

LAWS OF THE GILBERT ISLANDS  
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CHAPTER 76

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ARRANGEMENT OF SECTIONS

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 L.N. 16/74  
 10 of 1976  
 26 of 1977

**An Ordinance to provide for the supervision and discipline of prisons**

*Commencement: 1st July 1952*

## PART I

## PRELIMINARY

- Short title      **1.** This Ordinance may be cited as the Prisons Ordinance.
- Interpretation      **2.** In this Ordinance unless the context otherwise requires—  
 “administrative officer” means a person for the time being holding an appointment to one of the following posts provided for in the annual Estimates of Revenue and Expenditure of the Gilbert Islands, that is to say—Administrative Officer Class A, Administrative Officer Class B, and Assistant Administrative Officer;

- “civil prisoner” means any prisoner other than a criminal prisoner;
- “criminal prisoner” means any person duly committed to custody under the writ, warrant or order of a court exercising criminal jurisdiction;
- “government medical officer” includes any medical officer within the meaning ascribed to that term by section 2 of the Medical and Dental Practitioners Ordinance; Cap. 55
- “juvenile” means a person under the apparent age of 16 years;
- “officer in charge” means any officer appointed under section 6 to be in charge of a prison and, in prisons where no such officer has been appointed, includes the administrative officer in charge of the place where the prison is situated;
- “prison” means a prison established under this Ordinance;
- “prison medical officer” means a person appointed as such under section 20;
- “prison officer” includes the Superintendent of Prisons, officer in charge and subordinate officer;
- “prisoner” means any person convicted or not, under detention in any prison;
- “prohibited article” means any article the introduction or removal of which into or out of the prison is prohibited by this Ordinance;
- “Superintendent of Prisons” means the officer appointed to be Superintendent of Prisons under section 5;
- “subordinate officer” means any person appointed to be a subordinate officer under section 8 and includes wardress;
- “young person” means a person between the apparent ages of 16 and 18 years.

## PART II

### ESTABLISHMENT OF PRISONS

3. The Minister may by notice declare any building, or part of a building, to be a prison for the purposes of this Ordinance. Declaration of prisons

4. The Superintendent of Prisons may at his discretion transfer prisoners from one prison to another prison to prevent overcrowding or for any other reason and, whenever it appears to him that it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made for such shelter and safe custody. Transfer of prisoners from one prison to another

## PART III

## APPOINTMENT, POWERS AND DUTIES OF PRISON OFFICERS

Superintendent  
of Prisons

5. (1) It shall be lawful for the Minister to appoint an officer to be called the Superintendent of Prisons in whom shall be vested the general supervision and control of all prisons.

Superintendent  
to inspect  
prisons

(2) The Superintendent shall, as far as practicable, periodically visit and inspect all prisons in the Gilbert Islands.

Officers in  
charge of  
prisons

6. The Superintendent of Prisons may appoint a prison officer to be officer in charge of any prison in the Gilbert Islands; and in the event of there being no person for the time being appointed by the Superintendent of Prisons to be officer in charge of any prison, the administrative officer in charge of the district in which such prison is situated, or an officer appointed by such administrative officer, shall be officer in charge of such prison and shall be responsible to the Superintendent of Prisons for the conduct and treatment of subordinate officers and prisoners under his control and for the due observance by subordinate officers and prisoners of the provisions of this Ordinance and of all regulations and standing orders made thereunder relating to the order and good management of the prison.

Responsibility  
of officer in  
charge for  
stores, etc.

7. (1) Every officer in charge shall be responsible for the arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison and prison officers under his control, and for all public money for which he may be held accountable, and also for all valuables, money, articles of clothing, and other property entrusted to his keeping as being the property of prisoners, and shall account for the same in case of their being lost, or damaged, otherwise than by unavoidable accident, theft, robbery or actual service, or by being destroyed or otherwise disposed of under section 39.

(2) Where any property specified in subsection (1) is lost or damaged the officer in charge shall proceed to ascertain the cause of the loss or damage, and the individual upon whom the responsibility rests, and shall report his finding to the Superintendent of Prisons.

Appointment  
of subordi-  
nate officers

8. (1) The Superintendent of Prisons may appoint such subordinate officers with such ranks and in such numbers in prisons as he may deem fit.

