/1975*

66. No prison officer shall consume spirituous or fermented liquors within a prison.

### **Prison officers not to enter cells at night unaccompanied**

67.—(1) No prison officer shall enter a prisoner's cell at night without being accompanied by another prison officer except in cases of emergency and in such circumstances he shall make an immediate report to the senior officer in charge of the prison.

(2) No male prison officer shall enter any part of a prison in which women prisoners are confined unless accompanied by a woman prison officer.

### **Familiarity with prisoners prohibited**

68. No prison officer shall allow any familiarity on the part of prisoners towards himself or any other prison officer or speak of his duties or of any matters of discipline or prison arrangements within the hearing of prisoners, except when formally dealing with an application or complaint.

### **Complaints, etc. to be reported to Gaoler**

69. A subordinate officer shall inform the Gaoler without unreasonable delay of the name of any prisoner who desires to see him or to make a complaint or application.

### **Safe custody and counting of prisoners**

70.—(1) Subordinate officers shall be responsible for the safe custody of prisoners under their charge and with this in view they shall count the prisoners at least once every half hour, and always—

- (a) on receiving charge of a party;
- (b) on handing over charge;
- (c) on leaving any building or work.

(2) No prison officer in charge of prisoners shall leave such prisoners unsupervised unless he is relieved of his charge by another prison officer.

(3) No prison officer shall allow any prisoner to obtain possession of any key giving access to or exit from any part of the prison.

### **Disciplinary offences by prison officers**

71. In addition to breach of any duty imposed upon any prison officer by any of the foregoing regulations, any subordinate officer shall be guilty of an offence against discipline if he is guilty of—

(a) disobedience to orders, that is to say, if he disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;

(b) insubordinate or oppressive conduct, that is to say, if he—

- (i) is disrespectful in word, act or demeanour to a prison officer superior to him in rank;
- (ii) is oppressive or tyrannical in conduct towards a prison officer inferior to him in rank;
- (iii) uses obscene, abusive or insulting language to any prisoner;
- (iv) assaults any other prison officer;
- (v) offers or uses unwarranted personal violence to any person in his custody;
- (vi) wilfully or negligently makes any false complaint against any other prison officer, or prisoner, or wilfully suppresses any material facts or makes or joins in making any anonymous complaints;
- (vii) talks or is inattentive or otherwise misbehaves himself on parade;
- (viii) being under arrest or confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (ix) resists an escort whose duty it is to apprehend him or to have him in charge;

(c) neglect of duty, that is to say, if he—

- (i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which it is his duty to attend to or carry out;
- (ii) idles or gossips, or sits or lies down without reasonable cause when on duty;
- (iii) sleeps when on duty;
- (iv) leaves his post before being lawfully relieved, except in fresh pursuit of any offender whom it is his duty to apprehend;
- (v) by his neglect or default allows, or contributes to the escape of any prisoner;
- (vi) fails to make or send a report or return which it is his duty to make or send;
- (vii) assists or connives with any prisoner in having or obtaining any prohibited article;
- (viii) neglects or refuses to assist in the apprehension of any prison officer whom he has been ordered to arrest;
- (ix) without reasonable cause omits to make any necessary entry in any official document, book or register;

(d) discreditable conduct, that is to say, if he—

- (i) acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
- (ii) lends money to any prison officer superior in rank to him or borrows money from or accepts any present from any prison officer inferior in rank to him;
- (iii) incurs debt in or out of the Service without any reasonable prospect, or intention, of paying the same, or, having incurred any debt, makes no reasonable effort to pay the same;
- (iv) if called upon by the Superintendent of Prisons to furnish a full and true statement of his financial position, fails to do so;

(e) absence without leave or being late for duty, that is to say, if he without reasonable cause or excuse is absent without leave from or is late for parade or for any other duty;

(f) falsehood or prevarication, that is to say, if he—

- (i) knowingly makes any false statement in any official book or document;
- (ii) wilfully or negligently makes any false, misleading or inaccurate statement;
- (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;

- (iv) prevaricates before any committee of inquiry or at any proceedings where inquiry is being made into a disciplinary charge against any prison officer or prisoner;
- (g) breach of confidence, that is to say, if he—
- (i) divulges any matter which it is his duty to keep secret;
- (ii) without proper authority communicates to the public, press, or to any unauthorised person any matter concerning the Service;
- (iii) without proper authority shows to any person outside the Service any book or written or printed document the property of the Service;
- (iv) makes any frivolous or vexatious complaint or makes a complaint in an irregular manner;
- (v) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channels or correspondence to the Superintendent of Prisons;
- (vi) calls or attends any unauthorised meeting to discuss any matter concerning the Service;
- (h) unlawful or unnecessary exercise of authority, that is to say, if he uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;
- (i) malingering, that is to say, if he—
- (i) feigns or exaggerates any sickness or injury with a view to evading duty;
- (ii) while absent from duty on account of sickness, neglects or without good and sufficient cause omits, to carry out any instruction of a medical officer or of a member of any hospital staff, or acts or conducts himself in a manner calculated to retard his return to duty;
- (j) uncleanness, that is to say, if, while on duty, or while off duty in uniform in a public place, he is without reasonable cause improperly dressed or dirty or untidy in his clothing or accoutrements;
- (k) damage to property, that is to say, if he—
- (i) wilfully or by carelessness causes any waste, loss or damage to any book, document or other property of the Service, issued to him or entrusted to his care;
- (ii) fails to report any such damage or loss as aforesaid, however caused;
- (l) drunkenness, that is to say, if he—
- (i) while on duty or off duty, is unfit for duty through the consumption of intoxicating liquor or drugs;
- (ii) habitually uses to excess intoxicating beverages or habit-forming drugs;
- (m) entering licensed premises, that is to say, if he enters any public bar licensed for the sale of intoxicating liquor when on duty except when his presence is required therein in the execution of his duty;
- (n) using any weapon without orders or just cause;
- (o) neglecting or failing to report the fact that he is suffering from venereal or other contagious disease;
- (p) showing cowardice in the course of his duty;
- (q) any other act, conduct, disorder or neglect to the prejudice of good order and discipline not herein specified;
- (r) conniving at or knowingly being an accessory to any offence against discipline under the Act or these Regulations.

### **PART III PRISONERS**

#### **Division 1 Admission and Control of Prisoners**

### **Prisoners not to be admitted at night**

72. No prisoner shall normally be admitted to any prison between the hours of 7 p.m. and 7 a.m. provided that at the discretion of the Officer in Charge a prisoner may be admitted at any time.

### **Officer in Charge to inform prisoners on admission of rights of appeal, etc.**

73.—(1) The Officer in Charge of a prison to which any convicted criminal prisoner is first committed after conviction shall inform such prisoner within twenty-four hours of his admission of his right of appeal, if any.

(2) The Officer in Charge of a prison to which a prisoner is committed for contempt of court or in default of finding a surety or of payment of any sum adjudged to be paid by him on his conviction shall inform such prisoner within twenty-four hours of his admission of the means whereby such prisoner may obtain his release.

### **Searching of prisoners**

74. Every prisoner shall be searched on first admission to prison and may thereafter be searched from time to time as may be considered necessary or expedient by the Officer in Charge, the Gaoler or any subordinate officer having charge of the prisoner:

Provided that—

- (a) the searching of such 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;
- (b) no prisoner shall be stripped and searched in the presence of any other prisoner; and
- (c) no prisoner shall be searched except by a prison officer of his or her own sex.

### **Removal from prisoners of personal belongings**

75.—(1) The private clothes and all other articles whatever, including money and other valuables in possession of or sent in to any prisoner, not expressly allowed by these Regulations or any Standing Orders shall be taken away from the prisoner and shall be inventoried in the Prisoners' Property Book which shall be signed by the prisoner and by the Gaoler or Officer in Charge.

(2) Any article of a perishable, objectionable or dangerous nature may be destroyed.

(3) Where any clothes of a prisoner are so old, worn out or dirty as to be unsuitable for further use, the Officer in Charge may order the same to be destroyed, and in that case, on the release or discharge of the prisoner, the Officer in Charge may, at the public expense, provide him with suitable clothing.

(4) The Officer in Charge may refuse to take into prison any property of a prisoner which by reason of its bulk, nature, or excessive quantity cannot be conveniently stored in the prison.

(5) The Superintendent of Prisons shall cause to be recorded the name or names of the person or persons to whom in the event of the death in prison of a prisoner without having made a valid will any money or movable property of the prisoner within the prison should be paid or delivered.

### **Restriction on prisoners contacting other prisoners on first admission**

76. As far as may be no prisoner on first admission to any prison shall be permitted contact with any other prisoner until—

- (a) he has taken a bath; and
- (b) he has been examined by the medical officer and certified free from any contagious or infectious disease.

### **Weighing of prisoners**

77.—(1) Upon first admission to any prison every prisoner shall be weighed and his weight upon entry recorded in his Record; and thereafter from time to time, not being less than once every three months, he shall be weighed again and his weight and the date of weighing shall be similarly recorded.

(2) Any substantial change in the weight of any prisoner shall be reported as soon as may be to the medical officer.

### **Prison clothing and bedding**

78.—(1) On admission to prison every convicted criminal prisoner shall be provided with prison clothing and bedding of such type and quantity as the Superintendent of Prisons may direct and any other prisoner may be provided with prison clothing and bedding if he so elects or if, in the opinion of the Officer in Charge, the clothing and bedding of such prisoner is inadequate.

(2) Every convicted criminal prisoner shall at all times be dressed in prison clothing:

Provided that no convicted criminal prisoner shall appear in court in prison clothing.

(3) If the clothing of a convicted or an unconvicted prisoner is inadequate for the purpose of his appearance in court, he shall be provided for the purpose of such appearance with clothing which is not of prison pattern.

### **Prisoners' hair cuts**

79.—(1) Unless the medical officer shall otherwise order, the hair of convicted criminal prisoners shall be cut short and their beards shall be shaved as often as may be necessary to preserve a clean and decent appearance.

(2) The hair of women prisoners shall not be cut unless the medical officer considers it to be necessary for health or cleanliness or unless the prisoner shall so desire.

(3) The hair of unconvicted prisoners shall be kept, as far as cleanliness permits, in the same state as it was on admission.

### **Diet and meals hours of prisoners**

*First Schedule*

*LN 10/1979*

80.—(1) The standard scales of diet for prisoners and standard meal hours for prisoners shall be as specified in the First Schedule.

(2) The Superintendent of Prisons may after consultation with the Permanent Secretary, Ministry of Health and Medical Services from time to time amend the First Schedule.

### **Prisoners' correspondence**

81.—(1) Subject to such limitations as the Superintendent of Prisons may from time to time direct in the case of any prison or any prisoner or class of prisoner, prisoners shall be permitted to send letters at the public expense and to receive letters.

(2) Every letter to and from a prisoner shall be read by the Officer in Charge or by a responsible officer deputed by him for the purpose, who shall endorse the letter to the effect that he has done so, and it shall be within the discretion of the Officer in Charge to stop any letter on the grounds that the contents are objectionable.

(3) A prisoner to whom or by whom a letter is written which is stopped in terms of paragraph (2) shall be advised that the letter has been stopped.

(4) A prisoner to whom a letter is written which has been stopped in terms of paragraph (2) may elect to have the letter returned to the writer or placed with his property against his discharge.

### **Visitors to prisoners**

82.—(1) Subject to the provisions of this regulation and to such limitations as the Superintendent of Prisons may from time to time direct in the case of any prison or any prisoner or class of prisoners, prisoners shall be permitted to receive visits from not more than three persons at any one time on such days and such times as the Officer in Charge may authorise.

(2) A visit, unless especially authorised by the Officer in Charge, shall not exceed half an hour's duration and shall be conducted in the presence and hearing of a prison officer:

Provided that where the visitor is the prisoner's bona fide legal adviser, visiting the prisoner in that behalf, the visit may be conducted in the sight but not the hearing of a prison officer.

(3) An unconvicted prisoner, other than a prisoner imprisoned for debt, shall have all reasonable facilities consistent with the discipline of the prison, for seeing his relatives, friends and legal advisers and, if he is an alien, his consular representative.

(4) A person committed to prison in default of finding a surety shall be allowed to see any of his relatives or friends at any reasonable hour for the bona fide purpose of providing for the payment or the surety which would procure his release from prison.

(5) A person committed to prison for debt shall be subject to the same limitations as regards receiving visits as a convicted prisoner.

(6) If any visitor to any prison brings any article, food, letter or any other thing to the prison for delivery to any prisoner, such article, food, letter or other thing shall be delivered to the Gaoler or to such other prison officer as may be detailed to receive the same; and no visitor to any prison shall take out of the prison any article, food, letter or any other thing for or on behalf of any prisoner unless lawfully authorised so to do.

### **Medical treatment**

83.—(1) The health of every prisoner shall be under the care of the medical officer of the prison and every prisoner shall submit himself to such treatment as the medical officer may from time to time prescribe.

(2) Every prisoner shall submit to such vaccinations or inoculations as the medical officer may from time to time direct.

(3) If a prisoner is found to be suffering from any infectious or contagious disease, or to be in a verminous condition, such steps shall be taken at once to treat the condition and to prevent it from spreading to other prisoners as the medical officer may direct.

(4) Any prisoner suffering from any serious illness or condition may at the discretion of the medical officer be removed from the prison to hospital.

### **Reports on long term prisoners**

*LN 10/1979*

84.—(1) The Superintendent of Prisons shall forward to the Minister a report on every prisoner who has during the previous month—

(a) in the case of prisoners sentenced to be detained during Her Majesty's pleasure or sentenced to imprisonment for a period of or exceeding seven years, completed four years' imprisonment from the date of sentence, and at intervals of two years thereafter or at such more frequent intervals as the Minister in his discretion may direct; and

(b) completed seven or more years of his sentence and has attained, or is believed to have attained, the age of sixty years.

(2) Each report shall include—

(a) a statement by the Officer in Charge on the work and conduct of each prisoner; and

(b) a statement by the medical officer on the mental and bodily condition of each prisoner, with particular reference to the effect of imprisonment on his health.

## **Discharge of prisoners**

85.—(1) The Officer in Charge shall, at least once each month, check the release dates of all prisoners who are due for discharge in the ensuing month.

(2) Every Officer in Charge shall be responsible for the due discharge from prison of all prisoners under his control immediately upon their becoming entitled thereto:

Provided that any prisoner who is suffering from an acute or dangerous illness shall not, except at his own request, be discharged from any prison until, in the opinion of the medical officer, it is safe to discharge him.

(3) Sentences shall be computed as follows:—

(a) a term of imprisonment shall be deemed to run from the first moment of the day on which the sentence begins;

(b) a prisoner shall be entitled to discharge before noon on the last day of his sentence due provision being made for any remission the prisoner may have earned:

Provided that if such day be a Sunday or a public holiday he shall be discharged before noon on the next preceding day not being a Sunday or public holiday;

(c) a sentence expressed in terms of one month or so many months, or one year or so many years, shall run to the date in the month or year in which it expires preceding that on which it commenced, whatever be the number of days in the month or months or year or years.

(4) Upon the discharge of any prisoner all personal belongings held by the prison authorities in trust for him during his imprisonment shall be returned to him against his receipt.

(5) A prisoner on discharge from a prison situate in a district in which he does not normally reside may, if he so desires, be returned to his own province at the Government's expense.

(6) An Officer in Charge may in suitable cases pay to a prisoner on his discharge from prison a gratuity not exceeding one dollar or, with the prior approval in writing of the Superintendent of Prisons, ten dollars.

## **Division 2 Classification, Custody and Transfer of Prisoners**

### **Segregation of certain prisoners**

86. So far as shall be practicable, the following prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent their seeing or communicating with each other—

(a) male from female prisoners; and

(b) convicted from unconvicted prisoners.

## **Classification of prisoners**

87.—(1) Prisoners shall be classified and divided into the following classes—

- (a) young prisoners;
- (b) adults;
- (c) first offenders;
- (d) prisoners with previous convictions;
- (e) unconvicted prisoners; and
- (f) such other classes as the Superintendent of Prisons may determine;

and so far as the prison facilities permit each such class shall be kept apart from the other classes.

(2) For the purposes of paragraph (1), the adult class shall consist of all prisoners other than young prisoners.

(3) The Superintendent of Prisons may require any class of prisoners to wear such distinguishing marks upon their clothing as he may from time to time consider appropriate or expedient.

(4) Any prisoner may be removed from any class, except the unconvicted class, if in the opinion of the Officer in Charge his character renders him unfit to associate with prisoners of that class from which he is removed.

## **Powers of police officers to interview prisoners**

88.—(1) Subject to the provisions of paragraph (2), a police officer, with the approval of the Officer in Charge and on production of an order in writing from a police officer in charge of a police station or other police officer of or above the rank of Inspector, may, in the sight and hearing of a prison officer, interview within a prison any prisoner for purposes connected with the investigation of any offence whatsoever.

(2) If the Officer in Charge is satisfied that a prisoner is willing to be interviewed by police officers out of the sight and hearing of a prison officer, then the Officer in Charge may permit that prisoner to be interviewed by not less than two police officers within the prison and out of the sight and hearing of a prison officer.

## **Transfer of prisoners into police custody**

89. An Officer in Charge may deliver a prisoner into police custody in connection with the investigation of a crime on the production of an order in writing which shall, in the case of an unconvicted prisoner, be signed by a police officer in charge of a police station or a police officer of or above the rank of Inspector, and, in the case of a convicted prisoner, by a police officer of or above the rank of Senior Inspector.

## **Use of mechanical restraints**

90.—(1) Whenever an Officer in Charge considers it necessary for the safe custody of or prevention of violence by a prisoner that he should be confined by means of mechanical restraint, he may cause him to be placed in handcuffs for such time as may in his opinion be necessary in the circumstances:

Provided that mechanical restraint shall in no case be used as a means of inflicting punishment upon any prisoner.

(2) When in the opinion of an Officer in Charge it is necessary to keep a prisoner in handcuffs for a period exceeding twenty-four hours, such Officer in Charge shall, before the expiry of such period, obtain from the medical officer a certificate in writing that the prisoner is fit to undergo such restraint, and the Officer in Charge shall retain such certificate and shall file it in the prisoner's Record.

(3) Leg irons shall not be used in any prison.

### **Prevention of escape of prisoners**

91.—(1) Every prison officer shall use the greatest vigilance to prevent the escape of any prisoner and no ladders, planks, ropes, chains or anything likely to facilitate an escape shall be left unsecured in any prison.

(2) On receiving a report of the escape of a prisoner the Officer in Charge shall—

- (a) order the prison and its neighbourhood to be searched at once;
- (b) notify the police;
- (c) notify the Superintendent of Prisons.

(3) With a view to preventing future escapes, the Officer in Charge shall hold an inquiry into the escape of any prisoner and shall submit a full report thereon to the Superintendent of Prisons.

### **Period of escape not to count as part of sentence**

92. The period during which an escaped prisoner is at large shall not be counted as part of the sentence he was undergoing at the time of his escape.

## **Division 3 Employment of Prisoners**

### **Employment of prisoners generally**

93.—(1) The medical officer may on medical grounds excuse any prisoner from work or direct that he perform light work.

(2) Women convicted prisoners shall not be employed outside a prison except on the recommendation of the medical officer on medical grounds and then only on such work as is suitable for women as the Officer in Charge may direct in conformity with any directions of

the Superintendent of Prisons.

(3) Any unconvicted prisoner who elects to work shall receive payment at such rates as may be prescribed.

### **Exemption of certain seamen from compulsory labour**

94. No person sentenced to imprisonment under regulations made under section 28(1) (h) of the [Shipping Act](#) shall be required to perform any compulsory labour.

*Cap. 163*

### **Prisoners unfit for normal labour**

95.—(1) A prisoner who is not certified as fit for normal prison labour by the medical officer shall not be required to undertake any form of labour until the medical officer has certified such prisoner fit for the particular labour to which it is intended to put him.

(2) A prisoner classified as unfit for any type of labour shall be encouraged to take exercise for such periods of every day during normal working hours as may be appropriate to his condition of health.

(3) A prisoner who is employed wholly on sedentary work, shall, if circumstances permit, be allowed to exercise in the open air for one hour during each working day.

### **Hours of labour for prisoners**

96. Subject to the provisions of regulation 97 the hours of labour for prisoners shall be at the direction of the Superintendent of Prisons and may vary in the case of different prisons and different classes of prisoners:

Provided that in no case shall any prisoner be required to work more than an aggregate of eight hours in any period of twenty-four hours.

### **Restrictions on employment of prisoners**

97.—(1) No prisoner shall be employed—

- (a) in the service of any other prisoner; or
- (b) in the service of any prison officer or servant of the prison; or
- (c) for the private benefit of any person; or
- (d) in any disciplinary capacity.

(2) No prisoner shall be required to do any labour, except such as may be necessary for keeping the prison premises clean and for cooking of rations, on any Sunday or Public holiday.

(3) The Superintendent of Prisons may direct that any prisoner of any religious faith specified

in such direction shall not be required to undertake labour of such kind or on such days or at such times as may be repugnant to the tenets of such faith.

#### **Division 4** **Privileges of Unconvicted Prisoners**

##### **Social privileges of unconvicted prisoners**

98. Unconvicted prisoners shall be permitted during their periods of exercise to associate together in an orderly manner.

##### **Purchase and use of luxuries by unconvicted prisoners**

*LN 43/1975*

99. Any unconvicted prisoner who purchases or receives food, bedding, clothing or such other requirements as are consistent with good order and the discipline of the prison, shall purchase or receive such articles through the Officer in Charge subject to the following conditions:—

- (a) the prisoner shall give such notice beforehand of his requirements as the Officer in Charge may require;
- (b) at any meal for which the prisoner is not supplied with food at his own expense, he shall receive the ordinary prison diet but he shall not receive any prison allowance of food at any meal for which he is supplied with food at his own expense;
- (c) spirituous liquors and like amenities shall not be permitted; and
- (d) articles obtained pursuant to this regulation—
  - (i) shall be received only at the times authorised by the Officer in Charge;
  - (ii) shall be inspected by a prison officer;
  - (iii) shall be subject to such restrictions as may be necessary to prevent excessive indulgence; and
  - (iv) may be paid for out of money belonging to the prisoner in the safe keeping of the Officer in Charge.

##### **Clothing of unconvicted prisoners**

100.—(1) Any unconvicted prisoner may wear his own clothes and procure for himself or receive at hours authorised by the Officer in Charge such articles of clothing as the Officer in Charge may approve:

Provided that if any unconvicted prisoner escapes or attempts to escape from any prison the Officer in Charge may, upon his recapture, require him to wear prison clothing for distinguishing purposes.

(2) When any unconvicted prisoner wears his own clothing in prison, the Officer in Charge or the medical officer may, for the purpose of preventing the introduction or spread of infectious disease or contamination by any other cause, order that the clothing be disinfected and during the process of disinfection the prisoner shall be required to wear prison clothing.

##### **Withdrawal of privileges; modification of prison routine**

101.—(1) Any privilege allowed under this Division may at any time be withdrawn by the Officer in Charge if he is satisfied that there has been an abuse thereof.

(2) The Officer in Charge may modify the routine of the prison in regard to an unconvicted prisoner so far as to dispense with any practice which in the opinion of the Officer in Charge is clearly unnecessary or unsuitable in the case of the particular prisoner.

## **Division 5 Discipline of Prisoners**

### **Saving in the case of offences against the law**

102. Nothing in this Division shall be construed to exempt any prisoner from being proceeded against for any offence by any other process of law:

Provided that no prisoner shall be punished twice for the same offence.

### **Minor prison offences**

103. The following acts and omissions shall be minor prison offences when committed by a prisoner:—

- (i) disobeying any order of the Officer in Charge or of any other prison officer or any lawful rule or order applicable to any prison or prisoner;
- (ii) treating with disrespect any prison officer or person authorised to visit the prison;
- (iii) being idle, careless or negligent at work or refusing to work;
- (iv) using abusive, threatening, insolent or other improper language;
- (v) being indecent in language, act or gesture;
- (vi) committing any assault or act of violence;
- (vii) communicating with another prisoner, or any other person without authority;
- (viii) leaving his cell or ward or place of work or other appointed place, without permission;
- (ix) disfiguring, soiling, damaging or interfering with any part or fitting of the prison or any property which is not his own;
- (x) committing any nuisance in any part of the prison;
- (xi) receiving or having in his possession any prohibited article or attempting to obtain any such article;
- (xii) making repeated and groundless complaints or malingering;
- (xiii) quarrelling with other prisoners;
- (xiv) wilfully bringing a false accusation against any prison officer or other prisoner;
- (xv) doing any act calculated to create unnecessary alarm among prison officers or prisoners;
- (xvi) committing any act of insubordination;
- (xvii) refusing to wear the clothing issued to him or exchanging, losing, discarding, damaging, altering or defacing any part of it;
- (xviii) offending in any way against good order and discipline;
- (xix) attempting to commit any of the foregoing minor prison offences; and
- (xx) aiding or abetting the commission of any of the foregoing minor prison offences.

## **Major prison offences**

104. The following acts and omissions shall be major prison offences when committed by a prisoner:—

- (i) mutiny or incitement to mutiny;
- (ii) committing or taking part in an aggravated or repeated assault on another prisoner;
- (iii) committing or taking part in an assault or attack on a prison officer;
- (iv) committing a minor prison offence after having twice previously been found guilty of the same minor prison offence;
- (v) escaping or conspiring with any other person to procure the escape of a prisoner or assisting any other prisoner to escape from lawful custody;
- (vi) possessing any instrument or other thing with intent to procure his own escape or that of any other prisoner;
- (vii) omitting or refusing to help any prison officer to prevent an escape, an attempted escape or an attack upon that officer or upon another prisoner;
- (viii) committing any act of gross misconduct or insubordination;
- (ix) attempting to commit any of the foregoing major prison offences; and
- (x) aiding or abetting the commission of any of the foregoing major prison offences.

## **Penalties for minor prison offences**

105. Any prisoner who commits any minor prison offence shall be liable to one or more of the following punishments:—

- (a) confinement in a separate cell for a period not exceeding fourteen days;
- (b) confinement in a separate cell with penal diet for a period not exceeding seven days;
- (c) forfeiture of remission of sentence not exceeding thirty days of the total remission earned; and
- (d) deprivation of privileges.

## **Penalties for major prison offences**

106. Any prisoner who commits any major prison offence shall be liable to one or more of the following punishments:—

- (a) confinement in a separate cell for a period not exceeding twenty-one days;
- (b) confinement in a separate cell with penal diet for a period not exceeding twenty-one days;
- (c) forfeiture of remission of sentence not exceeding sixty days of the total remission earned; and
- (d) deprivation of privileges.

## **As to separate confinement**

107.—(1) No prisoner shall be sentenced to be confined in a separate cell for an aggregate of more than ninety days in one year.

(2) In any case where a prisoner is sentenced to two periods of confinement in a separate cell the two sentences shall be separated by a period of not less than the longer of the two periods.

(3) Notwithstanding anything contained in this regulation, if it appears to the Officer in Charge that it is desirable for the good order and discipline of the prison for a prisoner to be segregated and not to work nor to be associated with other prisoners it shall be lawful for the Officer in Charge to order the segregation of that prisoner for such period as he may consider necessary.

(4) No prisoner undergoing separate confinement shall see any person other than prison officers in the execution of their duty, prison ministers, visiting justices and the medical officer of the prison.

(5) Every prisoner undergoing separate confinement shall, subject to any directions of the medical officer, be exercised for one hour each day and during such exercise period shall be required to bathe himself.

(6) Every prisoner undergoing separate confinement shall be visited by the Gaoler of the prison not less than once each day and by the medical officer as often as is practicable.

#### **As to separate confinement with penal diet**

108.—(1) No prisoner shall be made to undergo a punishment of penal diet within a period of twenty-four hours immediately preceding the expiration of his sentence or, if circumstances permit, on the day preceding his appearance before a court.

(2) Every prisoner undergoing punishment of penal diet shall receive full diet every fourth day.

(3) No prisoner undergoing a punishment of penal diet shall be put to any form of labour.

(4) Every prisoner subjected to penal diet shall be visited not less than once each day by the Gaoler of the prison and by the medical officer as often as is practicable.

#### **Disciplinary offences to be entered in prisoner's Record**

109. Particulars of every offence against discipline committed by any prisoner and the punishment imposed therefor shall be recorded in such prisoner's Record.

#### **Punishment may be carried out in more than one prison**

110. Any punishment lawfully imposed under these Regulations may be carried out partly in one prison and partly in another.

#### **Trial of prison offences**

111.—(1) A charge against a prisoner in respect of a prison offence may, subject to the provisions of this paragraph, be heard and determined—

(a) before a Magistrate's Court where the Superintendent of Prisons, owing to the gravity of the prison offence or other sufficient cause, so decides; or  
(b) within a prison, by the Superintendent of Prisons or, on the direction of the Superintendent of Prisons, the Officer in Charge.

(2) The Superintendent of Prisons may delegate to an Officer in Charge, either generally or in any particular case, his power of hearing and determining a charge under the provisions of paragraph (1) (b) in respect of a minor prison offence and, in so doing, may limit such officer's power to impose punishments conferred by regulation 105 to punishments less stringent than those specified in that regulation.

(3) A prisoner charged with a prison offence which is heard and determined under the provisions of paragraph (1) (b) shall, unless he specifically refuses, be present at the inquiry into his alleged offence and the officer conducting such inquiry shall inform him of the charge against him; and the prisoner shall be given an opportunity of hearing the facts alleged against him, of questioning every witness brought in support of the charge, of being heard in his defence and of calling any witness whose evidence he may wish to be heard.

(4) The proceedings and evidence shall be recorded in writing.

(5) Every prison officer empowered to inquire into a prison offence shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry and to adjourn the proceedings from time to time.

(6) Any person summoned as a witness under paragraph (5) who fails to attend at the time and place mentioned in the summons or on adjournment or refuses to answer any question that is lawfully put to him shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment of one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

### **Investigation and report of prison offences**

112.—(1) Every allegation against a prisoner alleging a breach of prison discipline shall be reported without unnecessary delay to the Officer in Charge and such officer shall so soon as may be after receipt by him of the report order that the allegation be investigated and if satisfied that disciplinary proceedings ought to be instituted shall in the case of a major prison offence forthwith report the matter to the Superintendent of Prisons, or, in the case of a minor prison offence power to hear and determine which has been delegated to him by the Superintendent of Prisons, proceed himself to charge the prisoner and to hear and determine the charge in accordance with the provisions of regulation 111 (3).

(2) The Officer in Charge may order a prisoner charged with a prison offence to be kept apart from other prisoners pending the hearing and determination of the charge.

### **Review of punishments awarded for prison offences**

113.—(1) The Inspector of Prisons or the Superintendent of Prisons may either upon the

complaint of any prisoner or of his own motion call for a report of any disciplinary investigation held in respect of any prisoner and may review the same and may confirm, vary or remit any punishment imposed:

Provided that no punishment imposed upon any prisoner shall be increased without giving the prisoner an opportunity of being heard.

(2) The Minister may review any punishment imposed upon a prisoner and may increase, reduce, vary or remit such punishment.

## **Division 6**

### **Remission of Sentence and Release on Licence**

#### **Remission of sentence**

*LN 10/1979*

114.—(1) Convicted criminal prisoners sentenced to imprisonment, whether by one sentence or consecutive sentences, for a period exceeding one month, may for industry and good conduct be granted a remission of one-third of their sentence or sentences:

Provided that in no case shall—

(i) any remission granted result in the release of a prisoner until he has served one month;  
(ii) any remission be granted to a prisoner sentenced to imprisonment for life or to be detained during the Her Majesty's pleasure.

(2) Upon the recommendation of the Superintendent of Prisons a convicted criminal prisoner may by reason of meritorious conduct or of his mental or physical state of health be granted remission of the whole or any part of his sentence by the Minister in his discretion.

(3) For the purpose of giving effect to the provisions of paragraph (1) each prisoner, on admission, shall be credited with the full amount of remission for which he would be eligible at the end of his sentence if he lost no remission of sentence.

(4) A prisoner may lose remission of sentence as a result of its forfeiture as a punishment for a prison offence, and shall not earn any remission in respect of any period—

(i) spent in hospital through his own fault or while malingering; or  
(ii) while undergoing confinement in a separate cell as punishment.

(5) The Minister upon the recommendation of the Superintendent of Prisons may restore in whole or in part any remission forfeited or lost under the provisions of these Regulations including any remission forfeited or lost before the date of commencement of these Regulations.

#### **Calculation of remission**

115.—(1) Where one term of imprisonment is consecutive to another term such terms shall be treated as one term for the purposes of remission.

(2) Where one sentence is partly concurrent with, but overlaps another sentence, the latter sentence shall be added to the period of the former sentence actually served when the latter commenced and remission shall be calculated on the total period.

(3) Where a court orders a fresh sentence "to commence at the expiration of the sentence the prisoner is now serving" or orders to that effect, the order of the court shall be interpreted literally.

(4) Where a prisoner is sentenced to two or more terms on different counts, such sentences shall be consecutive unless the court shall otherwise order.

(5) Where a prisoner is sentenced to several terms of imprisonment on several warrants at the same time or is sentenced to a further term or terms of imprisonment before the expiration of his original sentence, his several sentences on all the warrants shall be consecutive unless otherwise ordered by the court and the aggregate term shall run from the date of the first warrant.

(6) Where a prisoner avails himself of the right to obtain his earlier release by part payment of a fine or any other sum of money which he has been ordered to pay he shall be entitled to a grant of remission on the full period of his sentence, less that part for which he has paid, provided that the balance of the term of imprisonment is more than one month.

(7) If a portion of a fine imposed on a prisoner is paid before the expiration of a period of imprisonment imposed on him in default of payment of that fine, a proportionate reduction in the period of his imprisonment shall be made.

(8) No amount which would have the effect of reducing a period of imprisonment imposed in default of payment of a fine by part of a day shall be taken into account in calculating the remission which may be granted upon the remaining period of imprisonment outstanding after payment of such amount under paragraph (6) or in calculating the reduction in the period of imprisonment under paragraph (7).

### **Remission due to a prisoner to be recorded on admission**

116.—(1) The remission due to a prisoner shall be computed on the prisoner's admission and thereafter as may be necessary.

(2) The earliest possible date of discharge as the result of remission shall be recorded in the prisoner's Record and in the Prison Register and such date shall be amended by the Officer in Charge from time to time as may be necessary by the prisoner losing remission or being further sentenced.

### **Prisoners transferred to mental hospital not to lose remission**

117. A prisoner transferred to a mental hospital shall be allowed full remission under these Regulations.

### **Day of release after remission**

118. A prisoner who is entitled to remission under these Regulations shall be entitled to release on the day after the last day of remission granted.

### **System of remission of sentence to be explained to prisoners**

119. The remission system shall be explained to all prisoners on admission and when, for any reason, remission is forfeited the Officer in Charge or the Gaoler shall ensure that a prisoner is made fully aware of such forfeiture.

### **Decision of Superintendent of Prisons to be final on remission of sentence**

120. Any question arising concerning the computation of sentences and remission under these Regulations shall be referred to the Superintendent of Prisons whose ruling thereon shall be final and shall not be questioned in any proceedings whatsoever.

### **Release on licence**

*LN 10/1979*

121. (1) The Minister may in his discretion at any time release a prisoner on licence, but shall not do so in the case of a person sentenced to imprisonment for life or to detention during Her Majesty's pleasure except after consultation with the Chief Justice together with the trial judge, if other than the Chief Justice, if available.

(2) Every licence granted by the Minister under paragraph (1) shall be in the form prescribed in the Second Schedule and shall be subject to such conditions as may be specified therein, and the Minister may in his discretion at any time vary or cancel only such condition.

*Second Schedule*

(3) The Minister may in his discretion at any time by order recall to prison a prisoner released on licence under this regulation but without prejudice to the power of the Minister to release him on licence again, and when any prisoner is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

(4) Any order made under paragraph (3) shall be sufficient authority for the arrest of the prisoner to whom it relates as if such order were a warrant of arrest issued by a Magistrate.

### **Leave of absence**

122. (1) The Superintendent of Prisons may in his discretion grant to any prisoner leave of absence from any prison for a period not exceeding twenty-four hours on compassionate grounds.

(2) For avoidance of doubt, leave of absence granted under paragraph (1) shall be deemed service of sentence.

**Division 7**  
**Petitions and Complaints by Prisoners**

**Petitions by prisoners**

123. (1) No prisoner shall be permitted to petition regarding his conviction or sentence during such period as he is by law allowed to appeal against such conviction or sentence.

(2) A prisoner may petition the Governor-General on the subject of his conviction or sentence at any time after such conviction or sentence has been confirmed by the Court of Appeal; a second such petition shall be allowed when the prisoner has completed two years of his sentence, and thereafter a prisoner may petition at two-yearly intervals unless there are any special circumstances which the Superintendent of Prisons may consider should be brought to the notice of the Governor-General.

*LN 10/1979*

(3) A prisoner may if he wishes petition the Minister on any other subject at any time:

*LN 10/1979*

Provided that no petition shall be permitted if the reply to a previous petition on the same subject is still outstanding.

**Complaints by prisoners**

124. (1) A prisoner may make complaints or applications to a prison visitor, the Superintendent of Prisons or the Officer in Charge, but not to any subordinate officer except to report sickness.

(2) The Officer in Charge or, in his absence, the Gaoler, shall at a convenient hour on every day, other than Sundays and public holidays, hear the applications and complaints made by prisoners who have requested to see him; and such applications and complaints shall be recorded by the Officer in Charge (or the Gaoler, as the case may be) who shall also record what action he has taken in regard to such applications or complaints.

**Division 8**  
**Resettlement Gratuity Scheme**

**Establishment of resettlement gratuity scheme**

*LN 9/1974*

125. Subject to the provisions of this Division, there shall be established a scheme whereby prisoners may receive out of public funds and be paid upon their release from prison, a resettlement gratuity.

**Administration of Scheme**

*LN 9/1974*

126. The Scheme established under regulation 125 shall be administered by the Superintendent of Prisons.

**Rate of gratuity payable.**

*LN 9/1974*

127. Any prisoner who serves a sentence of imprisonment of one or more completed months may upon his release from prison receive a sum of money calculated at the rate of one dollar for each completed month of sentence served during which the work and conduct of that prisoner is certified by the Superintendent of Prisons to have been satisfactory.

**Remission of sentence not to count**

*LN 9/1974*

128. In calculating the gratuity payable to a prisoner under regulation 127 no account shall be taken of remission of sentence.

**Forfeiture of gratuity**

*LN 9/1974*

129. If during any period of imprisonment the Superintendent of Prisons is of the opinion that the work and conduct of any prisoner has not been satisfactory, he may direct that all or any part of the gratuity already payable to such prisoner shall not be paid to him, and such direction shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

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**FIRST SCHEDULE**

(Regulation 80)

**A****FULL DIET**

1 lb. Rice or 3 lbs. Roots, daily

1/2 lb. Bread or 1/2 lb. Biscuits, daily

4 ozs. Fresh or Tinned Meat, or, 4 ozs. Fresh or Tinned Fish, daily

2 ozs. Sugar daily

1/4 ozs. Tea daily

1/2 ozs. Powdered Milk daily

Curry Powder and Salt—as required

Fresh Vegetables and Fruit—as required

**B**

**PENAL DIET**

1/2 lb. Bread daily

1 lb. Rice daily

Fresh Water—as required

**C**

**MEAL HOURS**

Breakfast — 0600 Hrs

Lunch — 1200 Hrs.

Dinner — 1700 Hrs.