(2) The Superintendent of Prisons may, subject to the provisions of this Ordinance and to the orders and directions of the Minister, from time to time make standing orders for the observance of subordinate officers.

(3) Where any female prisoner is confined in any prison to which a female subordinate officer has not been appointed, the officer in charge shall employ such female person or persons as he deems fit to carry out the duties of a subordinate officer in the prison in respect of such female prisoner for such time as may be required.

9. (1) 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 with the consent of the Minister, to employ temporarily such number of police officers of or below the rank of assistant inspector as he may consider necessary to perform the duties of a subordinate officer in such prison.

Appointment of police officers to perform the duties of subordinate officers

(2) Every police officer 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 Ordinance shall be deemed to be a subordinate officer.

(3) 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 who may be detached for such duty and thereupon the police officer 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.

10. (1) No subordinate officer shall, without the consent of the Minister, engage in any employment or office whatsoever other than in accordance with his duties under this Ordinance.

Subordinate officers not to engage in other employment or to receive fees or gratuities

(2) No subordinate officer shall receive any fee or gratuity from prisoners or discharged prisoners or from friends of prisoners or from visitors to a prison.

11. Every subordinate officer shall exercise such powers and perform such duties as are by law conferred or imposed on subordinate officers and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his senior officers.

General powers and duties of subordinate officers

Subordinate officers not to enter cells at night

**12.** No subordinate officer shall except in case of sickness or emergency enter a prison cell or ward at night unless accompanied by another prison officer.

Cells where females are confined

**13.** No male subordinate officer shall, except in case of sickness or emergency, enter or remain in a cell or ward in which female prisoners are confined unless accompanied by a female prison officer or, with the approval of the officer in charge, by some other woman who is not a prisoner.

Cases where prison officers have the powers and privileges of police officers

**14.** For the purpose of conveying any person to or from a prison, or for the purpose of apprehending any prisoner who may have escaped while being conveyed to or from a prison, every subordinate officer whilst engaged in any such duty shall have all the powers, protection and privileges of a police officer.

Prison officers always liable to duty

**15.** Every subordinate officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of the Gilbert Islands.

Examination of articles, vehicles and persons entering or leaving a prison

**16.** Any prison officer may examine anything carried into or out of any prison and may stop and search any vehicle proceeding into or out of a prison and may stop and search, or cause to be stopped and searched, any person entering or leaving a prison suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and if any such article or property be found, shall give immediate notice thereof to the officer in charge of the prison:

Provided that where a female is searched such search shall be carried out by a female subordinate officer or by some other female approved by the officer in charge.

Use of arms by prison officers

**17. (1)** It shall be lawful for any prison officer or police officer engaged in the duties of a prison officer to use weapons against any prisoner when such prisoner—

- (a) is escaping or attempting to escape;
- (b) is engaged in any combined outbreak or in any attempt to force or break open the outside door or gate or enclosure wall of the prison, and a prison officer may continue to use such weapons as long as such combined outbreak or attempt is actually prosecuted;
- (c) is using violence to any prison officer or other person:

Provided that resort shall not be had to the use of any such weapons—

- (i) as authorised under paragraph (a) of this section



unless such officer either has reasonable ground to believe that he cannot otherwise prevent the escape or gives a warning to such prisoner that he is about to use the weapons against him;

- (ii) as authorised under paragraph (c) of this section unless such officer has reasonable ground to believe that the prison officer or other person is in danger of life or limb or that other grievous bodily harm is likely to be caused to him:

Provided further that no prison officer or police officer engaged in the duties of a prison officer shall in the presence of a prison officer of a higher rank or a police officer of a higher rank so engaged use weapons against a prisoner as authorised under paragraphs (a) and (b) except under the orders of that officer of higher rank.

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

18. The photograph and fingerprints of any criminal prisoner may be taken.

Power to take photographs of criminal prisoners

19. (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 judge, magistrate or justice of the peace, the court shall, upon production of the warrant containing the signature of the judge, magistrate or justice of the peace and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such prison officer.

Non-liability for act done under authority of a warrant

(2) No proof of the signature of such judge, magistrate or justice of the peace 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 such prison officer if it is proved that, at the time the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

#### PART IV

##### PRISON MEDICAL OFFICERS

20. (1) The Chief Medical Officer shall appoint a prison medical officer for each and every prison; and any such officer shall be a government medical officer or such other suitably qualified person as the Chief Medical Officer shall see fit to appoint.

Qualifications, appointment and general duties of prison medical officers

(2) Subject to the control of the officer in charge, the prison medical officer shall have the general care of the health of the prisoners and shall report to the officer in charge any circumstances connected with the prison or the treatment of the prisoners, which at any time appear to him to require consideration on medical grounds.

Medical examination of prisoners

21. (1) The officer in charge shall ensure that every prisoner is medically examined on admission and discharge by the prison medical officer.

(2) On admission every prisoner shall, so far as possible, be kept apart from other prisoners until he shall have been medically examined by the prison medical officer.

(3) Every officer in charge may order any prisoner to be medically examined as often as he thinks necessary.

Other duties of prison medical officer

22. (1) The prison medical officer shall carry out the medical examinations required by the last section and shall perform such other duties as may be prescribed.

(2) The prison medical officer shall ensure that a record be kept of the state of health of every prisoner.

## PART V

### DISCIPLINE

Offences by prison officers

23. (1) Any subordinate officer who—

- (i) strikes or uses or offers any violence against his senior in rank, or uses threatening or insubordinate language to his senior in rank;
- (ii) wilfully disobeys any lawful command;
- (iii) is drunk while on duty, or drinks intoxicants while on duty, or renders himself unfit for duty by the use of drugs or intoxicants;
- (iv) absents himself without leave or wilfully overstays his leave;
- (v) sleeps at his post, or leaves it without authority, express or implied;
- (vi) being under arrest or confinement leaves or escapes from his arrest or confinement without authority;
- (vii) idles or gossips when on duty;
- (viii) neglects or refuses to assist in the apprehension of any prison officer or prisoner whom it is his duty to arrest;

- (ix) allows any prisoner to escape who is committed to his charge or whom it is his duty to keep or guard;
- (x) strikes or bullies any person in his custody;
- (xi) fires his firearm without just cause or order;
- (xii) without cause fails to appear or appears late for duty;
- (xiii) pawns, sells, loses by neglect, makes away with, wilfully damages, or fails to report any damage to any of the articles of arms, ammunition, clothing, accoutrements or necessaries supplied to him, or any medal or decoration granted to him for service or good conduct, or any Government property or any exhibit, or any lost, stolen or unclaimed property committed to his charge;
- (xiv) solicits any gratuity or without the knowledge and permission of the Superintendent of Prisons accepts directly or indirectly any gratuity, present or reward from any member of the public in respect of anything done by him in the discharge of the duties of his office;
- (xv) is slovenly, inattentive, uncivil, insolent, or quarrelsome;
- (xvi) does not keep his arms, ammunition, equipment or clothing clean;
- (xvii) without due authority discloses or conveys any information concerning any investigation or departmental matter;
- (xviii) malingers or feigns or wilfully produces any disease or infirmity;
- (xix) is guilty of wilful misconduct, or wilfully disobeys whether in hospital or otherwise any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity or delays its cure;
- (xx) without proper authority exacts from any person, carriage, portorage or provisions;
- (xxi) makes any false statement or withholds any information when making any application to be employed as a subordinate officer;
- (xxii) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send;
- (xxiii) makes any false statement in relation to his duties;
- (xxiv) makes a false accusation against any prison officer or prisoner knowing, or having good reason to believe, such accusation to be false;

- (xxv) in making a complaint, where he thinks himself aggrieved, knowingly makes any false statement affecting the character of a prison officer or knowingly and wilfully suppresses any material facts;
  - (xxvi) engages without authority in any employment other than his duty as a prison officer;
  - (xxvii) is unduly familiar with prisoners;
  - (xxviii) assists or connives with any prisoner in having or obtaining any prohibited article or otherwise engages in such trafficking as may be defined by regulation;
  - (xxix) is guilty of any other act, conduct, disorder or neglect to the prejudice of good order or discipline;
- shall be deemed to have committed an offence against discipline.