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**SECOND SCHEDULE**

**FORM OF LICENCE**

*LN 10/1979*

(Regulation 121) [reg. 121]

The Minister hereby grants to

.....who was convicted of ..... on the ..... day of ..... by the High Court sitting at ..... and was sentenced to imprisonment for life \*/the term of ..... years \* and is now confined in the ..... prison, his licence to be at large from the day of his liberation under this order during the remaining portion of his said term of imprisonment unless the said ..... shall, before the expiration of the said term be convicted of an offence within Solomon Islands in which case such licence will be immediately forfeited, or unless the Minister shall revoke or alter such licence.

2. This licence is given subject to the conditions specified in the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by conviction or

not.

3. The Minister hereby orders that the said..... be set at liberty within thirty days from the date of this order.

Given under my hand and the public seal this.....day of..... 19.....

Minister

\*Delete words not applicable.

(The following to be printed on back of licence)

This licence will be subject to revocation if the holder does not observe the following conditions:—

1. He shall preserve his licence and produce it when called upon to do so by a Provincial Secretary, police officer or Magistrate.
2. He shall abstain from any violation of the law.
3. He shall not habitually associate with notoriously bad characters.
4. He shall not lead an idle life, without visible means of obtaining an honest livelihood.
5. He shall at the time of his release from prison inform the Officer in Charge as to the place where he intends to reside and shall with all convenient speed proceed to such place and shall within 48 hours of arrival at such place report himself personally, unless prevented by unavoidable cause, to the police officer in charge of the police station nearest to his place of residence. +
6. He shall, unless prevented by unavoidable cause, thereafter once in every month report himself personally to the police officer in charge of the police station nearest to his place of residence and shall, unless prevented by unavoidable cause, on every change of residence give 48 hours' notice, either personally or by letter, to such police officer of his intention to leave, and, so far as is practicable, of his exact future address; and shall, unless prevented by unavoidable cause, within 48 hours of his arrival at his destination where he intends to reside, report himself personally to the police officer in charge of the police station nearest to his place of residence. +
7. The police officer in charge of the police station nearest to the licence—holder's place of residence may, after the lapse of some after the granting of the licence during which the conduct of the holder shall have been satisfactory, permit the report to be made in writing. +
8. He shall conform to such other conditions as the Minister may insert in the licence.

+ Note: Conditions 5, 6 and 7 may be amended to refer to such other officer other than the police officer as may be convenient or desirable.

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# LAWS OF SOLOMON ISLANDS

1996 EDITION]

## CHAPTER 111

### PRISONS

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**CHAPTER 111  
PRISONS**

**AN ACT TO PROVIDE FOR THE BETTER SUPERVISION OF AND DISCIPLINE  
IN PRISONS IN SOLOMON ISLANDS AND FOR PURPOSES ANCILLARY  
THERE TO OR CONNECTED THEREWITH**

*[1st May 1973]*

*20 of 1972  
LN 46A of 1978  
LN 88 of 1978*

**PART I  
PRELIMINARY**

**Short title**

1. This Act may be cited as the Prisons Act.

**Interpretation**

*LN 46A of 1978*

*LN 88 of 1978*

2. In this Act, unless the context otherwise requires—

"civil prisoner" means any prisoner other than a criminal prisoner;

"convicted" means convicted by a court exercising criminal jurisdiction;

"criminal prisoner" means any prisoner duly committed to custody under a writ, warrant or order of a court exercising criminal jurisdiction;

"Inspector of Prisons" means the officer appointed to be the Inspector of Prisons pursuant to this Act;

"medical officer" means a person appointed pursuant to section 58 to be the medical officer for any prison;

"Officer in Charge" means the officer for the time being having charge of any prison;

"prison" means any building, enclosure or place or part thereof, declared to be a prison under section 3 and any temporary prison established under section 4;

"prisoner" means any person lawfully detained in any prison and also any person lawfully transferred from prison custody for treatment in any hospital;

"prison minister" means any minister of religion appointed to be a prison minister pursuant to section 59;

"prison officer" includes the Superintendent of Prisons, the Inspector of Prisons, any Officer in Charge and any subordinate officer;

"prohibited article" means any article which is not issued to any prisoner by the authority of the Officer in Charge, with the approval of the Superintendent of Prisons, or an article the introduction or removal of which into or out of a prison is prohibited by this Act;

"the Service" means the Prison Service established under section 6;

"subordinate officer" means and includes any officer of the Service, whether male or female, notified to be such by the Police and Prisons Service Commission;

"Superintendent of Prisons" means the officer appointed to be the Superintendent of Prisons pursuant to this Act;

"visiting justice" means a visiting justice appointed under section 60.

## **PART II ESTABLISHMENT AND CONTROL OF PRISONS**

### **Establishment of prisons**

*LN 46A of 1978*

3.—(1) The Prime Minister may in his discretion by notice provide for—

(a) any place or building or any part of any building to be set apart for the purpose of a prison;

(b) the discontinuance of the use of any prison and the appropriation of the sites and buildings thereof for any other lawful purpose.

(2) The prisons, together with the sites and buildings thereof, specified in the First Schedule shall be prisons duly set apart under subsection (1).

*First Schedule*

(3) The Prime Minister may in his discretion amend the First Schedule from time to time by order.

### **Power to provide temporary accommodation for prisoners**

*LN 46A of 1978*

4.—(1) Whenever—

(a) it appears to the Superintendent of Prisons that the number of prisoners in any prison is greater than can be conveniently kept therein and that it is not convenient to transfer the excess number to some other prison; or

(b) owing to the outbreak of epidemic disease within a prison or for any other reason, it is desirable to provide for the temporary shelter or safe custody of any prisoners,

the Superintendent of Prisons may, with the approval of the Prime Minister, establish a temporary prison in any building, enclosure or place, or part thereof.

(2) The Superintendent of Prisons may at any time cancel the establishment of a temporary prison.

### **General control vested in Superintendent of Prisons**

5. Prisoners shall be under the general control of the Superintendent of Prisons who may—

(a) allocate prisoners to any prison; and

(b) classify prisoners according to classifications specified by regulations made from time to time under section 61.

### **Establishment of Prison Service**

*LN 46A of 1978*

6.—(1) There is hereby established a Prison Service to be known as the Solomon Islands Prison Service.

(2) The provisions of this Act shall extend to all persons who at the commencement of this Act are serving as officers of the Prisons Department under the provisions of the Prisons Act repealed by this Act and service under that Act shall for the purposes of this Act be deemed to be service under this Act.

(3) The Service shall consist of a Superintendent of Prisons, an Inspector of Prisons and such other ranks appointed by the Police and Prisons Service Commission.

### **General powers of Superintendent**

*LN 46A of 1978*

7.—(1) The Superintendent of Prisons shall have the administrative command and direction of the Service and subject to the provisions of this Act may—

(a) make such appointments and promotions in respect of all subordinate officers below the rank of Assistant Prison Officer as he may see fit; and

(b) from time to time make orders for the general government of prison officers in relation to their enlistment, discharge, training, arms, clothing, equipment and other appointments and particular services as well as their distribution and inspection, and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of prison officers in the discharge of their duties.

(2) Any act or thing which may be done, ordered or performed by the Superintendent of Prisons may, subject to the orders and directions of the Superintendent of Prisons, be done or performed by the Inspector of Prisons:

Provided that nothing in this subsection shall empower the Inspector of Prisons to hear any appeal under this Act relating to any offence against discipline or to impose upon a prison officer any punishment which includes reduction in rank or dismissal.

### **Employment of police officers as prison officers**

8.—(1) In the absence of the appointment of an officer of the Service to be the Officer in Charge of any prison, the police officer for the time being in charge of the police district in which such prison is situated shall be, ex officio, the Officer in Charge of that prison.

(2) Where in any prison the number of subordinate officers employed is insufficient to secure the good management and government thereof it shall be lawful for the Superintendent of Prisons to employ temporarily such number of police officers, including special constables, of or below the rank of Inspector as he may consider necessary to perform the duties of subordinate officers in such prison.

(3) Every police officer or special constable appointed in pursuance of subsection (1) shall thereupon have all the powers and perform in such prison all the duties of a subordinate officer and for the purpose of the provisions of this Act shall be deemed to be a subordinate officer.

(4) Where on the removal of any prisoner from any prison the staff of subordinate officers is insufficient to provide escort for such prisoner it shall be lawful for the Officer in Charge of the prison from which the prisoner is to be removed to deliver the prisoner to any police officer or special constable who may be detached for such duty and thereupon the police officer or special constable shall have the same powers and be subject to the same

responsibilities, discipline and penalties and to the same authorities as a subordinate officer would have and be subject to in like circumstances.

### **Power to order prison enquiries**

*LN 46A of 1978*

9. The Prime Minister may, whenever he considers it necessary or desirable, appoint a committee of two or more suitable persons, of whom at least one shall be a public servant, to enquire into and report to him upon the conduct, management or administration of any prison or any matter connected therewith or incidental thereto.

### **Enlistment**

10. Every subordinate officer shall be enlisted in the Service for a period of two years on probation and shall, on the conclusion of such probationary period to the satisfaction of the Superintendent of Prisons, be confirmed by the Superintendent of Prisons in his appointment.

### **Declaration on enlistment**

*Second Schedule*

11.—(1) Every prison officer shall, on joining the Service or before entering on the duties of his office, make before the Superintendent or Inspector of Prisons a declaration on oath or affirmation in the form specified in the Second Schedule.

(2) Every prison officer required to make a declaration under subsection (1) shall, on joining the Service and before making such declaration, answer truly any question which may be put to him as to his previous service in any of Her Majesty's Forces, police or prison service and as to whether he has at any time been convicted of any offence.

(3) Any person who wilfully makes a false statement in reply to any question put to him under the provisions of subsection (2) shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment for one month.

### **Liability for service**

*LN 46A of 1978*

12. Every prison officer shall be deemed to be available for duty at all times and shall be bound to proceed to and serve at any place in Solomon Islands.

### **Prison officers not to engage in other employment or in political activities**

13. No prison officer shall—

(a) engage in any trade, business, employment or office whatsoever, or take part in any commercial undertaking, outside the scope of his duties under this Act, except with the authority of the Superintendent of Prisons; or

(b) take any active part in any political organisation or electoral campaign or engage in any other activity which is likely to interfere with the impartial discharge of his duties under this Act.

### **Prison officer not to be member of trade union, etc**

*LN 46A of 1978*

14.—(1) For the purpose of enabling prison officers to consider and bring to the notice of the Government any matter affecting their welfare and efficiency, other than questions of discipline and promotion, the Prime Minister may in his discretion by order establish and provide for the regulation of one or more prison officers' associations which, including any branch or branches thereof, shall be entirely independent of, and unassociated with, any body or person outside the Service, and shall be deemed not to be a trade union within the meaning of the Trade Unions Act.

*Cap. 76*

(2) Subject to the provisions of subsection (1), no prison officer shall become a member of any trade union, or of any association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the Service or of the public service of Solomon Islands or any part thereof; and any prison officer who contravenes this provision shall be guilty of an offence and liable to a fine of eighty dollars and to imprisonment for two months.

(3) Any question whether any body is a trade union or association to which subsection (2) applies shall be determined by the Prime Minister in his discretion, and such determination shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

(4) Notwithstanding the provisions of subsection (2), it shall be lawful for a prison officer, until such time as there is established under subsection (1), a prison officers' association of which he may be a member, to join and be a member of any association of civil servants for the time being approved by the Prime Minister in his discretion by notice.

### **Resignation**

15. Any prison officer may resign from the Service at any time by giving not less than three months' notice of his intention to resign in writing to the Superintendent of Prisons:

Provided that in any case the Superintendent of Prisons may in his discretion waive the provisions of this section regarding the period of notice to be given.

### **Prolongation of service in event of hostilities, etc.**

*LN 46A of 1978*

16. Any prison officer whose period of service expires during a state of war, insurrection or hostilities or whenever the Prime Minister is satisfied that a state of civil commotion which threatens the public safety exists or is likely to arise in Solomon Islands or in any part thereof, may be retained and his service prolonged for such further period, not exceeding six months after the cessation of such state of war, insurrection, hostilities or civil commotion which threatens the public safety, as the Prime Minister may in his discretion direct.

### **Discharge**

17. The Superintendent of Prisons may at any time discharge from the Service a subordinate officer who has not been confirmed in his appointment if the Superintendent of Prisons considers that he is unlikely to become an efficient prison officer:

Provided that no subordinate officer shall be so discharged unless he has been given one month's notice of the intention to discharge him or, at the option of the Superintendent of Prisons, one month's pay in lieu of such notice.

### **Arms and equipment to be delivered up on ceasing to be a prison officer**

18.—(1) When a prison officer ceases to be a member of the Service he shall forthwith deliver up to the person appointed by the Superintendent of Prisons for that purpose, or to the Officer in Charge at the place at which he was last stationed, all arms, ammunition, equipment, uniform and other appointments which have been supplied to him and which are the property of the Government.

(2) Any prison officer who, having ceased to belong to the Service, fails without good cause to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine of eighty dollars and to imprisonment for two months and, in addition thereto, shall be liable to pay the value of the property not delivered up, which value may be ascertained by the court in a summary manner and shall be recoverable as a fine.

### **Prison officers liable to same provisions as other public officers**

19. Save as otherwise provided in this Act, every prison officer shall be subject to the same provisions as are applicable to other public officers of corresponding status.

### **Use of force by prison officer**

20.—(1) Any prison officer may use such force against a prisoner as is reasonably necessary in order to make him obey lawful orders which he refuses to obey or in order to maintain discipline in a prison.

(2) Any prison officer may use any weapons which have been issued to him, including firearms—

(a) against a prisoner if—

- (i) he is escaping or attempting to escape and refuses or fails, when called upon, to return; or
- (ii) he is engaged with other persons in breaking out or attempting to break out of any part of a prison and continues to break out or attempt to break out when called upon to desist; or
- (iii) he is engaged with others in riotous behaviour in a prison and refuses to desist when called upon; or
- (iv) he is endangering the life of, or is likely to inflict grave injury to, the prison officer or to any other prison officer or person and the use of

weapons, including firearms, is the only practicable way of controlling the prisoner:

Provided that weapons shall not be used as authorised in sub-paragraphs (i), (ii) and (iii) unless the prison officer has reasonable cause to believe that he cannot otherwise prevent the escape, breaking out or riotous behaviour, as the case may be;

(b) against any person who—

- (i) is engaged in assisting a prisoner to escape and refuses or fails, when called upon, to desist; or
- (ii) is engaged with other persons in breaking into or attempting to break into any part of a prison and continues to break in or attempt to break in when called upon to desist:

Provided that weapons shall not be used as authorised in sub-paragraphs (i) and (ii) unless the prison officer has reasonable cause to believe that he cannot otherwise prevent the escape or break in, as the case may be.

(3) No prison officer shall, in the presence of a prison officer of a higher rank than himself, use weapons as authorised by subsection (2), except on the orders of such prison officer of higher rank.

(4) As far as possible weapons shall be used to disable and not to kill.

#### **Non-liability for act done under authority of a warrant**

21.—(1) Where the defence to any suit instituted against a prison officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court or other competent authority, the court shall, upon production of the warrant and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such prison officer.

(2) No proof of the signature on a warrant shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of a prison officer if it is proved that, at the time the act complained of was committed, he believed on reasonable grounds that the signature was genuine.

#### **Prison officers to have powers of police officers when acting as such; powers of arrest, examination, stoppage and search**

22.—(1) Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a police officer.

(2) Every prison officer may without warrant examine anything within, or being brought into or taken out of, a prison, and may stop and search or cause to be stopped and searched any vehicle or person within a prison, or going into or out of a prison, or, whether within or

without a prison, any person who, or any vehicle which, is without authority close to a prisoner or prisoners if he has reason to suspect that such person or vehicle is carrying a prohibited article or any property belonging to the Government in use in a prison.

(3) The senior officer on duty in a prison may refuse admission to the prison to any person who is not willing to be searched.

(4) The senior officer on duty in a prison may order any person within a prison who refuses to be searched to leave the prison and, if such person refuses to leave, may cause him to be removed from the prison and for that purpose may use such force as may be necessary.

(5) If on the stopping and searching of any vehicle or person under the provisions of subsection (1) a prison officer finds any prohibited article or any property belonging to the Government in use in a prison he may arrest that person or the person on the vehicle who appears to have charge of the article or property and shall as soon as practicable cause any such person to be made over to a police officer, or, in the absence of a police officer, to be taken to the nearest police station.

(6) Any search of a woman under this section shall be made by another woman officer and with due regard to decency.

### **PART III**

#### **OFFENCES BY AND IN RELATION TO PRISON OFFICERS AND PRISONERS**

##### **Mutiny, sedition, striking superior officer, etc.**

23. Any prison officer who—

(a) begins, excites, causes or joins in any mutiny or sedition amongst the Service or in any prison, or does not use his utmost endeavours to suppress such mutiny or sedition, or conspires with any other person to cause any mutiny or sedition, or being cognisant of any mutiny or sedition, or intended mutiny or sedition, does not without delay give information thereof to his superior officer; or

(b) strikes or offers violence to his superior officer, such superior officer acting in the execution of his duty,

shall be guilty of an offence and liable to imprisonment for three years.

##### **Desertion**

24.—(1) Any prison officer who—

(a) deserts;

(b) persuades, procures or assists any prison officer to desert, or being cognisant of any such desertion, or intended desertion, does not without delay give information thereof to his superior officer; or

(c) knowing that any prison officer has deserted or intends to desert, does not without delay give information to his superior officer,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

(2) No prison officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of the prison officer not to return to the Service.

(3) Any prison officer who absents himself from duty without leave or reasonable cause for a period exceeding twenty-eight days, shall, unless the contrary is proved, be deemed to have had the intention not to return to the Service.

(4) Any prison officer or any police officer may without warrant apprehend any person whom he has reason to believe is a deserter from the Service and convey him, or cause him to be conveyed, to a police station.

### **Inciting prison officers or prisoners to mutiny**

25. Any person who, directly or indirectly, instigates, commands, counsels, or solicits any mutiny or sedition amongst any prison officers or prisoners or disobedience to any lawful command given by any prison officer, or who wilfully attempts to seduce any prison officer from his allegiance or duty, shall be guilty of an offence and liable to imprisonment for three years.

### **Procuring desertion and harbouring deserters**

26. Any person who by any means, directly or indirectly, procures or persuades, or attempts to procure or persuade, any prison officer to desert, or who aids, abets, or is accessory to the desertion of any prison officer, or who knowingly harbours such deserter or aids him in concealing himself or assists in his rescue, shall be guilty of an offence, and liable to a fine of two hundred dollars and to imprisonment for six months.

### **Unlawfully supplying prisoners with prohibited articles**

27. Any prison officer who without lawful authority—

(a) knowingly suffers any intoxicating liquor, tobacco, drug, opiate, money, clothing, provisions, letters, papers, books or other article to be delivered to or received from or used by or on behalf of any prisoner;

(b) delivers to any prisoner any intoxicating liquor, tobacco, drug, opiate, money, clothing, provisions, letters, papers, books or other article;

(c) knowingly suffers any article to be brought out of any prison or to be conveyed from any prisoner,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

## **Dealings with prisoners and prison contracts**

28. Any prison officer or other person (not being a prison officer) charged with any duty relating to prisoners which gives rise to personal contact with prisoners who directly or indirectly—

(a) sells or supplies or has any interest in or derives any pecuniary benefit or other advantage from the sale or supply of any article to or for the use of any prisoner or to or for the use of any prison; or

(b) has any pecuniary interest in the purchase of any supplies for the use of any prison or receives any discount, gift or other consideration from any contractor for or any seller of any such supplies; or

(c) has any pecuniary dealings with any prisoner or with any friend of any prisoner with regard to such prisoner or on behalf of any prisoner holds any unauthorised communication with any person,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

## **PART IV DISCIPLINE OF STAFF**

### **Interdiction of subordinate officers**

*LN 46A of 1978*

29.—(1) The Superintendent of Prisons subject in this Part of this Act to the provisions of section 124 of the Constitution may interdict from duty any subordinate officer pending any investigation or inquiry into, or trial of, any offence against discipline under this Act or any offence against any written law, and pending the determination of any appeal.