(2) Any subordinate officer who commits an offence under subsection (1) ~~may be arrested without warrant by an officer senior to himself and shall be brought forthwith before the officer in charge.~~

(3) Nothing in this section shall be construed to exempt any subordinate officer from being proceeded against for any offence by the ordinary course of the law.

Punishment  
which may be  
awarded by  
certain  
officers

24. (1) The Superintendent of Prisons, or the officer in charge, may inquire into the truth of any charge under the last preceding section against a subordinate officer and if his decision is against the accused may impose on him any one or more of the following punishments—

- (i) admonishment;
- (ii) reprimand;
- (iii) confinement to quarters for any period not exceeding 14 days with or without punishment duties;
- (iv) fine not exceeding 4 days pay.

(2) A subordinate officer shall not be convicted under subsection (1) unless the charge has been read and investigated in his presence and he has been given sufficient opportunity to cross-examine the witnesses called against him, to give evidence or make a statement himself and to call witnesses on his behalf.

(3) The Superintendent of Prisons may at any time before it is carried into execution confirm, vary or quash any punishment imposed under this section by the officer in charge and may order either generally or in any particular case that any such punishment shall be reported to him before being carried into execution:

Provided that the Superintendent of Prisons shall not increase any punishment without giving the accused an opportunity of being heard.

**25.** The Superintendent of Prisons may in respect of any conviction under section 24 impose any one or more of the punishments mentioned in section 24 or any one or more of the following punishments—

Special powers of Superintendent of Prisons

- (i) severe reprimand;
- (ii) forfeiture of pay not exceeding the amount of pay for 14 days which may be due to the convicted subordinate officer;
- (iii) forfeiture of any reward or allowances which the convicted subordinate officer may have earned;
- (iv) reduction in rank or grade;
- (v) dismissal:

Provided that any subordinate officer who has been punished by dismissal or reduction in rank or grade may within 7 days after the decision of the Superintendent of Prisons has been communicated to him appeal to the Minister who may confirm or quash any such punishment or substitute for it any less punishment authorised by section 24 and the decision of the Minister shall be final.

**26.** (1) The Superintendent of Prisons may at any time interdict from duty any subordinate officer pending an enquiry under section 24 into any disciplinary offence of which he is charged or pending trial or enquiry into any offence, whether under this Ordinance or any other law, of which he is charged before a court.

Powers of interdiction

(2) A subordinate officer interdicted from duty 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 be in abeyance during his interdiction but he shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(3) Save as hereinafter provided a subordinate officer shall not receive pay for any period during which he is interdicted from duty.

(4) A subordinate officer interdicted from duty shall be allowed to receive such proportion of his pay not being less than one half as the Minister may think fit.

(5) On the termination of any period of interdiction from duty of a subordinate officer the Minister may, if he thinks fit, direct the whole or any part of the pay stopped under this section to be paid to such subordinate officer.

Power of  
officer hold-  
ing enquiry

27. (1) Every prison officer empowered to make enquiry under this Part shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such enquiry and to adjourn any hearing from time to time; and in every case which is required under section 24 to be reported to the Superintendent of Prisons the proceedings and evidence shall be recorded in writing.

(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 shall on conviction, be liable to a fine not exceeding \$10 and to imprisonment for 1 month:

Provided that nothing contained in this section shall render any person compellable to answer any question in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court.

Power to sus-  
pend pun-  
ishment

28. (1) Subject to this section any punishment awarded under section 24 may be suspended by order of the Superintendent of Prisons for such period not exceeding 6 months, as he may determine.

(2) Where any punishment has been suspended under this section the officer in charge of the prison wherein the offender is stationed or such other officer as may be directed by the Superintendent of Prisons shall, at the expiration of the period of suspension, review the case, taking into consideration such reports on the conduct of the offender during the period of suspension as shall be available. Such officer may thereupon order the punishment to be remitted or reduced, in which case he shall cause any entry relating to the offence which has been made in the records of the offender to be expunged or altered, as the case may be, or he may order the punishment to be forthwith carried into execution:

Provided that if during the period of suspension the offender is convicted of a further offence under section 23 the suspended punishment shall forthwith be carried into execution, and if punishments of confinement to quarters have been awarded in respect of both offences such punishments shall run consecutively:

Provided further that if, during the period of suspension the offender is convicted of a further offence as aforesaid, the second punishment shall not be suspended.