(2) A prison officer interdicted from duty under this section shall not by reason of such interdiction cease to be a prison officer:

Provided that the powers, privileges and benefits vested in him as a prison officer shall during his interdiction be in abeyance but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(3) A prison officer interdicted from duty under this section shall not, save as is hereinafter provided, be entitled to receive any pay in respect of the period of such interdiction:

Provided that—

(a) he shall be allowed to receive such portion of his pay not being less than one half as the Superintendent of Prisons may think fit; and

(b) if the proceedings against any such prison officer do not result in the dismissal of the prison officer, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

### **Offences against discipline**

30. Any subordinate officer who commits any offence against discipline as may be prescribed under this Act shall be liable to suffer punishment in accordance with the provisions of this Act:

Provided that—

(a) nothing in this connection shall be construed to exempt any such officer from being proceeded against for any offence by any other process of law;

(b) no such officer shall be punished twice for the same offence.

### **Power of arrest**

31.—(1) Any prison officer may arrest without warrant any prison officer not being an officer of his own or of a higher rank who is accused of any offence against discipline under this Act.

(2) A prison officer, other than an Officer in Charge, effecting an arrest under this section shall forthwith bring the accused person before an Officer in Charge or in the absence of such an officer before the most senior prison officer readily accessible.

### **Trial and punishment of offences against discipline**

*LN 46A of 1978*

32.—(1) Any offence against discipline under this Act may be inquired into and dealt with by the Superintendent of Prisons and by any Officer in Charge.

(2) The Superintendent of Prisons shall have the power subject to section 124 of the Constitution to impose any one or more of the following punishments:-

(i) reprimand;

(ii) severe reprimand;

(iii) fine not exceeding ten days' pay;

(iv) reduction in rank;

(v) dismissal;

(vi) confinement to quarters for any period not exceeding fourteen days with or without extra duties.

(3) An Officer in Charge shall have power to impose any one or more of the following punishments on any subordinate officer:—

(i) reprimand;

(ii) confinement to quarters for any period not exceeding seven days with or without extra duties;

(iii) fine not exceeding five days' pay.

(4) No prison officer shall be convicted of an offence against discipline unless the charge has been read and inquired into in his presence and he has been given sufficient opportunity to make his defence thereto.

(5) Any prison officer upon whom a punishment is inflicted which entitles him to appeal to the Police and Prisons Service Commission under section 34 shall, at the time when such punishment is imposed, be informed of his right of appeal.

### **Review by Superintendent of Prisons**

33.—(1) The Superintendent of Prisons shall have power to review all disciplinary proceedings under this Act, other than proceedings conducted by himself.

(2) Upon review, the Superintendent of Prisons, if he thinks that such proceedings ought to be revised, shall have power—

(a) to quash the finding;

(b) to alter the finding and find the accused guilty of another offence;

(c) with or without altering the finding—

(i) to reduce or increase the punishment;

(ii) with or without such reduction or increase, to alter the nature of the punishment; or

(d) to remit the proceedings to the officer who heard them or to another officer for rehearing:

Provided that the Superintendent of Prisons shall not—

(i) impose any punishment which the officer who conducted the proceedings was not empowered to impose;

(ii) increase any punishment without giving the accused an opportunity of making representations either orally or in writing as the accused may decide.

### **Appeal**

*LN 46A of 1978*

34.—(1) Any prison officer upon whom the Superintendent of Prisons has imposed any punishment which includes—

(a) reduction in rank; or

(b) dismissal,

may appeal in the manner hereinafter provided to the Police and Prisons Service Commission against either the finding or the punishment or both, and the Police and Prisons Service Commission may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

Provided that nothing in this subsection shall be construed as empowering the award of any greater punishment than could have been awarded by the officer inflicting the punishment.

(2) An appeal under subsection (1) may be made by lodging with the Secretary of the Police and Prisons Service Commission within seven days after the imposition of the punishment a written statement of the intention to appeal and of the grounds thereof:

Provided that the Chairman of the Police and Prisons Service Commission may in his discretion extend the time within which an appeal may be so lodged.

(3) Any prison officer upon whom any Officer in Charge has imposed any punishment for the commission of an offence against discipline may within seven days of the imposition of the punishment, or such further time as the Superintendent of Prisons may allow, appeal to the Superintendent of Prisons, who, for the purpose of disposing of such appeal, shall have all the powers provided in section 33(2).

#### **Power to summon witnesses**

35.—(1) The Superintendent of Prisons and any Officer in Charge shall, for the purpose of inquiring into any offence against discipline, or in the case of the Superintendent of Prisons for the purpose of disposing of any appeal under section 34(3), have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry or appeal, and to adjourn such proceedings from time to time.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons, or on adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment for one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

#### **Procedure in cases of grave or repeated offences**

36. In any case where a subordinate officer has upon inquiry been found to have committed an offence against discipline and where it appears to the officer conducting the inquiry that, by reason of the gravity of the offence or by reason of previous offences or for any other reason, the offender would not be adequately punished by any of the punishments he is empowered to impose, such officer shall record any statement which the offender wishes to

make in mitigation and shall stay the proceedings and transmit them to the Superintendent of Prisons, and the Superintendent of Prisons may impose such punishment as he deems to be warranted or he may direct that the case be dealt with by the officer who transmitted it:

Provided that when no statement in mitigation has been recorded, the Superintendent of Prisons shall give the offender an opportunity of making representations to him either orally or in writing as the Superintendent of Prisons in his discretion shall direct.

### **Dismissal and reduction in rank of subordinate officers convicted by court**

*LN 46A of 1978*

37.—(1) The Superintendent of Prisons may by order reduce in rank, or may dismiss from the Service, any subordinate officer who has been convicted by any court in respect of any offence, whether against this Act or otherwise, unless such officer has successfully appealed from such conviction.

(2) Any prison officer who is aggrieved by an order of the Superintendent of Prisons made under subsection (1) may appeal to the Police and Prisons Service Commission under section 34(1).

### **Summary admonishment and reprimand**

*LN 46A of 1978*

38. Notwithstanding anything to the contrary contained in this Act, or the General Orders of Solomon Islands, the Superintendent of Prisons may summarily administer admonishment or reprimand to any prison officer in the case of minor misconduct.

### **Fines to be recovered by stoppage of pay**

39.—(1) All fines imposed on a prison officer in respect of offences against discipline under this Act may be recovered by stoppage of such officer's pay.

(2) The amount of stoppage in respect of any fine or for any other cause authorised by this Act shall be in the discretion of the officer by whom the fine was imposed or the cause dealt with, as the case may be, but shall in no case exceed one-third of the offender's monthly pay; and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped as shall leave him a residue of at least two-thirds of his monthly pay.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

### **Loss or damage to arms and equipment to be made good by stoppage of pay**

40. If any prison officer pawns, sells, loses by neglect, makes away with or wilfully or by neglect damages any arms, ammunition, equipment, clothing or other appointments supplied to him or any Government property committed to his charge he may, in addition to or in lieu of any other punishment, be ordered to make good either partially or wholly the amount of

such loss or damage, and such amount may be recovered by stoppage from his pay, subject to subsections (2) and (3) of section 39:

Provided that no such amount shall be ordered to be made good if it exceeds one-third of the officer's monthly pay unless the officer admits liability to make good that amount.

**Pay not to accrue during absence without leave or imprisonment**

*LN 46A of 1978*

41. Subject to the General Orders of Solomon Islands, no pay shall accrue to any prison officer in respect of any period exceeding twenty-four hours during which he is absent from duty without leave, or is undergoing any sentence of imprisonment, either for any offence against discipline or for any other offence whatsoever:

Provided that in any case the Superintendent of Prisons may in his discretion authorise the payment of such proportion of pay, not being more than two-thirds, as he may think fit.

**PART V  
PRISON SERVICE FUND**

**Prison Service Fund**

*LN 46A of 1978*

42.—(1) There shall be established a fund to be known as the Prison Service Fund.

(2) Such fund shall consist of—

- (a) fines inflicted on prison officers under the powers conferred by this Act;
- (b) donations offered to the fund and accepted by the Superintendent of Prisons; and
- (c) such sums as may be voted by the National Parliament

(3) Subject to any regulations made under this Act, the Prison Service Fund shall be administered by the Superintendent of Prisons, and shall be applied for the purpose of—

- (a) assistance to the wives or families of deceased prison officers or to any prison officer discharged from the Service as medically unfit for further service;
- (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Service;
- (c) purchase of ammunition for the encouragement of range practice amongst prison officers;
- (d) payments to subordinate officers as rewards for meritorious acts or service in the execution of duty, if such payments are not met from public funds;
- (e) expenditure for the benefit and advancement of authorised recreation and sport and other branches of prison activity organised within the Service;

(f) any other purpose which the Superintendent of Prisons considers to be for the general welfare of prison officers.

(4) Upon the coming into force of this Act all moneys comprised in the Prisons Rewards and Fines Fund constituted by the Prisons Act repealed by this Act shall be deemed to be transferred to and shall form part of the Prison Service Fund constituted by this Act.

*Cap. 37 1969 Edition*

**PART VI**  
**ADMISSION, CUSTODY AND CONTROL OF PRISONERS AND OFFENCES IN**  
**RELATION TO PRISONS**

**Admission of prisoners**

43.—(1) No prisoner shall be admitted into a prison unless accompanied by a remand warrant, order of detention, warrant of conviction or of committal purporting to be signed by a person having authority to sign the same.

(2) The Officer in Charge shall, before the admission of any prisoner, satisfy himself that such prisoner is the person named in the warrant or order of detention accompanying him:

Provided that he shall not refuse to accept any prisoner merely on the ground that there is an error on the face of any such warrant or order, but shall take steps as soon as practicable to have such error corrected.

(3) Subject to such conditions as may be specified by the Superintendent of Prisons, the infant child of a woman prisoner may be received into the prison with its mother and may be supplied with clothing and necessaries at the public expense:

Provided that, when the child has been weaned, the Officer in Charge, on being satisfied that there are relatives or friends of the child able and willing to support it, shall cause the child to be handed over to the relatives or friends, or, if he is not so satisfied, shall, subject to any other written law, hand the child over to the care of such welfare authority as may be approved for the purpose by the Superintendent of Prisons.

**Custody and conveyance of prisoners**

44.—(1) A person shall be deemed to be a prisoner and in lawful custody whenever he is being taken to and from, or is confined in, any prison in which he may be lawfully confined, whether under criminal or civil process, or whenever he is working outside or is otherwise outside any prison in the custody or under the control of any prison officer.

(2) Any police officer or other officer acting under the order of any Judge or Magistrate or other person having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be lawfully committed or removed.

**Separation of male and female prisoners**

45.—(1) In any prison used for both male and female prisoners separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent as far as practicable the one from seeing or communicating with the other.

(2) Male prisoners shall be supervised only by male prison officers and female prisoners only by female prison officers.

(3) Where any female prisoner is confined in any prison to which for the time being a subordinate woman prison officer has not been appointed, the Officer in Charge shall arrange for the temporary employment of such suitable women as may be necessary for the superintendence of such female prisoner for so long as may be required.

(4) The employment of any woman pursuant to the power conferred by subsection (3) shall forthwith be reported to the Superintendent of Prisons.

### **Prisoner to be brought before a court or other authority**

46.—(1) If the presence of any prisoner is required in any court, or by any person empowered by law to summon witnesses, either for the purpose of his being examined as a witness in any cause or matter, civil or criminal, or for the purpose of a criminal charge being preferred against him, it shall be lawful for such court or person, if he considers the presence of such prisoner necessary for the ends of justice, to issue an order to the Officer in Charge of the prison where such a prisoner is confined, requiring him to bring such prisoner, in proper custody, at a time to be named in the order, before such court or person.

(2) On receipt of any order issued under subsection (1) or of any other Act, requiring him to bring any prisoner before any court or person, the Officer in Charge of any prison in which such prisoner is confined shall act in accordance with such order and shall provide for the custody of such prisoner during his absence from the prison.

(3) The court before which any person is produced in accordance with an order issued under subsection (1) for the purpose of any civil proceedings in such court may give such directions as to the costs of compliance with the order as the court may deem fit.

### **Removal of prisoners for mental treatment**

47.—(1) No prisoner of unsound mind shall be detained in any prison longer than is necessary for his committal and transfer to a mental hospital in accordance with the provisions of the Mental Treatment Act.

*Cap. 103*

(2) Any prisoner adjudged according to law to be of unsound mind shall remain in the place named in the order providing for his detention as such until he has been discharged from that place according to law, whereupon, if the prisoner has not completed the sentence in respect of which he was committed, the Governor-General shall order that he be delivered into the custody of the Officer in Charge of a prison for the completion of such sentence or, if the prisoner has completed the sentence in respect of which he was committed, he shall forthwith be released.

*LN46A of 1978*

(3) Any prisoner while detained in any mental hospital shall be deemed during such detention to be in lawful custody and serving sentence.

### **Removal of prisoners for medical treatment**

48.—(1) The Superintendent of Prisons or any Officer in Charge on being satisfied that a prisoner is suffering from a disease or other illness and cannot properly be treated in a prison or that a female prisoner is pregnant and that a birth may be imminent, may order that the prisoner be taken to a Government hospital or other suitable place for the purpose of treatment or such birth, as the case may be, and while absent from a prison in pursuance of such order the prisoner shall be deemed to be in lawful custody and serving sentence.

(2) When, in the opinion of the medical authority in charge of a hospital, it is no longer necessary that a prisoner should remain therein, he shall notify the Officer in Charge of the prison whence the prisoner was removed, and thereupon, if the prisoner has not completed the sentence in respect of which he was committed, the Officer in Charge shall forthwith cause him to be returned to the prison.

(3) Every reasonable precaution shall be taken to prevent the escape of a prisoner at any time under treatment therein, and it shall be lawful to take such measures for preventing the escape of a prisoner as are reasonably necessary:

Provided that the medical authority in charge of a hospital may refuse to take or permit any action authorised under this section if, in his opinion, such action would be prejudicial to the health of the prisoner or impracticable for any good and sufficient reason.

(4) Where, on account of the gravity of the offence for which a prisoner is in custody, or for any other reason, an Officer in Charge considers it to be desirable to take special measures for the security of that prisoner while he is undergoing treatment in hospital, it shall be lawful for him to give that prisoner into the custody of fit and proper persons, being not less than two in number, one of whom at least shall always be with such prisoner by day and night, and those persons are hereby vested with authority to do all things reasonably necessary to prevent that prisoner from escaping and shall be answerable for his safe custody until such time as he is handed over to an Officer in Charge on his discharge from hospital, or until such time as his sentence expires, whichever may first occur.

### **Transfer of prisoners to another prison**

49. The Superintendent of Prisons may, by any general or special order, direct that any prisoner shall be removed to any prison other than that in which he is confined or to which he has been committed.

### **Privileges of unconvicted prisoners**

50.—(1) Any unconvicted prisoner may be permitted to maintain himself and to purchase or receive from private sources food, clothing, bedding or other requirements.

(2) No food, clothing, bedding or other luxuries belonging to any unconvicted prisoner shall be given, hired, loaned or sold to any other prisoner; and any prisoner failing to comply with the provisions of this section shall be liable to lose the privilege of purchasing or receiving

his food, clothing, bedding or other requirements from private sources for such time as the Officer in Charge may think proper.

(3) If an unconvicted prisoner does not provide himself with food, clothing or bedding, or if such food, clothing or bedding is, in the opinion of the Officer in Charge unsatisfactory, such prisoner shall receive the standard food, clothing and bedding issued for the use of convicted criminal prisoners.

### **Introduction of prohibited articles into prisons and interference with prisoners**

51.—(1) Any person who—

(a) brings, throws or in any other manner introduces or conveys into any prison, or conveys to any prisoner while in custody outside any prison, or deposits in any place outside any prison with intent that it shall come into the possession of any prisoner, or carries out of a prison any arms, ammunition, weapon, instrument, intoxicating liquor, tobacco, drug, money, clothing, provisions, letters, papers, books or any other article whatsoever, unless so authorised by regulations made under this Act or by the Superintendent of Prisons; or

(b) is found loitering within one hundred yards of any prison, or other place where prisoners may be, and who fails to depart therefrom when requested so to do by any prison officer or police officer, or who in any manner wilfully interferes with or endeavours to interfere with or communicate with any prisoner or gang of prisoners,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

(2) Any prison officer may arrest without warrant any person whom he reasonably suspects of committing or attempting to commit any offence specified in subsection (1), and shall deliver such person as soon as may be into the custody of a police officer.

### **Correspondence by prisoners**

*LN46A of 1978*

52.—(1) Every letter or document, except as may be prescribed, written in a prison by or on behalf of a prisoner shall be delivered to the Officer in Charge who shall, before the letter or document is removed from the prison, clearly endorse or cause to be endorsed thereon—

(a) the name of the prison;

(b) a statement to the effect that its removal from the prison is authorised; and

(c) the signature or initials of the prison officer making the endorsement.

(2) Every person who comes into possession of a letter or document which he has reasonable cause to believe was written in a prison by or on behalf of a prisoner and which is not endorsed in accordance with the provisions of subsection (1) shall report that fact as soon as possible to the Superintendent of Prisons or the Officer in Charge of the nearest prison and shall deliver the letter or document or cause it to be delivered to the Superintendent of Prisons or such Officer in Charge.

(3) No person shall, without the authority of the Governor-General, publish or cause to be published or transmit to any person for publication or otherwise the whole or any part of a letter or document which he has reasonable cause to believe was written in a prison by or on behalf of a prisoner and which is not endorsed in accordance with the provisions of subsection (1).

*LN 46A of 1978*

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for three months.

### **Escaping or aiding escape from prison or lawful custody**

53. Any person who—

(a) escapes or attempts to escape from any prison or from lawful custody;

(b) aids any prisoner in escaping or attempting to escape from any prison or from lawful custody;

(c) with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed anything into a prison or to a prisoner or places anything anywhere outside a prison or other place where a prisoner may be with a view to its coming into the possession of a prisoner; or

(d) harbours, employs or otherwise assists any prisoner whom he knows or has reason to believe to be unlawfully at large,

shall be guilty of an offence and liable to a fine of two hundred dollars and to imprisonment for six months.

### **Unauthorised possession of prison property**

54. Any person, other than a prison officer, who is found in possession of any article which has been supplied to any prison officer for the purposes of his duty, or of any other prison property, and who fails to account satisfactorily for his possession thereof, or who, without lawful authority, purchases or receives any such article or property from any prison officer, or who aids or abets any prison officer in selling or disposing of any such article or property, shall be guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for three months.

### **Unauthorised use of uniform or insignia**

55. Any person who without lawful authority—

(a) wears or uses any uniform, insignia or other emblem supplied to or authorised for use by prison officers or any uniform, insignia or other emblem so nearly resembling the same as to be calculated to deceive; or

(b) falsely represents himself to be a person who is or has been entitled to wear or use such uniform, insignia or other emblem,

shall be guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for three months.

### **Notice of sections 51–54 to be displayed outside prisons**

56. The Superintendent of Prisons shall cause notices to be affixed in a conspicuous place outside every prison setting forth the substance of sections 51, 52, 53 and 54 and the penalties which may be incurred in respect of any breach thereof.

## **PART VII EMPLOYMENT OF PRISONERS**

### **Employment of prisoners**

57.—(1) Subject to the provisions of this Act every criminal prisoner shall be engaged in such work within or without the precincts of any prison as the Officer in Charge may direct, and as far as practicable such work shall take place in association with other convicted criminal prisoners.

(2) Notwithstanding the provisions of subsection (1), no prisoner shall be required to do compulsory work—

(a) as a means of political coercion or education or as a punishment for holding or expressing political or views ideologically opposed to the established political, social or economic system;

(b) as a means of labour discipline;

(c) as a punishment for having participated in strikes;

(d) as a means of racial, social, national or religious discrimination.