29. The Superintendent of Prisons may reduce in rank or grade or may dismiss any subordinate officer who has been convicted by the court in respect of any offence whether under this Ordinance or otherwise, unless such prison officer has successfully appealed from such conviction.

Dismissal and reduction in rank of officers convicted

30. (1) All fines imposed on a subordinate officer in respect of offences under this Ordinance or any regulations made thereunder shall be recovered by stoppage of the pay due at the time of committing such offence and thereafter accruing due to the convicted prison officer.

Fines to be recovered by stoppage of pay

(2) The amount of stoppage in respect of any fines or for any other cause authorised by this Ordinance or by the regulations made thereunder shall, subject to any appeal to the Superintendent of Prisons, be in the discretion of the prison officer by whom the fine was imposed but shall in no case exceed one-third of the pay of the convicted subordinate officer; 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 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.

31. If any subordinate officer pawns, sells, loses by neglect, makes away with or wilfully damages any arms, ammunition, accoutrement, uniform or other appointment 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 the amount of such loss or damage, and such amount may be recovered by stoppage from his pay.

Loss or damage to arms and accoutrements to be made good by stoppage of pay

32. Pay shall not accrue to any subordinate officer in respect of any period during which he is absent from duty without reasonable cause or excuse, or is undergoing any sentence of imprisonment:

Pay not to accrue during absence without leave or imprisonment

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.

Establishment  
of Prisons  
Rewards and  
Fines Fund

33. (1) All fines imposed under the provisions of this Ordinance or any regulations made thereunder for any offence against discipline shall be paid to the Chief Accountant to be placed to the credit of a fund to be called the "Prisons Rewards and Fines Fund".

(2) Payment shall not be made from the Prisons Rewards and Fines Fund except upon the authority of the Superintendent of Prisons.

(3) The Superintendent of Prisons may, in his discretion, sanction payments from the Prisons Rewards and Fines Fund for any of the following purposes—

- (a) assistance to the wives or families of deceased subordinate officers or to any subordinate officer discharged as medically unfit for further service;
- (b) contribution towards prizes to be given at athletic meetings, and similar events organised by or for the benefit of prison officers;
- (c) purchase of ammunition for the encouragement of range practice among prison officers;
- (d) payments to subordinate officers as rewards for meritorious acts of 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 by or for the benefit of prison officers;
- (f) any other purpose which the Superintendent of Prisons considers to be for the general welfare of prison officers.

## PART VI

### ADMISSION, CONFINEMENT, CUSTODY AND REMOVAL OF PRISONERS

Admission of  
prisoners

34. (1) No prisoner shall be admitted into a prison unless accompanied by a remand warrant or order of detention or a warrant of conviction or of committal.

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

Provided that when such child has been weaned the officer in charge, on being satisfied that there are relatives or friends cap-



able and willing to support it, shall send the child to such relatives or friends.

(3) The officer in charge shall verify that the prisoner is the person named in the warrant or order and that such warrant or order bears the signature and seal of the proper authority and in all other respects complies with the requirements of law.

(4) The officer in charge shall not refuse to accept a prisoner on the ground that there is an error on the face of any warrant or order of detention, and he shall take steps as soon as practicable to have the error corrected.

35. The officer in charge of the prison to which any convicted criminal prisoner is first committed after conviction shall inform such prisoner within 24 hours of his admission of his right of appeal, if any.

Prisoner to  
be informed  
of right to  
appeal

36. (1) Every prisoner confined in any prison shall be deemed to be in the legal custody of the officer in charge and shall be subject to prison discipline during the whole time of his imprisonment.

Custody of  
prisoners

(2) A prisoner when being taken to or from any prison or whenever he is working outside or is otherwise beyond the limits of any prison shall be deemed to be in prison and shall be subject to prison discipline in the same manner as if he were actually in prison.

(3) Prisoners on remand or committed for trial who are required to attend any court shall be taken for that purpose into police custody at the prison to which they have been committed and shall remain under police supervision and guard until returned to the prison or discharged by the court.

37. Every prisoner shall be searched on admission, and at such times subsequently as the officer in charge may think necessary or as the Superintendent of Prisons may direct:

Search of  
prisoners on  
admission

Provided that no female prisoner shall be searched except by a female subordinate officer or other woman appointed for the purpose.

38. Upon the admission of any person to prison, and from time to time the officer in charge shall cause to be recorded such particulars regarding such person as the Superintendent of Prisons may by standing order direct.

Prisoner's  
record to be  
kept by the  
officer in  
charge

Money and other effects of prisoners to be kept in custody of the officer in charge

**39.** (1) No prisoner may take into prison any property other than money, jewellery, valuable security, or clothing; and any such money, jewellery, valuable security, or clothing shall be placed in the custody of the officer in charge, who shall keep an inventory thereof, which shall be signed by the prisoner and returned to the prisoner when discharged.

(2) If the clothes of a prisoner are worn out or filthy and cannot be cleansed, they may be destroyed; and on release the prisoner shall be given sufficient clothes to cover himself.

(3) When any prisoner arrives at prison with property other than money, jewellery, valuable security or clothes, the officer in charge shall give the prisoner an opportunity to dispose of such property to his relations or otherwise.

Separation of prisoners

**40.** (1) Male and female prisoners shall be confined in separate parts of the prison.

(2) The following classes of prisoners shall, as far as the prison accommodation renders it practicable, be separated from one another, namely—

- (a) prisoners awaiting trial from convicted prisoners;
- (b) juveniles from adults and young persons;
- (c) young persons from juveniles and adults;
- (d) civil prisoners from criminal prisoners;
- (e) such classes of prisoners as the Superintendent of Prisons may direct from any other classes specified by him.

Maintenance of certain prisoners from private sources

**41.** (1) A civil or unconvicted criminal prisoner may be permitted to maintain himself and to purchase or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such other conditions as the Superintendent of Prisons may direct.

Food, etc., not to be transferred to other prisoners

(2) No food, clothing, bedding or other necessaries belonging to a civil or unconvicted criminal 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 food, clothing, bedding or other necessaries from private sources for such time as the officer in charge may think proper.

Supply of clothing and bedding to civil or unconvicted criminal prisoners

(3) If a civil or unconvicted criminal 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 regular food, clothing and bedding.

42. No prisoner who is a person of unsound mind shall be detained in any prison longer than is necessary for his committal and transfer to a mental health wing in accordance with the Mental Treatment Ordinance.

Prisoner of  
unsound  
mind  
Cap. 56

43. (1) In case of serious illness of a prisoner confined in a prison in which there is not suitable accommodation for such prisoner, the officer in charge on the advice of the medical officer may make an order for his removal to a Government hospital; and in cases of emergency such removal may be ordered by the officer in charge.

Removal of  
sick prisoners  
to hospital

(2) Any prisoner who shall have been removed to a Government hospital under the provisions of this section shall be deemed to be under detention in the prison from which he was so removed.

(3) Whenever the medical officer in charge of such hospital considers that the health of a prisoner removed to hospital under the provisions of this section no longer requires his detention therein he shall notify the officer in charge who shall thereupon cause such prisoner to be brought to the prison if he is still liable to be confined therein.

44. An officer in charge shall take steps necessary to prevent the escape of prisoners from hospital.

Prevention of  
escapes from  
hospital

45. On the death of a prisoner the officer in charge shall inform the nearest magistrate.

Notice of  
death of a  
prisoner to be  
given to  
nearest  
magistrate

## PART VII

### WORK OF PRISONERS

46. Every prisoner under sentence of imprisonment may be kept to work within or without the precincts of any prison and in any employment that may be prescribed.

Work

47. Female prisoners shall be employed only on such work as is suitable for women, within or without the prison.

Work of  
female pris-  
oners

48. Civil prisoners and prisoners other than convicted criminal prisoners shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean but shall not be required to be employed in other work or duties in the service of the prison without their consent.