(3) Convicted criminal prisoners who by virtue of the provisions of subsection (2) are not required to do compulsory work and all prisoners other than convicted criminal prisoners shall be required to keep their cells, the precincts thereof and the furniture, clothing and utensils therein, clean, but shall not be required to be employed in other work or duties without their consent.

## **PART VIII MEDICAL OFFICERS, PRISON MINISTERS AND VISITING JUSTICES**

### **Appointment of medical officer**

*LN 46A of 1978*

58.—(1) In each prison the medical officer shall be a medical practitioner appointed by the Minister of Health and Medical Services.

(2) A medical officer appointed under subsection (1) shall perform such duties as may be prescribed and, subject to the control of the Officer in Charge, shall have the general care of the health of prisoners in the prison to which he is appointed.

### **Appointment of prison ministers**

*LN 46A of 1978*

59.—(1) The Governor-General may, from time to time, appoint ministers or priests of any religious faith to be prison ministers; and the Superintendent of Prisons may frame standing orders for the guidance of such prison ministers.

(2) In every prison reasonable facilities shall be provided for prison ministers to conduct religious services and to give religious instruction and advice to prisoners of their respective denominations.

### **Appointment, powers and duties of visiting justices**

*LN 46A of 1978*

60.—(1) The Governor-General may, from time to time, appoint fit and proper persons to be visiting justices to prisons in Solomon Islands.

(2) Judges of the High Court shall be ex officio visiting justices.

(3) Every Magistrate shall be a visiting justice to any prison situated in the district in which he is stationed or which he may visit in the course of his duty.

(4) A visiting justice may at any time visit a prison in respect of which he is appointed and may—

(a) call for all books, papers and records relating to the management and discipline of the prison;

(b) visit every part of the prison and see every prisoner in confinement;

(c) inspect and test the quality and quantity of prisoners' food; and

(d) ascertain as far as possible that the regulations, rules and standing orders relating to the prison are adhered to.

(5) Any visiting justice shall hear any complaint made to him by any prisoner and shall make such recommendations thereon as may be necessary to the Superintendent of Prisons or the Officer in Charge, as may be appropriate.

(6) On the completion of the visit every visiting justice shall enter in a book to be kept for the purpose such remarks, suggestions or recommendations as he may deem fit to make.

## **PART IX MISCELLANEOUS**

### **Regulations**

61.—(1) The Prime Minister may make regulations for the better carrying into effect of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations providing for—

- (i) the powers, duties and responsibilities of prison officers and other persons employed in prisons;
- (ii) the maintenance and enforcement of discipline in the Service and among prisoners;
- (iii) the conditions of service, rates of pay and gratuities, training and discipline of subordinate officers;
- (iv) the powers and duties of medical officers; the medical inspection of prisons and prisoners, and the prevention of contagious diseases in prison;
- (v) the powers and duties of visiting justices, prison ministers and prisoners' aid societies;
- (vi) the construction, description, equipment and supervision of cells for separate confinement and wards;
- (vii) the classification of prisons and prisoners into categories and their separation accordingly;
- (viii) the admission, discharge, safe custody, management, organisation, hours, mode and kind of labour and employment, clothing, bedding, maintenance, instruction, discipline, segregation, treatment, restraint, correction and training of prisoners;
- (ix) visits to and communications with prisoners;
- (x) the introduction of a progressive stage system;
- (xi) the disposal of the products of prison labour;
- (xii) the establishment of staff welfare funds and the method of administration of such funds;
- (xiii) the appointment and duties of officers responsible for the after care and rehabilitation of prisoners;
- (xiv) the responsibility, accounting and safe keeping of all stores, equipment and accoutrements issued to prisons;
- (xv) accounts and accounting procedure;

- (xvi) prohibiting prison officers, medical officers, ministers or visiting justices, or other persons who have access to prisons from divulging to any unauthorised person any information concerning the administration of prisons or the condition, treatment and affairs of prisoners;
- (xvii) the establishment, constitution, functions, and procedure of a prison officers' staff association and for matters incidental thereto;
- (xviii) the custody and maintenance, including charges to be paid by a judgment creditor, of persons who may be committed to a prison under the provisions of any law relating to imprisonment for non-payment of debts;
- (xix) the carrying out of any sentence of confinement in a separate cell, or penal or reduced diet, awarded under the provisions of any law;
- (xx) the establishment of such boards as the Prime Minister may deem necessary or expedient for any purpose arising under this Act and the powers, rights, privileges and duties of and the procedure to be followed by such boards;
- (xxi) the medical examination, measuring, photographing and taking of fingerprints, impressions, footprints and casts thereof, palm prints or other records of prisoners detained in any prison or otherwise detained in custody, including detailed personal statistics and histories and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories, and the disposal of such measurements, photographs, fingerprint impressions, footprints and casts thereof, palm prints or other records;
- (xxii) the release on licence or parole and the remission of a portion of prison sentences for good conduct by prisoners;
- (xxiii) the manner in which petitions by prisoners may be submitted;
- (xxiv) the provision of suitable diets and dietary scales, including penal diets for prisoners, and prescribing the conditions under which such diets and scales may be varied;
- (xxv) the establishment and operation of a wage-earning system for prisoners;
- (xxvi) prescribing anything to be prescribed under the provisions of this Act; and
- (xxvii) generally for the effective administration of this Act, for the good management and government of prisons, and the discipline and safe custody of prisoners.

(2) Regulations made under the provisions of subsection (1) may prescribe penalties for contravention thereof not exceeding a fine of two hundred dollars and imprisonment for six months.

(3) In exercising the powers conferred upon him by subsection (1) the Prime Minister may restrict the application of any regulation to one or more prisons and may apply differing regulations in respect of different prisons or classes of prisoners.

(4) Different regulations may be made under the provisions of subsection (1)(i) for different classes of prison officers and other persons employed in prisons.

(5) For the avoidance of doubt, it is hereby declared that regulations may be made under the provisions of subsection (1)(i) in relation to persons who, immediately before the commencement of this Act, were prison officers or other persons employed in prisons.

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## **FIRST SCHEDULE**

(Section 3(2))

### **Prisons**

Central Prison, Honiara, Central District  
Auki Prison, Malaita District  
Gizo Prison, Western District  
Kira Kira Prison, Eastern District  
Santa Cruz Prison, Eastern District

## **SECOND SCHEDULE**

*LN 46A of 1978 LN 46A of 1978*

(Section 11 (1))

### **FORM OF DECLARATION ON ENLISTMENT**

I,..... swear by Almighty God  
do solemnly and sincerely affirm that I will be  
faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and  
Successors, and that I will faithfully serve Her and Her Heirs and Successors, during my  
service in the Solomon Islands Prison Service and will obey all orders of the officers placed  
over me and will subject myself to all Acts, Orders and Regulations relating to the Solomon  
Islands Prison Service now in force or which may from time to time be enforced.

Signature of officer of the Prison Service

Sworn (or affirmed) at .....this day of ..... 19 .....

Before me

(Signature of Superintendent or  
Inspector of Prisons)

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## CHAPTER 111

### PRISONS

Subsidiary Legislation

#### ESTABLISHMENT OF PRISON

*GN 238/1975*

(Section 3(1))

The area of land specified in the schedule together with all buildings thereon is declared to be set aside for the purpose of a prison with effect from 1st July 1975.

#### SCHEDULE

The area of land previously occupied by Tetera Hospital, east of Honiara, more particularly shown as Lot 43 to LR 536 on Plan No. XK 32/52 deposited in the office of the Commissioner of Lands, Honiara.

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#### THE PRISONS (OFFICERS' ASSOCIATION) ORDER

*LN 10/1973*

(Section 14(1))

*[23rd February, 1973]*

#### Citation

1. This Order may be cited as the Prisons (Officers' Association) Order.

#### Interpretation

2. In this Order—

"Association" means the Prison Officers' Association established by paragraph 3;

"Central Committee" means the Central Committee established under paragraph 5.

#### Establishment of Association

3. There is hereby established an association to be known as the Prison Officers' Association, the objects of which shall be to enable prison officers to bring to the notice of the Government any matter affecting their welfare and efficiency, other than matters of discipline or promotion.

#### Membership of Association

4. All prison officers are hereby declared to be members of the Association.

### **Central Committee**

5. There shall be established a Central Committee through which the Association shall act.

### **Constitution of Central Committee**

6.—(1) The Central Committee shall consist of five members of the Association.

(2) Annual elections to the Central Committee shall be held in the manner hereinafter provided in the month of December in each year:

Provided that—

(a) if at any time the Central Committee has no or less than three members, elections shall be held as soon as practicable for the election of the whole Committee;

(b) if elections have been held in pursuance of clause (a) during the six months preceding the month of December in any year, annual elections shall not be held in that year but shall be held in the month of December in the following year.

(3) The Central Committee shall hold its first meeting within three months of its election, on a day to be fixed by the Superintendent:

Provided that no meeting shall last for more than one day, nor shall more than two meetings be held in any one year, without the consent of the Superintendent.

(4) The Central Committee shall, at its first meeting, elect from its members a Chairman and a Secretary.

(5) The members of the Central Committee and the officers elected under sub-paragraph (4) shall, except upon resignation accepted by the Superintendent or ceasing to be prison officers, hold office from the first meeting following the election of the Committee until the first meeting of the next Committee following the election of that Committee.

### **Election of Central Committee**

7.—(1) All elections of members of the Central Committee shall be conducted in such a manner as the Superintendent may direct.

(2) Every member of the Association shall have a right to vote at the election of members of the Central Committee.

(3) Subject to the provisions of this Order and the directions of the Superintendent, the Central Committee shall, by nomination of any member of the Association, fill any vacancy caused by resignation or by a member ceasing to be a prison officer.

### **Procedure and quorum**

8.—(1) The Chairman at any meeting of the Central Committee shall have a casting as well as a deliberative vote.

(2) The quorum at a meeting of the Central Committee shall be three.

(3) Subject to the provisions of this Order, the Central Committee may regulate its own procedure including the appointment of committees and sub-committees.

(4) The Secretary of the Central Committee shall keep minutes of the meetings of the Committee and shall within thirty days after each such meeting forward two copies of the minutes thereof to the Superintendent and one copy thereof to each member of the Central Committee.

### **Representations**

9. The Central Committee may at any time submit representations in writing to the Superintendent and, through the Superintendent, to the Prime Minister and shall consider and report upon any matters referred to it by the Superintendent or by the Prime Minister:

Provided that all such representations and reports shall be submitted in such a manner as the Superintendent may from time to time direct.

### **Facilities for meetings**

10. Except where a member of the Committee is required for duty for which no substitute is available, leave shall be given for attendance at all meetings held under the provisions of this Order, and every such occasion shall be deemed to be an occasion of duty.

### **Suspension of Central Committee**

11.—(1) The Superintendent, with the prior approval of the Minister, may at any time suspend the Central Committee if he considers that the overall interests of the Service so require.

(2) The suspension of the Central Committee shall include the suspension of any committee or sub-committee appointed by the Central Committee.

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## **THE PRISONS REGULATIONS**

*LN 31/1973*  
*LN 9/1974*  
*LN 43/1975*  
*LN 10/1979*  
*LN 58/1980*

(Section 61)

*[27th April 1973]*

## **PART I PRELIMINARY**

### **Citation**

1. These Regulations may be cited as the Prisons Regulations.

### **Interpretation**

2. In these Regulations unless the context otherwise requires—

"Gaoler" means a prison officer appointed under regulation 47 to be the Gaoler of a prison and includes any prison officer performing the duties of the Gaoler;

"Minister" means the Prime Minister or other Minister to whom responsibilities for Prisons has been assigned;

*LN 10/1979*

"penal diet" means the penal diet prescribed by regulation 80 and specified in the First Schedule;

*First Schedule*

"unconvicted prisoner" means any person lawfully detained in any prison otherwise than as a result of conviction and sentence for a criminal offence;

"young prisoner" means a prisoner between the apparent ages of fourteen and eighteen years and may, at the discretion of the Officer in Charge, include a prisoner whose apparent age does not exceed twenty years.

### **General principles underlying application of Regulations**

- 3.—(1) These Regulations shall be applied, due allowance being made for the differences in character and respect for discipline of various types of prisoners, in accordance with the following principles:—

(a) discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life;

(b) in the control of prisoners, prison officers should seek to influence them through their own example and leadership, so as to enlist their willing co-operation; and

(c) at all times the treatment of convicted criminal prisoners shall be such as to encourage their self-respect and a sense of personal responsibility, so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

- (2) These Regulations apply to all classes of prisoners except in so far as they may be inconsistent with regulations made to govern any particular classes of prisoners.

**PART II**  
**DUTIES OF PRISON SERVICE**

**Division 1**  
**The Superintendent of Prisons**

**General duties of Superintendent**

*LN 10/1979*

4. The Superintendent of Prisons shall be responsible to the Minister for the proper administration and maintenance of discipline in the Service, the efficient management of prisons, the discipline, control and welfare of prisoners and the implementation of the provisions of the Act and these Regulations and shall take all necessary steps to secure as far as may be uniformity of administration throughout all prisons in Solomon Islands.

**Inspection of prisons by Superintendent**

*LN 10/1979*

5. The Superintendent of Prisons shall, at least once a year, inspect or cause to be inspected every prison established under the provisions of the Act, and shall report any matter which he considers should be brought to the notice of the Government and, once each year, shall forward a full report on the prisons to the Minister.

**Division 2**  
**Inspector of Prisons**

**General duties of Inspector of Prisons**

6. The Inspector of Prisons shall be subordinate to the Superintendent of Prisons and shall be charged with the duty of periodically visiting and inspecting all prisons in Solomon Islands and with such other duties as the Superintendent of Prisons may from time to time allocate to him.

**Inspection of prisons by Inspector**

7.—(1) On the occasion of each visit to any prison the Inspector of Prisons—

(a) shall see every prisoner, and shall enquire into all complaints and applications which any of the prisoners may make to him;

(b) shall give special attention to the sick and weakly, and to those who are in cellular confinement;

(c) shall inspect and initial all official diaries, registers, books and records kept in the prison; and

(d) shall inspect and satisfy himself that the quantity and quality of the food supplied to the prisoners conforms with the standard of diet for the time being prescribed.

(2) On the occasion of each visit of inspection to a prison the Inspector of Prisons shall render a report to the Superintendent of Prisons with such recommendations, if any, as he may consider necessary.

### **Central Prison**

8. The Inspector of Prisons shall ordinarily be the Officer in Charge of the Central Prison, Honiara.

## **Division 3 Officers in Charge of Prisons**

### **Appointment of Officers in Charge**

9. The Superintendent of Prisons may appoint to any prison an Officer in Charge, and may from time to time rescind or alter such appointment as shall to him seem fit.

### **General duties of Officers in Charge**

10. Every Officer in Charge shall supervise and control all matters in connection with the prison to which he is appointed, and shall keep or cause to be kept such records as the Superintendent of Prisons may from time to time direct.

### **Custody of prison equipment, stores and property of prisoners**

11.—(1) Every Officer in Charge shall be responsible for the safe custody of arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison, the prison officers and the prisoners under his control, and all public money in relation thereto for which he may be held accountable, and also, subject to the provisions of these Regulations, for all valuables, money, articles of clothing and other property entrusted to his keeping being the property of prisoners, and shall account for the same in the event of their being lost or damaged otherwise than by unavoidable accident, theft, robbery or lawful use, or by being destroyed or otherwise disposed of pursuant to the provisions of these Regulations.

(2) Where any property specified in paragraph (1) is lost or damaged the Officer in Charge shall proceed to ascertain the cause of the loss or damage and any individual upon whom responsibility therefore may rest and shall report his finding to the Superintendent of Prisons.

### **Investigation of contraventions**

12.—(1) An Officer in Charge shall without unnecessary delay, investigate any contraventions of the provisions of the Act or of these Regulations or of any Standing Orders of the Prison under his charge which is brought or comes to his notice and if his powers as Officer in Charge thereto enable him, he shall deal with the same, otherwise he shall forthwith report the matter to the Inspector of Prisons.

(2) Every Officer in Charge shall, as soon as may be, report to the Inspector of Prisons any case of serious misconduct or neglect of duty by a prison officer subordinate to him

notwithstanding that he may himself be competent to deal with the matter and may so deal with the matter accordingly.

### **Prison diaries**

13. The Officer in Charge shall cause a diary to be kept wherein shall be recorded all matters of importance relating to the prison or prisoners under his charge, and all such matters of which a record is directed to be kept by these Regulations or by any Standing Order of the prison.

### **Records to be kept on prisoners**

14. The Officer in Charge is responsible for seeing that proper records are kept of all circumstances, and of any correspondence connected with such circumstances, as affect the interests of particular prisoners, and shall bring such records to the notice of the Superintendent or Inspector of Prisons, as each case may require.

### **Warrants of commitment**

15. An Officer in Charge shall cause all prisoners' warrants of commitment to be kept in safe custody.

### **Officers in Charge to inspect prisons**

16. An Officer in Charge shall from time to time personally visit the prison at uncertain hours both by day and by night and shall inspect all parts of the prison, including any machinery and equipment, and in his discretion shall summon before him and inspect all or any of the prisoners and shall record every such visit and the particulars of the inspection carried out and the results thereof in the Prison Diary, and shall thereafter take all steps within his competence to rectify errors, deficiencies or other matters requiring rectification.

### **Prisoners to be given opportunity to file appeals, etc.**

17. An Officer in Charge shall ensure that every prisoner is given opportunity and reasonable facilities to—

(a) note and prosecute an appeal against conviction and, additionally or alternatively, sentence; or

(b) submit a petition for review in terms of any law relating to the review of criminal judgments.

### **Complaints, applications and petitions by prisoners**

*LN 10/1979*

18.—(1) An Officer in Charge shall ensure that prisoners who have complaints or applications to make are enabled to make them to himself personally if they so wish; and in every such case shall investigate the grounds of complaint and, as far as may be, shall endeavour to remove the same or to grant the application, as the case may be.

(2) Where by any provisions of these Regulations or otherwise a prisoner is permitted to petition the Governor-General, the Minister, the High Court or any other authority, the petition not being a complaint or application addressed to the Officer in Charge, such petition shall be reduced to writing and delivered to the Officer in Charge who shall forthwith forward the same, with or without his comments thereon, through the Inspector of Prisons to the Superintendent of Prisons for transmission to the authority so petitioned.

### **Prisoners under medical treatment or punishment**

19. An Officer in Charge shall ensure that the medical officer's instructions are carried out as far as possible and shall at all times pay special attention to those prisoners who are under medical treatment or are undergoing punishment for prison offences.

### **Medical officer to be advised of prisoners' injuries or ailments**

20. An Officer in Charge shall cause the medical officer to be notified immediately of the name of any prisoner who—

- (a) is ill or injured;
- (b) complains of illness or injury;
- (c) appears to the Officer in Charge to require treatment for any physical or mental condition; or
- (d) dies.

### **Reports of serious injuries or ailments of prisoners**

21. If any prisoner is seriously injured or becomes seriously ill, the Officer in Charge shall, in addition to notifying the medical officer, submit a report in writing to the Inspector of Prisons giving full particulars of the circumstances of the case.

### **Recommendations of medical officer**

22.—(1) An Officer in Charge shall ensure that adequate arrangements are made for sick prisoners and for their safe custody and shall, so far as he is able in the circumstances, put into effect any recommendation regarding the treatment, isolation or care of any such prisoner made to him by the medical officer.

(2) If an Officer in Charge is of the opinion that it is not practicable to comply with any recommendation made to him by the medical officer, or that the recommendation is not lawful or reasonable, he shall refer the matter to the Inspector of Prisons for his decision.

### **Prisoners' relatives to be informed of serious illness**

23. The Officer in Charge shall, upon the serious illness of a prisoner, cause immediate notice thereof to be given to the most accessible known relative of the prisoner.