Civil pris-  
oners and  
unconvicted  
prisoners not  
required to  
do work

## PART VIII

## OFFENCES BY PRISONERS

Prison  
offences

49. The following acts are declared to be prison offences when committed by a prisoner—

- (1) quarrelling with any other prisoner;
- (2) making groundless complaints;
- (3) making false charges or accusations against prison officers or prisoners;
- (4) answering untruthfully any question lawfully put to him by a prison officer, a medical officer or an official visitor;
- (5) without authority holding any communication in writing, by word of mouth, or otherwise, with any person unconnected with the prison, or with a prisoner of the opposite sex, civil prisoner or prisoner awaiting trial;
- (6) doing any act calculated to create unnecessary alarm in the minds of the prisoners or prison officers;
- (7) omitting or refusing to march in file when required to do so;
- (8) unreasonably refusing the food provided;
- (9) eating or appropriating any food not assigned to him, or taking, or adding to, the portion assigned to other prisoners;
- (10) without permission of a prison officer removing food from the cook-house, or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink;
- (11) wilfully destroying food, or throwing it away without orders;
- (12) introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (13) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners; or losing, discarding, damaging, or altering any part of it;
- (14) removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;
- (15) omitting or refusing to keep his person clean, or disobeying any order regulating the cutting or shaving of hair;
- (16) omitting or refusing to keep his clothing, blankets, bed-

- ding, or cell clean, or disobeying any order as to the arrangement or disposition of such articles;
- (17) tampering in any way with prison locks, lamps or lights or other property with which he has no concern;
  - (18) stealing the prison clothing or any part of the prison kit of any other prisoner;
  - (19) defecating or urinating in any place other than a latrine;
  - (20) defacing, injuring, spitting on, soiling, or damaging any part of the prison or its furniture and equipment;
  - (21) wilfully causing himself any illness, injury or disability, or refusing to submit to medical examination or undergo treatment;
  - (22) causing, or omitting to assist the suppression of, violence or insubordination of any kind;
  - (23) taking part in any attack upon any prison officer or upon another prisoner;
  - (24) omitting or refusing to help any prison officer in case of an attempted escape;
  - (25) disobeying any lawful order of a prison officer, or omitting or refusing to perform prescribed duties;
  - (26) treating with disrespect any prison officer or servant of the prison, or any visitor, or any person employed in connection with the prison;
  - (27) being idle, careless, or negligent at work, or refusing to work;
  - (28) leaving his appointed place without permission;
  - (29) having in his possession any article he is not entitled to have;
  - (30) any criminal assault;
  - (31) cursing, swearing, or making unnecessary noise;
  - (32) immoral, disorderly, or indecent behaviour;
  - (33) using insulting, threatening, insolent or indecent language;
  - (34) malingering;
  - (35) escaping or conspiring to escape or assisting another prisoner to escape;
  - (36) aiding or abetting or counselling or procuring the commission of any prison offence;
  - (37) mutiny or incitement to mutiny;
  - (38) any other act, conduct, disorder or neglect to the pre-

judice of good order or discipline not specified in this section.

Punishment  
of prisoners

**50.** Subject to section 54, the Superintendent of Prisons or an officer in charge may after due enquiry punish any prisoner guilty of any prison offence by—

- (a) penal diet, with cellular confinement, not exceeding 4 days;
- (b) loss of remission not exceeding 28 days;
- (c) deprivation of privileges;
- (d) extra work not exceeding 1 hour a day for a period not exceeding 14 days;

or to any combination of such punishments.

Punishment  
for aggravated or  
repeated  
offences

**51.** Subject to section 54, the Superintendent of Prisons or an officer in charge may, in the case of aggravated or repeated offences, impose any of the following punishments—

- (a) cellular confinement with or without penal diet, for a period not exceeding 25 days;
- (b) extra work not exceeding 1 hour a day for a period not exceeding 28 days;
- (c) loss of remission not exceeding 90 days;
- (d) deprivation of privilege;

or any combination of such punishments:

Provided that—

- (i) penal diet shall not exceed a continuous period of 5 days and an interval of the same period shall elapse before a further period of such penal diet;
- (ii) cellular confinement if accompanied by penal diet shall not be combined with any labour except at the request of the prisoner.

Governor  
may review  
punishment

**52.** The Governor may review any punishment imposed upon a prisoner and may increase, reduce, vary or remit such punishment.