### **Procedure on death of prisoner**

24.—(1) Upon the death of any prisoner, the Officer in Charge shall cause immediate notice thereof to be given to the Superintendent of Prisons, a Magistrate and to the deceased's next of kin or nearest accessible relative.

(2) Upon the death of any prisoner a death inquiry shall be held pursuant to the provisions of the Death and Fire Inquiries Act.

*Cap. 9*

(3) If the interests of public health and the circumstances permit, the Officer in Charge shall, after making any necessary arrangements for compliance with paragraph (2), cause the body of any prisoner who has died to be delivered to his relatives or friends for burial should they so request.

(4) If the relatives or friends of any dead prisoner do not request that the body of the prisoner be delivered to them for the purpose of burial, the Officer in Charge shall cause the body to be decently interred at public expense.

### **Report of mental disorders of prisoners**

25.—(1) An Officer in Charge shall, without delay, report to the Inspector of Prisons and to the medical officer, any case of mental disorder or apparent mental disorder in a prisoner.

(2) The Officer in Charge shall, without delay, report to the Inspector of Prisons any case in which the medical officer is of opinion that the mental health of any prisoner is becoming impaired by continued imprisonment, or that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence or is totally and permanently unfit for prison discipline.

### **Restrictions on visitors to prisons**

26.—(1) No person, other than the medical officer, a prison minister, a visiting justice, a prison officer or any prisoner confined in the prison shall be permitted to enter or remain in any prison except with the written permission of the Minister given in his discretion, the Superintendent of Prisons or the Officer in Charge.

(2) Visitors authorised to visit a prison shall give their names and addresses and sign their names in the Official Visitors' Book and are liable to be searched by order of the Officer in Charge.

(3) The Officer in Charge shall ensure that no person authorised to visit a prison makes a sketch or takes a photograph of any part of the prison or any prisoner unless such person has received written authority therefor from the Superintendent of Prisons.

(4) Every visitor to a prison shall be accompanied throughout his visit by a Prison Officer:

Provided that the provisions of this paragraph may be relaxed in the case of workmen employed in the prison to such extent as the Officer in Charge may authorise in general or in any particular case.

(5) The Officer in Charge may remove or cause to be removed from the prison any visitor to the prison whose conduct is in his opinion improper.

(6) Every vehicle entering or leaving a prison shall be liable to search.

### **Records to be maintained by Officer in Charge**

27. An Officer in Charge shall keep or cause to be kept—

(a) a Prisoner's Record file for each prisoner committed to Prison recording the sentence, date of commitment and the date at which such sentence will expire, and the name, age, professed religion (if any), height, weight, identification marks and general appearance of the prisoner and any other particulars which may be required, and, in the case of prisoners who are by these Regulations eligible to earn remission, a record of remission earned or forfeited;

(b) a Prison Register in which shall be entered the name of every prisoner admitted to the prison and the date upon which such prisoner shall be due for release, and such date shall be kept properly amended as may be necessary;

(c) a Prisoners' Property Book in such form as may be approved by the Superintendent of Prisons;

(d) a Prison Diary;

(e) an Official Visitors' Book;

(f) a Visiting Justices' Book in which every visiting justice on the completion of his visit to the prison shall record his visit and enter any remarks, suggestions or recommendations which he may wish to make;

(g) such other books or records as the Superintendent of Prisons may from time to time direct.

### **Matters of importance, etc. to be reported or referred**

28.—(1) Without prejudice to any other provisions of these Regulations, an Officer in Charge shall—

(a) report to the Inspector of Prisons all escapes, serious assaults, outbreaks of disease or any occurrence of an unusual or serious nature; and

(b) shall refer to the Inspector of Prisons all questions of discipline or interior economy of the prison with which the Officer in Charge himself cannot deal.

(2) After a visit to a prison by a visiting justice the Officer in Charge shall send forthwith to the Magistrate of the district in which the prison is situated and to the Superintendent of Prisons a copy of any remarks, suggestions or recommendations made in the Visiting Justices' Book by such visiting justice.

### **Cases of emergency**

29. Notwithstanding any other provisions of these Regulations, in cases of emergency the Officer in Charge shall take such action as may in the circumstances be necessary to deal with the immediate situation and shall enter the particulars of the emergency and the action taken in the Prison Diary and forthwith send or make a report of the same to the Inspector of Prisons.

### **Surveillance of public funds**

30. An Officer in Charge shall keep a strict surveillance over the expenditure of such public money as may be allocated to his prison, and he shall ascertain that all moneys received are properly accounted for.

### **Annual reports, etc.**

31. The Officer in Charge shall furnish to the Superintendent of Prisons, by a day early in each year to be declared by the Superintendent of Prisons, a general report, together with all appropriate statistics, upon the prison under his charge and such special or periodic reports as may from time to time be required by the Superintendent of Prisons.

### **Interpretation of regulations where Inspector of Prisons acts as Officer in Charge**

32. Where the Inspector of Prisons is himself acting as the Officer in Charge of any prison and any regulation of this Division of these Regulations requires that any matter relating to that prison be reported or referred to the Inspector of Prisons, such matter shall be reported or referred to the Superintendent of Prisons.

## **Division 4 Medical Officers**

### **General duties of medical officer**

33.—(1) Subject to the provisions of these Regulations the medical officer appointed to any prison shall have the general care of the health of the prisoners therein and shall visit the prison as often as shall be practicable or when called upon by the Officer in Charge.

(2) The medical officer shall report to the Officer in Charge any circumstances connected with the prison or the treatment of prisoners which appear to him to require consideration on medical or health grounds.

### **Examination of prisoners on admission**

*LN 58/1980*

34.—(1) Every prisoner shall as soon as possible after his admission to any prison, and, if possible, before he undertakes any labour, be separately examined by the examining officer who shall enter in the Prisoner's Record particulars of the state of health of the prisoner; and shall note in respect of what diseases he has been vaccinated or inoculated or to which he may otherwise have been rendered immune, and any other information which it may seem desirable to record.

(2) The examining officer shall record whether or not the prisoner is fit for normal labour and whether there shall be any restriction or condition regarding the type of labour to which the prisoner may be put.

*LN 58/1980*

(3) As far as possible prisoners upon first admission shall be kept separate from the other prisoners until medical examination is completed.

(4) In this Division "examining officer", in relation to a prison, means the medical officer for the prison or a person authorised by the medical officer in that behalf.

*LN 58/1980*

### **Examination on discharge of prisoners**

*LN 58/1980*

35. Every prisoner shall, if reasonably possible, be examined by the examining officer before being discharged and a record shall be retained of his state of health at the time of his discharge.

### **Examination of prisoners before punishment**

36. Before any prisoner shall undergo punishment for any prison offence which involves confinement in a separate cell or a reduction of the prisoner's normal diet, such prisoner shall, if reasonably possible, be examined by the medical officer of the prison who shall certify that the prisoner is medically fit to undergo such punishment without danger of injury to his health.

### **Recording of examination of prisoners**

*LN 58/1980*

37. In the absence of any other direction by the Superintendent of Prisons relating to the recording of the results of the medical examination of prisoners, the results of any such examination shall be entered by the examining officer in the Record of the prisoner concerned.

### **Mentally disturbed prisoners**

38. The medical officer shall report to the Officer in Charge the case of any prisoner whose mind has been or appears likely to be injuriously affected by confinement and shall give such written directions in the case as he may think proper; and shall report in writing to the Officer in Charge the case of any prisoner appearing to be mentally disordered.

### **Special treatment of prisoners on medical grounds**

39. The medical officer shall report in writing to the Officer in Charge the case of any prisoner in respect of whom he thinks it necessary on medical grounds to draw attention and shall make such recommendation as he deems needful for the alteration of the discipline or treatment of the prisoner or for the supply of additional or alternative food or articles to the prisoner.

### **Diet of prisoners in civil hospitals**

40. A prisoner admitted to a civil hospital shall receive the normal hospital diet.

### **Reports on prisoners medically unfit to serve sentence**

41. Whenever the medical officer is of the opinion that the life of a sick prisoner will not survive his sentence, or that a prisoner is totally and permanently unfit for prison discipline, he shall state his opinion and the grounds thereof in writing to the Officer in Charge who shall forward the same to the Superintendent of Prisons.

### **Examination of prison premises by examining officer**

*LN 58/1980*

42. From time to time, and if possible at least once in every month, the examining officer shall inspect every part of the prison with special reference to the sanitary state thereof, the general health of the prisoners, and adequacy and proper cooking of the diets; and he shall periodically review the body weights of the prisoners as recorded in the Prisoner's Record.

### **Infectious, etc. diseases of prisoners**

43.—(1) The medical officer shall give directions in writing to the Officer in Charge for segregating prisoners having infectious or contagious diseases, for cleansing and disinfecting any room or cell occupied by any such prisoner and for cleansing, disinfecting, or destroying, if necessary, any infected clothing or bedding, and the Officer in Charge of the prison shall forthwith cause any such direction to be carried into effect.

(2) The medical officer shall in the event of any epidemic, or highly infectious or contagious disease, or any other circumstances affecting the health of the prisoners requiring unusual measures coming to his notice, make immediate report to the Officer in Charge without waiting for the time of any periodical report.

### **Pregnancy of female prisoners**

44.—(1) The medical officer shall notify the Officer in Charge in writing of any female prisoner who is pregnant.

(2) The Officer in Charge shall, in the case of any unconvicted female prisoner who is pregnant, report the fact to the court in which proceedings against her have been instituted.

### **Particulars to be recorded in case of death of prisoners**

45.—(1) The medical officer shall, on the death of any prisoner, ensure that a record is maintained of the following particulars, so far as they can be ascertained:—

(a) the day on which the deceased was sentenced;

(b) the day on which he was admitted to prison;

(c) the day on which he first complained of illness, or was observed to be ill, and the labour, if any, on which he was engaged on that day and the scale of his diet on that day;

(d) whether, and if so the day on which, he was admitted to hospital;

(e) the day on which the medical officer or his subordinate was first informed of the illness;

(f) the nature of the disease;

(g) when the deceased was last seen before death by the medical officer or his subordinate;

(h) when the prisoner died and, in cases where a post mortem examination is made, an account of the appearance after death, together with any special remarks that may appear to the medical officer to be required; and

(i) his opinion as to the cause of death.

(2) Upon the completion of the death inquiry a copy of the record of the inquiry and the Magistrate's finding thereon shall be filed with the particulars specified in paragraph (1).

### **Obligation on prisoners to submit to medical examination**

46. Every prisoner when required shall submit himself to medical examination by the medical officer of the prison or such other medical officer as the Officer in Charge may specify.

## **Division 5 Gaoler**

### **General duties of Gaoler**

47.—(1) There shall be appointed to every prison a Gaoler who shall be responsible to the Officer in Charge that all written laws, rules and orders applicable to the prison are strictly observed and that proper discipline is maintained throughout the prison; and in the absence of the Gaoler the next senior officer will be responsible for performing all the duties of the Gaoler.

(2) In addition to the duties specified in paragraph (1), the Gaoler shall carry out such other duties as may from time to time be specially assigned to him by the Officer in Charge.

### **Daily inspection of prisons and prisoners**

48.—(1) The Gaoler shall visit and inspect the whole prison and see every prisoner at least twice in every twenty-four hours, and in default of such daily visits and inspections he shall record in the Prison Diary how far he has omitted them and the cause of such omission; and after every such inspection he shall ensure that everything is clean and in good order and that the means of security are effective.

(2) When visiting any section of a prison allocated to female prisoners the Gaoler shall be accompanied by a woman prison officer.

### **Inspection of prisoners at work**

49. So far as may be reasonably possible and subject to any standing orders the Gaoler shall visit every party of prisoners while at work each day, both inside and outside the prison, and shall ensure that discipline and order are maintained among them and shall report thereon to the Officer in Charge as may appear to the Gaoler to be necessary or as may be directed by the Officer in Charge.

### **Complaints and applications by prisoners**

50. The Gaoler shall take care that every prisoner having a complaint or application to make shall have an opportunity for doing so, and shall bring to the attention of the Officer in Charge as soon as may be every such complaint or application.

### **Inspection of meals and rations**

51.—(1) The Gaoler shall from time to time personally inspect and superintend the issuing of prisoners' meals and shall weigh the rations supplied to the prison; and a record shall be made of every such inspection and weighing in a book to be kept for that purpose.

(2) The Gaoler shall take care that every article of food supplied for the use of prisoners is sound and of good quality and shall take such measures as may be necessary to have unsatisfactory food exchanged by the supplier before it is issued for prisoners' use.

(3) The Gaoler shall take care to see that the rations issued are strictly in accordance with the prescribed scales of diet and that every prisoner receives the diet to which he is entitled.

(4) The Gaoler shall take action to ensure that the scales, weights and measures used for weighing prisoners' rations are in good order and accurate.

### **Personal cleanliness of prisoners**

52. The Gaoler shall ensure that prisoners' clothing and bedding are clean and in good order and repair and that prisoners keep themselves clean and cut their hair as is necessary.

### **Supervision of prisoners under punishment**

53. The Gaoler shall pay special attention to carrying into effect the orders of the Officer in Charge as to punishments to be inflicted on prisoners, and shall ensure that prisoners undergoing cellular confinement have opportunities of taking such exercise as such orders shall prescribe.

### **Particular matters to be recorded in the Prison Diary**

54. In addition to any other matters which it may be appropriate to record in the Prison Diary, the Gaoler shall ensure that daily entries be made therein of the following matters:—

- (i) the number of prisoners, counted twice daily;
- (ii) the actual hours at which prisoners go to labour, return from labour, go to exercise and return from exercise;
- (iii) what parts of the prison are searched and the names of the officers detailed for this purpose;
- (iv) the names of the officers deputed daily to take ordinary visitors to prisoners;
- (v) particulars of any special visits held and the names of the officers detailed to supervise them;
- (vi) particulars of escorts despatched and by whom inspected;
- (vii) the location of every prisoner;
- (viii) the work upon which the prisoners have been employed;
- (ix) mental or physical illness of any prisoner;
- (x) hours of opening and final closing of the prison and checking of keys; and
- (xi) any unusual or important occurrence.

### **Periodic searches of prisoners**

55.—(1) The Gaoler shall ensure that every prisoner is carefully searched on admission and that all prohibited articles are taken from the prisoner; and the Gaoler may, with the written approval of the Officer in Charge, cause any dangerous or objectionable article found with any prisoner to be destroyed.

(2) The following prisoners and the cells which they occupy shall be searched each morning and evening:—

- (a) prisoners undergoing punishment for a prison offence;
- (b) prisoners awaiting trial for a prison offence;
- (c) prisoners who are mentally disordered or defective persons in terms of any law;
- (d) prisoners under observation.

(3) Working parties leaving the prison for labour outside shall be searched to ensure that no property is being taken out of the prison to be disposed of by prisoners.

(4) Every prisoner shall be searched on his return to prison from labour.

### **Care of sick prisoners**

56.—(1) The Gaoler shall report immediately to the Officer in Charge, or in the absence of the Officer in Charge to the medical officer, any case of apparent mental or physical disorder of any prisoner.

(2) The Gaoler shall carry into effect all written directions of the medical officer respecting the diet or treatment of any prisoner.

## **Division 6 Prison Officers—General**

### **Enlistment requirements**

57. No person shall be enlisted in the Service unless—

(a) he is of or above the age of eighteen years and under the age of thirty-five years;

(b) his height is not less than five feet six inches;

(c) he has submitted himself to medical examination, including X-ray examination, by a Government medical officer and has been certified by such medical officer to be physically fit for service in the Service;

Provided that in any special case the Superintendent of Prisons may waive the requirements of paragraphs (a) or (b).

### **Issue of arms, equipment, etc.**

58.—(1) Prison officers shall be issued with such arms, ammunition equipment, clothing and appointments as may from time to time be determined by the Superintendent of Prisons.

(2) Unless the Superintendent of Prisons otherwise directs, every prison officer on duty shall wear the appropriate uniform and badges of rank as laid down in such Standing Orders as may from time to time be made by the Superintendent of Prisons.

(3) All arms, ammunition, equipment, clothing and other appointments whatsoever supplied to any prison officer or for use by him under the provisions of these Regulations shall remain the property of the Government.

(4) Arms, ammunition, equipment, clothing and other appointments and stores issued or given under the care of any prison officer shall be used for prison purposes only.

### **Issue of basic cleaning materials for uniforms, etc.**

59. Subordinate officers shall be issued free of charge with such items of basic cleaning materials for use on their uniform and equipment as may from time to time be determined by the Superintendent of Prisons.

### **Training**

60. A prison officer shall undergo such training at such places and at such times as the Superintendent of Prisons shall determine.

### **Report of sickness**

61. Any prison officer disabled from the regular performance of his duties by illness shall report the same to the Gaoler or to the Officer in Charge and shall obey such instructions as may be issued as regards the treatment of his illness.

### **Absence from duty**

62.—(1) No prison officer shall be absent from any prison during his hours of duty without the authority of the Gaoler or, in the absence of the Gaoler, the immediate superior of such prison officer.

(2) No prison officer may leave his appointed place of duty without handing over his duties and any equipment in his charge in a proper manner to his relief.

### **Search of prison officers or their quarters**

63.—(1) No search of a prison officer shall be made in the presence of any prisoner or otherwise than—

(a) by a prison officer who is of like sex; and

(b) in the presence of another prison officer of like sex.

(2) No search of a prison officer's quarters shall be made in the presence of any prisoner.

### **Subordinate prison officers not to receive visitors in the prison**

64. Subordinate officers shall not receive visitors in the prison.

### **Testimonials not to be given to prisoners**

65. No prison officer shall give any certificate or testimonial to or in respect of any prisoner as regards his conduct in prison or otherwise.

### **Tobacco and liquor not to be used in prisons**

*LN 43/1975*

66. No prison officer shall consume spirituous or fermented liquors within a prison.

### **Prison officers not to enter cells at night unaccompanied**

67.—(1) No prison officer shall enter a prisoner's cell at night without being accompanied by another prison officer except in cases of emergency and in such circumstances he shall make an immediate report to the senior officer in charge of the prison.

(2) No male prison officer shall enter any part of a prison in which women prisoners are confined unless accompanied by a woman prison officer.

### **Familiarity with prisoners prohibited**

68. No prison officer shall allow any familiarity on the part of prisoners towards himself or any other prison officer or speak of his duties or of any matters of discipline or prison arrangements within the hearing of prisoners, except when formally dealing with an application or complaint.

### **Complaints, etc. to be reported to Gaoler**

69. A subordinate officer shall inform the Gaoler without unreasonable delay of the name of any prisoner who desires to see him or to make a complaint or application.

### **Safe custody and counting of prisoners**

70.—(1) Subordinate officers shall be responsible for the safe custody of prisoners under their charge and with this in view they shall count the prisoners at least once every half hour, and always—

- (a) on receiving charge of a party;
- (b) on handing over charge;
- (c) on leaving any building or work.

(2) No prison officer in charge of prisoners shall leave such prisoners unsupervised unless he is relieved of his charge by another prison officer.

(3) No prison officer shall allow any prisoner to obtain possession of any key giving access to or exit from any part of the prison.

### **Disciplinary offences by prison officers**

71. In addition to breach of any duty imposed upon any prison officer by any of the foregoing regulations, any subordinate officer shall be guilty of an offence against discipline if he is guilty of—

- (a) disobedience to orders, that is to say, if he disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
- (b) insubordinate or oppressive conduct, that is to say, if he—
  - (i) is disrespectful in word, act or demeanour to a prison officer superior to him in rank;
  - (ii) is oppressive or tyrannical in conduct towards a prison officer inferior to him in rank;

- (iii) uses obscene, abusive or insulting language to any prisoner;
- (iv) assaults any other prison officer;
- (v) offers or uses unwarranted personal violence to any person in his custody;
- (vi) wilfully or negligently makes any false complaint against any other prison officer, or prisoner, or wilfully suppresses any material facts or makes or joins in making any anonymous complaints;
- (vii) talks or is inattentive or otherwise misbehaves himself on parade;
- (viii) being under arrest or confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (ix) resists an escort whose duty it is to apprehend him or to have him in charge;

(c) neglect of duty, that is to say, if he—

- (i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which it is his duty to attend to or carry out;
- (ii) idles or gossips, or sits or lies down without reasonable cause when on duty;
- (iii) sleeps when on duty;
- (iv) leaves his post before being lawfully relieved, except in fresh pursuit of any offender whom it is his duty to apprehend;
- (v) by his neglect or default allows, or contributes to the escape of any prisoner;
- (vi) fails to make or send a report or return which it is his duty to make or send;
- (vii) assists or connives with any prisoner in having or obtaining any prohibited article;
- (viii) neglects or refuses to assist in the apprehension of any prison officer whom he has been ordered to arrest;
- (ix) without reasonable cause omits to make any necessary entry in any official document, book or register;

(d) discreditable conduct, that is to say, if he—

- (i) acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
- (ii) lends money to any prison officer superior in rank to him or borrows money from or accepts any present from any prison officer inferior in rank to him;
- (iii) incurs debt in or out of the Service without any reasonable prospect, or intention, of paying the same, or, having incurred any debt, makes no reasonable effort to pay the same;
- (iv) if called upon by the Superintendent of Prisons to furnish a full and true statement of his financial position, fails to do so;

(e) absence without leave or being late for duty, that is to say, if he without reasonable cause or excuse is absent without leave from or is late for parade or for any other duty;

(f) falsehood or prevarication, that is to say, if he—

- (i) knowingly makes any false statement in any official book or document;
- (ii) wilfully or negligently makes any false, misleading or inaccurate statement;
- (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;
- (iv) prevaricates before any committee of inquiry or at any proceedings where inquiry is being made into a disciplinary charge against any prison officer or prisoner;

(g) breach of confidence, that is to say, if he—

- (i) divulges any matter which it is his duty to keep secret;
- (ii) without proper authority communicates to the public, press, or to any unauthorised person any matter concerning the Service;
- (iii) without proper authority shows to any person outside the Service any book or written or printed document the property of the Service;
- (iv) makes any frivolous or vexatious complaint or makes a complaint in an irregular manner;
- (v) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channels or correspondence to the Superintendent of Prisons;

(vi) calls or attends any unauthorised meeting to discuss any matter concerning the Service;

(h) unlawful or unnecessary exercise of authority, that is to say, if he uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;

(i) malingering, that is to say, if he—

(i) feigns or exaggerates any sickness or injury with a view to evading duty;

(ii) while absent from duty on account of sickness, neglects or without good and sufficient cause omits, to carry out any instruction of a medical officer or of a member of any hospital staff, or acts or conducts himself in a manner calculated to retard his return to duty;

(j) uncleanness, that is to say, if, while on duty, or while off duty in uniform in a public place, he is without reasonable cause improperly dressed or dirty or untidy in his clothing or accoutrements;

(k) damage to property, that is to say, if he—

(i) wilfully or by carelessness causes any waste, loss or damage to any book, document or other property of the Service, issued to him or entrusted to his care;

(ii) fails to report any such damage or loss as aforesaid, however caused;

(l) drunkenness, that is to say, if he—

(i) while on duty or off duty, is unfit for duty through the consumption of intoxicating liquor or drugs;

(ii) habitually uses to excess intoxicating beverages or habit-forming drugs;

(m) entering licensed premises, that is to say, if he enters any public bar licensed for the sale of intoxicating liquor when on duty except when his presence is required therein in the execution of his duty;

(n) using any weapon without orders or just cause;

(o) neglecting or failing to report the fact that he is suffering from venereal or other contagious disease;

(p) showing cowardice in the course of his duty;

(q) any other act, conduct, disorder or neglect to the prejudice of good order and discipline not herein specified;

(r) conniving at or knowingly being an accessory to any offence against discipline under the Act or these Regulations.

## **PART III PRISONERS**

### **Division 1 Admission and Control of Prisoners**

#### **Prisoners not to be admitted at night**

72. No prisoner shall normally be admitted to any prison between the hours of 7 p.m. and 7 a.m provided that at the discretion of the Officer in Charge a prisoner may be admitted at any time.

#### **Officer in Charge to inform prisoners on admission of rights of appeal, etc.**

73.—(1) The Officer in Charge of a prison to which any convicted criminal prisoner is first committed after conviction shall inform such prisoner within twenty-four hours of his admission of his right of appeal, if any.

(2) The Officer in Charge of a prison to which a prisoner is committed for contempt of court or in default of finding a surety or of payment of any sum adjudged to be paid by him on his conviction shall inform such prisoner within twenty-four hours of his admission of the means whereby such prisoner may obtain his release.

#### **Searching of prisoners**

74. Every prisoner shall be searched on first admission to prison and may thereafter be searched from time to time as may be considered necessary or expedient by the Officer in Charge, the Gaoler or any subordinate officer having charge of the prisoner:

Provided that—

(a) the searching of such 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;

(b) no prisoner shall be stripped and searched in the presence of any other prisoner;  
and

(c) no prisoner shall be searched except by a prison officer of his or her own sex.

#### **Removal from prisoners of personal belongings**

75.—(1) The private clothes and all other articles whatever, including money and other valuables in possession of or sent in to any prisoner, not expressly allowed by these Regulations or any Standing Orders shall be taken away from the prisoner and shall be

inventoried in the Prisoners' Property Book which shall be signed by the prisoner and by the Gaoler or Officer in Charge.

(2) Any article of a perishable, objectionable or dangerous nature may be destroyed.

(3) Where any clothes of a prisoner are so old, worn out or dirty as to be unsuitable for further use, the Officer in Charge may order the same to be destroyed, and in that case, on the release or discharge of the prisoner, the Officer in Charge may, at the public expense, provide him with suitable clothing.

(4) The Officer in Charge may refuse to take into prison any property of a prisoner which by reason of its bulk, nature, or excessive quantity cannot be conveniently stored in the prison.

(5) The Superintendent of Prisons shall cause to be recorded the name or names of the person or persons to whom in the event of the death in prison of a prisoner without having made a valid will any money or movable property of the prisoner within the prison should be paid or delivered.

### **Restriction on prisoners contacting other prisoners on first admission**

76. As far as may be no prisoner on first admission to any prison shall be permitted contact with any other prisoner until—

(a) he has taken a bath; and

(b) he has been examined by the medical officer and certified free from any contagious or infectious disease.

### **Weighing of prisoners**

77.—(1) Upon first admission to any prison every prisoner shall be weighed and his weight upon entry recorded in his Record; and thereafter from time to time, not being less than once every three months, he shall be weighed again and his weight and the date of weighing shall be similarly recorded.

(2) Any substantial change in the weight of any prisoner shall be reported as soon as may be to the medical officer.

### **Prison clothing and bedding**

78.—(1) On admission to prison every convicted criminal prisoner shall be provided with prison clothing and bedding of such type and quantity as the Superintendent of Prisons may direct and any other prisoner may be provided with prison clothing and bedding if he so elects or if, in the opinion of the Officer in Charge, the clothing and bedding of such prisoner is inadequate.

(2) Every convicted criminal prisoner shall at all times be dressed in prison clothing:

Provided that no convicted criminal prisoner shall appear in court in prison clothing.

(3) If the clothing of a convicted or an unconvicted prisoner is inadequate for the purpose of his appearance in court, he shall be provided for the purpose of such appearance with clothing which is not of prison pattern.

### **Prisoners' hair cuts**

79.—(1) Unless the medical officer shall otherwise order, the hair of convicted criminal prisoners shall be cut short and their beards shall be shaved as often as may be necessary to preserve a clean and decent appearance.

(2) The hair of women prisoners shall not be cut unless the medical officer considers it to be necessary for health or cleanliness or unless the prisoner shall so desire.

(3) The hair of unconvicted prisoners shall be kept, as far as cleanliness permits, in the same state as it was on admission.

### **Diet and meals hours of prisoners**

*First Schedule*

*LN 10/1979*

80.—(1) The standard scales of diet for prisoners and standard meal hours for prisoners shall be as specified in the First Schedule.

(2) The Superintendent of Prisons may after consultation with the Permanent Secretary, Ministry of Health and Medical Services from time to time amend the First Schedule.

### **Prisoners' correspondence**

81.—(1) Subject to such limitations as the Superintendent of Prisons may from time to time direct in the case of any prison or any prisoner or class of prisoner, prisoners shall be permitted to send letters at the public expense and to receive letters.

(2) Every letter to and from a prisoner shall be read by the Officer in Charge or by a responsible officer deputed by him for the purpose, who shall endorse the letter to the effect that he has done so, and it shall be within the discretion of the Officer in Charge to stop any letter on the grounds that the contents are objectionable.

(3) A prisoner to whom or by whom a letter is written which is stopped in terms of paragraph (2) shall be advised that the letter has been stopped.

(4) A prisoner to whom a letter is written which has been stopped in terms of paragraph (2) may elect to have the letter returned to the writer or placed with his property against his discharge.

### **Visitors to prisoners**

82.—(1) Subject to the provisions of this regulation and to such limitations as the Superintendent of Prisons may from time to time direct in the case of any prison or any prisoner or class of prisoners, prisoners shall be permitted to receive visits from not more

than three persons at any one time on such days and such times as the Officer in Charge may authorise.

(2) A visit, unless especially authorised by the Officer in Charge, shall not exceed half an hour's duration and shall be conducted in the presence and hearing of a prison officer:

Provided that where the visitor is the prisoner's bona fide legal adviser, visiting the prisoner in that behalf, the visit may be conducted in the sight but not the hearing of a prison officer.

(3) An unconvicted prisoner, other than a prisoner imprisoned for debt, shall have all reasonable facilities consistent with the discipline of the prison, for seeing his relatives, friends and legal advisers and, if he is an alien, his consular representative.

(4) A person committed to prison in default of finding a surety shall be allowed to see any of his relatives or friends at any reasonable hour for the bona fide purpose of providing for the payment of the surety which would procure his release from prison.

(5) A person committed to prison for debt shall be subject to the same limitations as regards receiving visits as a convicted prisoner.

(6) If any visitor to any prison brings any article, food, letter or any other thing to the prison for delivery to any prisoner, such article, food, letter or other thing shall be delivered to the Gaoler or to such other prison officer as may be detailed to receive the same; and no visitor to any prison shall take out of the prison any article, food, letter or any other thing for or on behalf of any prisoner unless lawfully authorised so to do.

### **Medical treatment**

83.—(1) The health of every prisoner shall be under the care of the medical officer of the prison and every prisoner shall submit himself to such treatment as the medical officer may from time to time prescribe.

(2) Every prisoner shall submit to such vaccinations or inoculations as the medical officer may from time to time direct.

(3) If a prisoner is found to be suffering from any infectious or contagious disease, or to be in a verminous condition, such steps shall be taken at once to treat the condition and to prevent it from spreading to other prisoners as the medical officer may direct.

(4) Any prisoner suffering from any serious illness or condition may at the discretion of the medical officer be removed from the prison to hospital.

### **Reports on long term prisoners**

*LN 10/1979*

84.—(1) The Superintendent of Prisons shall forward to the Minister a report on every prisoner who has during the previous month—

(a) in the case of prisoners sentenced to be detained during Her Majesty's pleasure or sentenced to imprisonment for a period of or exceeding seven years, completed four

years' imprisonment from the date of sentence, and at intervals of two years thereafter or at such more frequent intervals as the Minister in his discretion may direct; and

(b) completed seven or more years of his sentence and has attained, or is believed to have attained, the age of sixty years.

(2) Each report shall include—

(a) a statement by the Officer in Charge on the work and conduct of each prisoner; and

(b) a statement by the medical officer on the mental and bodily condition of each prisoner, with particular reference to the effect of imprisonment on his health.

### **Discharge of prisoners**

85.—(1) The Officer in Charge shall, at least once each month, check the release dates of all prisoners who are due for discharge in the ensuing month.

(2) Every Officer in Charge shall be responsible for the due discharge from prison of all prisoners under his control immediately upon their becoming entitled thereto:

Provided that any prisoner who is suffering from an acute or dangerous illness shall not, except at his own request, be discharged from any prison until, in the opinion of the medical officer, it is safe to discharge him.

(3) Sentences shall be computed as follows:—

(a) a term of imprisonment shall be deemed to run from the first moment of the day on which the sentence begins;

(b) a prisoner shall be entitled to discharge before noon on the last day of his sentence due provision being made for any remission the prisoner may have earned:

Provided that if such day be a Sunday or a public holiday he shall be discharged before noon on the next preceding day not being a Sunday or public holiday;

(c) a sentence expressed in terms of one month or so many months, or one year or so many years, shall run to the date in the month or year in which it expires preceding that on which it commenced, whatever be the number of days in the month or months or year or years.

(4) Upon the discharge of any prisoner all personal belongings held by the prison authorities in trust for him during his imprisonment shall be returned to him against his receipt.

(5) A prisoner on discharge from a prison situate in a district in which he does not normally reside may, if he so desires, be returned to his own province at the Government's expense.

(6) An Officer in Charge may in suitable cases pay to a prisoner on his discharge from prison a gratuity not exceeding one dollar or, with the prior approval in writing of the Superintendent of Prisons, ten dollars.

## **Division 2**

### **Classification, Custody and Transfer of Prisoners**

#### **Segregation of certain prisoners**

86. So far as shall be practicable, the following prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent their seeing or communicating with each other—

- (a) male from female prisoners; and
- (b) convicted from unconvicted prisoners.

#### **Classification of prisoners**

87.—(1) Prisoners shall be classified and divided into the following classes—

- (a) young prisoners;
- (b) adults;
- (c) first offenders;
- (d) prisoners with previous convictions;
- (e) unconvicted prisoners; and
- (f) such other classes as the Superintendent of Prisons may determine;

and so far as the prison facilities permit each such class shall be kept apart from the other classes.

(2) For the purposes of paragraph (1), the adult class shall consist of all prisoners other than young prisoners.

(3) The Superintendent of Prisons may require any class of prisoners to wear such distinguishing marks upon their clothing as he may from time to time consider appropriate or expedient.

(4) Any prisoner may be removed from any class, except the unconvicted class, if in the opinion of the Officer in Charge his character renders him unfit to associate with prisoners of that class from which he is removed.

#### **Powers of police officers to interview prisoners**

88.—(1) Subject to the provisions of paragraph (2), a police officer, with the approval of the Officer in Charge and on production of an order in writing from a police officer in charge of a police station or other police officer of or above the rank of Inspector, may, in the sight and hearing of a prison officer, interview within a prison any prisoner for purposes connected with the investigation of any offence whatsoever.

(2) If the Officer in Charge is satisfied that a prisoner is willing to be interviewed by police officers out of the sight and hearing of a prison officer, then the Officer in Charge may permit that prisoner to be interviewed by not less than two police officers within the prison and out of the sight and hearing of a prison officer.

### **Transfer of prisoners into police custody**

89. An Officer in Charge may deliver a prisoner into police custody in connection with the investigation of a crime on the production of an order in writing which shall, in the case of an unconvicted prisoner, be signed by a police officer in charge of a police station or a police officer of or above the rank of Inspector, and, in the case of a convicted prisoner, by a police officer of or above the rank of Senior Inspector.

### **Use of mechanical restraints**

90.—(1) Whenever an Officer in Charge considers it necessary for the safe custody of or prevention of violence by a prisoner that he should be confined by means of mechanical restraint, he may cause him to be placed in handcuffs for such time as may in his opinion be necessary in the circumstances:

Provided that mechanical restraint shall in no case be used as a means of inflicting punishment upon any prisoner.

(2) When in the opinion of an Officer in Charge it is necessary to keep a prisoner in handcuffs for a period exceeding twenty-four hours, such Officer in Charge shall, before the expiry of such period, obtain from the medical officer a certificate in writing that the prisoner is fit to undergo such restraint, and the Officer in Charge shall retain such certificate and shall file it in the prisoner's Record.

(3) Leg irons shall not be used in any prison.

### **Prevention of escape of prisoners**

91.—(1) Every prison officer shall use the greatest vigilance to prevent the escape of any prisoner and no ladders, planks, ropes, chains or anything likely to facilitate an escape shall be left unsecured in any prison.

(2) On receiving a report of the escape of a prisoner the Officer in Charge shall—

- (a) order the prison and its neighbourhood to be searched at once;
- (b) notify the police;
- (c) notify the Superintendent of Prisons.

(3) With a view to preventing future escapes, the Officer in Charge shall hold an inquiry into the escape of any prisoner and shall submit a full report thereon to the Superintendent of Prisons.

### **Period of escape not to count as part of sentence**

92. The period during which an escaped prisoner is at large shall not be counted as part of the sentence he was undergoing at the time of his escape.

## **Division 3 Employment of Prisoners**

### **Employment of prisoners generally**

93.—(1) The medical officer may on medical grounds excuse any prisoner from work or direct that he perform light work.

(2) Women convicted prisoners shall not be employed outside a prison except on the recommendation of the medical officer on medical grounds and then only on such work as is suitable for women as the Officer in Charge may direct in conformity with any directions of the Superintendent of Prisons.

(3) Any unconvicted prisoner who elects to work shall receive payment at such rates as may be prescribed.

### **Exemption of certain seamen from compulsory labour**

94. No person sentenced to imprisonment under regulations made under section 28(1) (h) of the Shipping Act shall be required to perform any compulsory labour.

*Cap. 163*

### **Prisoners unfit for normal labour**

95.—(1) A prisoner who is not certified as fit for normal prison labour by the medical officer shall not be required to undertake any form of labour until the medical officer has certified such prisoner fit for the particular labour to which it is intended to put him.

(2) A prisoner classified as unfit for any type of labour shall be encouraged to take exercise for such periods of every day during normal working hours as may be appropriate to his condition of health.

(3) A prisoner who is employed wholly on sedentary work, shall, if circumstances permit, be allowed to exercise in the open air for one hour during each working day.

### **Hours of labour for prisoners**

96. Subject to the provisions of regulation 97 the hours of labour for prisoners shall be at the direction of the Superintendent of Prisons and may vary in the case of different prisons and different classes of prisoners:

Provided that in no case shall any prisoner be required to work more than an aggregate of eight hours in any period of twenty-four hours.

### **Restrictions on employment of prisoners**

97.—(1) No prisoner shall be employed—

- (a) in the service of any other prisoner; or
- (b) in the service of any prison officer or servant of the prison; or
- (c) for the private benefit of any person; or
- (d) in any disciplinary capacity.

(2) No prisoner shall be required to do any labour, except such as may be necessary for keeping the prison premises clean and for cooking of rations, on any Sunday or Public holiday.

(3) The Superintendent of Prisons may direct that any prisoner of any religious faith specified in such direction shall not be required to undertake labour of such kind or on such days or at such times as may be repugnant to the tenets of such faith.

## **Division 4 Privileges of Unconvicted Prisoners**

### **Social privileges of unconvicted prisoners**

98. Unconvicted prisoners shall be permitted during their periods of exercise to associate together in an orderly manner.

### **Purchase and use of luxuries by unconvicted prisoners**

*LN 43/1975*

99. Any unconvicted prisoner who purchases or receives food, bedding, clothing or such other requirements as are consistent with good order and the discipline of the prison, shall purchase or receive such articles through the Officer in Charge subject to the following conditions:—

- (a) the prisoner shall give such notice beforehand of his requirements as the Officer in Charge may require;
- (b) at any meal for which the prisoner is not supplied with food at his own expense, he shall receive the ordinary prison diet but he shall not receive any prison allowance of food at any meal for which he is supplied with food at his own expense;
- (c) spirituous liquors and like amenities shall not be permitted; and
- (d) articles obtained pursuant to this regulation—

- (i) shall be received only at the times authorised by the Officer in Charge;
- (ii) shall be inspected by a prison officer;
- (iii) shall be subject to such restrictions as may be necessary to prevent excessive indulgence; and
- (iv) may be paid for out of money belonging to the prisoner in the safe keeping of the Officer in Charge.

### **Clothing of unconvicted prisoners**

100.—(1) Any unconvicted prisoner may wear his own clothes and procure for himself or receive at hours authorised by the Officer in Charge such articles of clothing as the Officer in Charge may approve:

Provided that if any unconvicted prisoner escapes or attempts to escape from any prison the Officer in Charge may, upon his recapture, require him to wear prison clothing for distinguishing purposes.

(2) When any unconvicted prisoner wears his own clothing in prison, the Officer in Charge or the medical officer may, for the purpose of preventing the introduction or spread of infectious disease or contamination by any other cause, order that the clothing be disinfected and during the process of disinfection the prisoner shall be required to wear prison clothing.

### **Withdrawal of privileges; modification of prison routine**

101.—(1) Any privilege allowed under this Division may at any time be withdrawn by the Officer in Charge if he is satisfied that there has been an abuse thereof.

(2) The Officer in Charge may modify the routine of the prison in regard to an unconvicted prisoner so far as to dispense with any practice which in the opinion of the Officer in Charge is clearly unnecessary or unsuitable in the case of the particular prisoner.

## **Division 5 Discipline of Prisoners**

### **Saving in the case of offences against the law**

102. Nothing in this Division shall be construed to exempt any prisoner from being proceeded against for any offence by any other process of law:

Provided that no prisoner shall be punished twice for the same offence.

### **Minor prison offences**

103. The following acts and omissions shall be minor prison offences when committed by a prisoner:—

- (i) disobeying any order of the Officer in Charge or of any other prison officer or any lawful rule or order applicable to any prison or prisoner;
- (ii) treating with disrespect any prison officer or person authorised to visit the prison;
- (iii) being idle, careless or negligent at work or refusing to work;
- (iv) using abusive, threatening, insolent or other improper language;
- (v) being indecent in language, act or gesture;
- (vi) committing any assault or act of violence;
- (vii) communicating with another prisoner, or any other person without authority;
- (viii) leaving his cell or ward or place of work or other appointed place, without permission;
- (ix) disfiguring, soiling, damaging or interfering with any part or fitting of the prison or any property which is not his own;
- (x) committing any nuisance in any part of the prison;
- (xi) receiving or having in his possession any prohibited article or attempting to obtain any such article;
- (xii) making repeated and groundless complaints or malingering;
- (xiii) quarrelling with other prisoners;
- (xiv) wilfully bringing a false accusation against any prison officer or other prisoner;
- (xv) doing any act calculated to create unnecessary alarm among prison officers or prisoners;
- (xvi) committing any act of insubordination;
- (xvii) refusing to wear the clothing issued to him or exchanging, losing, discarding, damaging, altering or defacing any part of it;
- (xviii) offending in any way against good order and discipline;
- (xix) attempting to commit any of the foregoing minor prison offences; and
- (xx) aiding or abetting the commission of any of the foregoing minor prison offences.

### **Major prison offences**

104. The following acts and omissions shall be major prison offences when committed by a prisoner:—

- (i) mutiny or incitement to mutiny;
- (ii) committing or taking part in an aggravated or repeated assault on another prisoner;
- (iii) committing or taking part in an assault or attack on a prison officer;
- (iv) committing a minor prison offence after having twice previously been found guilty of the same minor prison offence;
- (v) escaping or conspiring with any other person to procure the escape of a prisoner or assisting any other prisoner to escape from lawful custody;
- (vi) possessing any instrument or other thing with intent to procure his own escape or that of any other prisoner;
- (vii) omitting or refusing to help any prison officer to prevent an escape, an attempted escape or an attack upon that officer or upon another prisoner;
- (viii) committing any act of gross misconduct or insubordination;
- (ix) attempting to commit any of the foregoing major prison offences; and
- (x) aiding or abetting the commission of any of the foregoing major prison offences.

#### **Penalties for minor prison offences**

105. Any prisoner who commits any minor prison offence shall be liable to one or more of the following punishments:—

- (a) confinement in a separate cell for a period not exceeding fourteen days;
- (b) confinement in a separate cell with penal diet for a period not exceeding seven days;
- (c) forfeiture of remission of sentence not exceeding thirty days of the total remission earned; and
- (d) deprivation of privileges.

#### **Penalties for major prison offences**

106. Any prisoner who commits any major prison offence shall be liable to one or more of the following punishments:—

- (a) confinement in a separate cell for a period not exceeding twenty-one days;
- (b) confinement in a separate cell with penal diet for a period not exceeding twenty-one days;
- (c) forfeiture of remission of sentence not exceeding sixty days of the total remission earned; and
- (d) deprivation of privileges.

### **As to separate confinement**

107.—(1) No prisoner shall be sentenced to be confined in a separate cell for an aggregate of more than ninety days in one year.

(2) In any case where a prisoner is sentenced to two periods of confinement in a separate cell the two sentences shall be separated by a period of not less than the longer of the two periods.

(3) Notwithstanding anything contained in this regulation, if it appears to the Officer in Charge that it is desirable for the good order and discipline of the prison for a prisoner to be segregated and not to work nor to be associated with other prisoners it shall be lawful for the Officer in Charge to order the segregation of that prisoner for such period as he may consider necessary.

(4) No prisoner undergoing separate confinement shall see any person other than prison officers in the execution of their duty, prison ministers, visiting justices and the medical officer of the prison.

(5) Every prisoner undergoing separate confinement shall, subject to any directions of the medical officer, be exercised for one hour each day and during such exercise period shall be required to bathe himself.

(6) Every prisoner undergoing separate confinement shall be visited by the Gaoler of the prison not less than once each day and by the medical officer as often as is practicable.

### **As to separate confinement with penal diet**

108.—(1) No prisoner shall be made to undergo a punishment of penal diet within a period of twenty-four hours immediately preceding the expiration of his sentence or, if circumstances permit, on the day preceding his appearance before a court.

(2) Every prisoner undergoing punishment of penal diet shall receive full diet every fourth day.

(3) No prisoner undergoing a punishment of penal diet shall be put to any form of labour.

(4) Every prisoner subjected to penal diet shall be visited not less than once each day by the Gaoler of the prison and by the medical officer as often as is practicable.

### **Disciplinary offences to be entered in prisoner's Record**

109. Particulars of every offence against discipline committed by any prisoner and the punishment imposed therefor shall be recorded in such prisoner's Record.

### **Punishment may be carried out in more than one prison**

110. Any punishment lawfully imposed under these Regulations may be carried out partly in one prison and partly in another.

### **Trial of prison offences**

111.—(1) A charge against a prisoner in respect of a prison offence may, subject to the provisions of this paragraph, be heard and determined—

(a) before a Magistrate's Court where the Superintendent of Prisons, owing to the gravity of the prison offence or other sufficient cause, so decides; or

(b) within a prison, by the Superintendent of Prisons or, on the direction of the Superintendent of Prisons, the Officer in Charge.

(2) The Superintendent of Prisons may delegate to an Officer in Charge, either generally or in any particular case, his power of hearing and determining a charge under the provisions of paragraph (1) (b) in respect of a minor prison offence and, in so doing, may limit such officer's power to impose punishments conferred by regulation 105 to punishments less stringent than those specified in that regulation.

(3) A prisoner charged with a prison offence which is heard and determined under the provisions of paragraph (1) (b) shall, unless he specifically refuses, be present at the inquiry into his alleged offence and the officer conducting such inquiry shall inform him of the charge against him; and the prisoner shall be given an opportunity of hearing the facts alleged against him, of questioning every witness brought in support of the charge, of being heard in his defence and of calling any witness whose evidence he may wish to be heard.

(4) The proceedings and evidence shall be recorded in writing.

(5) Every prison officer empowered to inquire into a prison offence shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry and to adjourn the proceedings from time to time.

(6) Any person summoned as a witness under paragraph (5) who fails to attend at the time and place mentioned in the summons or on adjournment or refuses to answer any question that is lawfully put to him shall be guilty of an offence and liable to a fine of twenty dollars and to imprisonment of one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

### **Investigation and report of prison offences**

112.—(1) Every allegation against a prisoner alleging a breach of prison discipline shall be reported without unnecessary delay to the Officer in Charge and such officer shall so soon as may be after receipt by him of the report order that the allegation be investigated and if satisfied that disciplinary proceedings ought to be instituted shall in the case of a major prison offence forthwith report the matter to the Superintendent of Prisons, or, in the case of a minor prison offence power to hear and determine which has been delegated to him by the Superintendent of Prisons, proceed himself to charge the prisoner and to hear and determine the charge in accordance with the provisions of regulation 111 (3).

(2) The Officer in Charge may order a prisoner charged with a prison offence to be kept apart from other prisoners pending the hearing and determination of the charge.

### **Review of punishments awarded for prison offences**

113.—(1) The Inspector of Prisons or the Superintendent of Prisons may either upon the complaint of any prisoner or of his own motion call for a report of any disciplinary investigation held in respect of any prisoner and may review the same and may confirm, vary or remit any punishment imposed:

Provided that no punishment imposed upon any prisoner shall be increased without giving the prisoner an opportunity of being heard.

(2) The Minister may review any punishment imposed upon a prisoner and may increase, reduce, vary or remit such punishment.

## **Division 6 Remission of Sentence and Release on Licence**

### **Remission of sentence**

*LN 10/1979*

114.—(1) Convicted criminal prisoners sentenced to imprisonment, whether by one sentence or consecutive sentences, for a period exceeding one month, may for industry and good conduct be granted a remission of one-third of their sentence or sentences:

Provided that in no case shall—

(i) any remission granted result in the release of a prisoner until he has served one month;

(ii) any remission be granted to a prisoner sentenced to imprisonment for life or to be detained during the Her Majesty's pleasure.

(2) Upon the recommendation of the Superintendent of Prisons a convicted criminal prisoner may by reason of meritorious conduct or of his mental or physical state of health be granted remission of the whole or any part of his sentence by the Minister in his discretion.

(3) For the purpose of giving effect to the provisions of paragraph (1) each prisoner, on admission, shall be credited with the full amount of remission for which he would be eligible at the end of his sentence if he lost no remission of sentence.

(4) A prisoner may lose remission of sentence as a result of its forfeiture as a punishment for a prison offence, and shall not earn any remission in respect of any period—

(i) spent in hospital through his own fault or while malingering; or

(ii) while undergoing confinement in a separate cell as punishment.

(5) The Minister upon the recommendation of the Superintendent of Prisons may restore in whole or in part any remission forfeited or lost under the provisions of these Regulations including any remission forfeited or lost before the date of commencement of these Regulations.

### **Calculation of remission**

115.—(1) Where one term of imprisonment is consecutive to another term such terms shall be treated as one term for the purposes of remission.

(2) Where one sentence is partly concurrent with, but overlaps another sentence, the latter sentence shall be added to the period of the former sentence actually served when the latter commenced and remission shall be calculated on the total period.

(3) Where a court orders a fresh sentence "to commence at the expiration of the sentence the prisoner is now serving" or orders to that effect, the order of the court shall be interpreted literally.

(4) Where a prisoner is sentenced to two or more terms on different counts, such sentences shall be consecutive unless the court shall otherwise order.

(5) Where a prisoner is sentenced to several terms of imprisonment on several warrants at the same time or is sentenced to a further term or terms of imprisonment before the expiration of his original sentence, his several sentences on all the warrants shall be consecutive unless otherwise ordered by the court and the aggregate term shall run from the date of the first warrant.

(6) Where a prisoner avails himself of the right to obtain his earlier release by part payment of a fine or any other sum of money which he has been ordered to pay he shall be entitled to a grant of remission on the full period of his sentence, less that part for which he has paid, provided that the balance of the term of imprisonment is more than one month.

(7) If a portion of a fine imposed on a prisoner is paid before the expiration of a period of imprisonment imposed on him in default of payment of that fine, a proportionate reduction in the period of his imprisonment shall be made.

(8) No amount which would have the effect of reducing a period of imprisonment imposed in default of payment of a fine by part of a day shall be taken into account in calculating the remission which may be granted upon the remaining period of imprisonment outstanding after payment of such amount under paragraph (6) or in calculating the reduction in the period of imprisonment under paragraph (7).

### **Remission due to a prisoner to be recorded on admission**

116.—(1) The remission due to a prisoner shall be computed on the prisoner's admission and thereafter as may be necessary.

(2) The earliest possible date of discharge as the result of remission shall be recorded in the prisoner's Record and in the Prison Register and such date shall be amended by the Officer in Charge from time to time as may be necessary by the prisoner losing remission or being further sentenced.

### **Prisoners transferred to mental hospital not to lose remission**

117. A prisoner transferred to a mental hospital shall be allowed full remission under these Regulations.

### **Day of release after remission**

118. A prisoner who is entitled to remission under these Regulations shall be entitled to release on the day after the last day of remission granted.

### **System of remission of sentence to be explained to prisoners**

119. The remission system shall be explained to all prisoners on admission and when, for any reason, remission is forfeited the Officer in Charge or the Gaoler shall ensure that a prisoner is made fully aware of such forfeiture.

### **Decision of Superintendent of Prisons to be final on remission of sentence**

120. Any question arising concerning the computation of sentences and remission under these Regulations shall be referred to the Superintendent of Prisons whose ruling thereon shall be final and shall not be questioned in any proceedings whatsoever.

### **Release on licence**

*LN 10/1979*

121. (1) The Minister may in his discretion at any time release a prisoner on licence, but shall not do so in the case of a person sentenced to imprisonment for life or to detention during Her Majesty's pleasure except after consultation with the Chief Justice together with the trial judge, if other than the Chief Justice, if available.

(2) Every licence granted by the Minister under paragraph (1) shall be in the form prescribed in the Second Schedule and shall be subject to such conditions as may be specified therein, and the Minister may in his discretion at any time vary or cancel only such condition.

*Second Schedule*

(3) The Minister may in his discretion at any time by order recall to prison a prisoner released on licence under this regulation but without prejudice to the power of the Minister to release him on licence again, and when any prisoner is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

(4) Any order made under paragraph (3) shall be sufficient authority for the arrest of the prisoner to whom it relates as if such order were a warrant of arrest issued by a Magistrate.

### **Leave of absence**

122. (1) The Superintendent of Prisons may in his discretion grant to any prisoner leave of absence from any prison for a period not exceeding twenty-four hours on compassionate grounds.

(2) For avoidance of doubt, leave of absence granted under paragraph (1) shall be deemed service of sentence.

## **Division 7 Petitions and Complaints by Prisoners**

### **Petitions by prisoners**

123. (1) No prisoner shall be permitted to petition regarding his conviction or sentence during such period as he is by law allowed to appeal against such conviction or sentence.

(2) A prisoner may petition the Governor-General on the subject of his conviction or sentence at any time after such conviction or sentence has been confirmed by the Court of Appeal; a second such petition shall be allowed when the prisoner has completed two years of his sentence, and thereafter a prisoner may petition at two-yearly intervals unless there are any special circumstances which the Superintendent of Prisons may consider should be brought to the notice of the Governor-General.

*LN 10/1979*

(3) A prisoner may if he wishes petition the Minister on any other subject at any time:

*LN 10/1979*

Provided that no petition shall be permitted if the reply to a previous petition on the same subject is still outstanding.

### **Complaints by prisoners**

124. (1) A prisoner may make complaints or applications to a prison visitor, the Superintendent of Prisons or the Officer in Charge, but not to any subordinate officer except to report sickness.

(2) The Officer in Charge or, in his absence, the Gaoler, shall at a convenient hour on every day, other than Sundays and public holidays, hear the applications and complaints made by prisoners who have requested to see him; and such applications and complaints shall be recorded by the Officer in Charge (or the Gaoler, as the case may be) who shall also record what action he has taken in regard to such applications or complaints.

## **Division 8 Resettlement Gratuity Scheme**

### **Establishment of resettlement gratuity scheme**

*LN 9/1974*

125. Subject to the provisions of this Division, there shall be established a scheme whereby prisoners may receive out of public funds and be paid upon their release from prison, a resettlement gratuity.

**Administration of Scheme**

*LN 9/1974*

126. The Scheme established under regulation 125 shall be administered by the Superintendent of Prisons.

**Rate of gratuity payable.**

*LN 9/1974*

127. Any prisoner who serves a sentence of imprisonment of one or more completed months may upon his release from prison receive a sum of money calculated at the rate of one dollar for each completed month of sentence served during which the work and conduct of that prisoner is certified by the Superintendent of Prisons to have been satisfactory.

**Remission of sentence not to count**

*LN 9/1974*

128. In calculating the gratuity payable to a prisoner under regulation 127 no account shall be taken of remission of sentence.

**Forfeiture of gratuity**

*LN 9/1974*

129. If during any period of imprisonment the Superintendent of Prisons is of the opinion that the work and conduct of any prisoner has not been satisfactory, he may direct that all or any part of the gratuity already payable to such prisoner shall not be paid to him, and such direction shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

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**FIRST SCHEDULE**

(Regulation 80)

**A**

**FULL DIET**

1 lb. Rice or 3 lbs. Roots, daily

1/2 lb. Bread or 1/2 lb. Biscuits, daily

4 ozs. Fresh or Tinned Meat, or, 4 ozs. Fresh or Tinned Fish, daily

2 ozs. Sugar daily

1/4 ozs. Tea daily

1/2 ozs. Powdered Milk daily

Curry Powder and Salt—as required

Fresh Vegetables and Fruit—as required

## **B**

### **PENAL DIET**

1/2 lb. Bread daily

1 lb. Rice daily

Fresh Water—as required

## **C**

### **MEAL HOURS**

Breakfast — 0600 Hrs

Lunch — 1200 Hrs.

Dinner — 1700 Hrs.

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## **SECOND SCHEDULE**

### **FORM OF LICENCE**

*LN 10/1979*

(Regulation 121) [reg. 121]

The Minister hereby grants  
to .....who was  
convicted of ..... on the ..... day of ..... by the High  
Court sitting at ..... and was sentenced to imprisonment for life \*/the term  
of ..... years \* and is now confined in the ..... prison, his  
licence to be at large from the day of his liberation under this order during the remaining  
portion of his said term of imprisonment unless the said ..... shall, before  
the expiration of the said term be convicted of an offence within Solomon Islands in which  
case such licence will be immediately forfeited, or unless the Minister shall revoke or alter  
such licence.

2. This licence is given subject to the conditions specified in the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by conviction or not.

3. The Minister hereby orders that the said..... be set at liberty within thirty days from the date of this order.

Given under my hand and the public seal this..... day of..... 19.....

Minister

\*Delete words not applicable.

(The following to be printed on back of licence)

This licence will be subject to revocation if the holder does not observe the following conditions:—

1. He shall preserve his licence and produce it when called upon to do so by a Provincial Secretary, police officer or Magistrate.
2. He shall abstain from any violation of the law.
3. He shall not habitually associate with notoriously bad characters.
4. He shall not lead an idle life, without visible means of obtaining an honest livelihood.
5. He shall at the time of his release from prison inform the Officer in Charge as to the place where he intends to reside and shall with all convenient speed proceed to such place and shall within 48 hours of arrival at such place report himself personally, unless prevented by unavoidable cause, to the police officer in charge of the police station nearest to his place of residence. +
6. He shall, unless prevented by unavoidable cause, thereafter once in every month report himself personally to the police officer in charge of the police station nearest to his place of residence and shall, unless prevented by unavoidable cause, on every change of residence give 48 hours' notice, either personally or by letter, to such police officer of his intention to leave, and, so far as is practicable, of his exact future address; and shall, unless prevented by unavoidable cause, within 48 hours of his arrival at his destination where he intends to reside, report himself personally to the police officer in charge of the police station nearest to his place of residence. +
7. The police officer in charge of the police station nearest to the licence—holder's place of residence may, after the lapse of some        after the granting of the licence during which the conduct of the holder shall have been satisfactory, permit the report to be made in writing. +
8. He shall conform to such other conditions as the Minister may insert in the licence.

+ Note: Conditions 5, 6 and 7 may be amended to refer to such other officer other than the police officer as may be convenient or desirable.

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