Prisoner  
allowed to be  
heard in his  
defence

**53.** No prisoner shall be punished for an offence until he has had an opportunity of hearing the charge against him and making his defence.

Medical  
examination  
of prisoners  
before penal  
diet

**54.** No prisoner shall be subjected to penal diet until certified as medically fit to undergo it by the prison medical officer.

55. All punishments imposed on any prisoner shall be recorded on his prison record.

Punishment to be recorded on prisoner's record

## PART IX

### REMISSION SYSTEM

56. (1) Every convicted criminal prisoner sentenced to imprisonment whether by one sentence or consecutive sentences for a period exceeding 1 month may by industry and good conduct earn a remission of up to one-third of his sentence:

Remission of sentence

Provided that nothing in this subsection shall authorise the reduction of any period of imprisonment to a period less than 31 days.

(2) For the purpose of giving effect to subsection (1), each prisoner on admission shall be credited with the full amount of remission to which he would be entitled and shall only lose such remission as a punishment for any offence against prison discipline.

57. The Governor, on the recommendation of the Superintendent of Prisons, may restore forfeited remission in whole or in part.

Restoration of forfeited remission

58. The Superintendent of Prisons shall submit to the Governor, in such form as the Governor may direct, a special report on the general condition of every prisoner who is undergoing imprisonment for life or for any term exceeding 4 years, or who is detained until Her Majesty's pleasure be known, at the following intervals, that is to say—

Periodical reports on certain prisoners

- (i) in the case of every prisoner who is undergoing imprisonment for life, or who is under detention until Her Majesty's pleasure be known, at the expiration of the first 12 months of such sentence or detention, and thereafter at quadrennial intervals, or at such shorter interval as the Governor may in any particular case direct; and
- (ii) in the case of every prisoner undergoing imprisonment for any term in excess of 4 years, at the end of the fourth year of such imprisonment and thereafter at biennial intervals, or at shorter interval as the Governor may in any particular case direct:

Provided however that in the case of any prisoner who was under 21 years at the time of the commission of the offence for which any such imprisonment was imposed, or detention ordered,

as aforesaid such special reports shall be submitted annually or at such more frequent intervals as the Governor may direct.

Licence to be at large

**59.** (1) The Governor may at any time if he thinks fit release a prisoner on licence subject to such conditions, if any, as the Governor may from time to time determine.

(2) The Governor may at any time by order recall to prison a prisoner released on licence under this section, but without prejudice to the power of the Governor to release him on licence again; and where 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.

## PART X

### DISCHARGE OF PRISONERS

Responsibility of officer in charge for the discharge of prisoners

**60.** (1) The officer in charge shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release.

Discharge of sick prisoners

(2) No prisoner under treatment by a prison medical officer shall be discharged from prison until, in the opinion of the medical officer, such discharge can be effected without danger to the health of such prisoner.

Release of prisoners

(3) All prisoners shall be discharged before noon on the date on which they are entitled to be released, but should that date fall on a Sunday or any public holiday they shall be released before noon on the day next preceding.

Discharge of prisoners in a district other than that in which they usually reside

(4) A prisoner discharged from a prison situate in a district in which he does not normally reside may, if he so desires, be returned at Government expense to his own district.

Gratuity to prisoners

(5) (a) An officer in charge may in suitable cases pay a gratuity not exceeding \$1 to prisoners when discharged from prison.

(b) The Superintendent of Prisons may in suitable cases approve of the payment of a gratuity not exceeding \$10.

## PART XI

### VISITS TO AND COMMUNICATIONS

Visits from friends and relatives

**61.** (1) The officer in charge may allow any convicted criminal prisoner to receive once in every week the privilege of a visit from



friends, numbering not more than 3, in the sight and hearing of a prison officer; and no other visit, save under subsection (2) or under section 65, shall be permitted except by an order in writing from the officer in charge or the Superintendent of Prisons:

Provided that when a prisoner is subject to dietary restriction or close confinement at the time of his becoming entitled to any visit under this subsection the visit may, in the discretion of the officer in charge, be deferred until such restriction or confinement has ceased.

(2) Should any prisoner who is seriously ill desire to be visited by any relative or friend and a medical officer recommend such visit, or in any other case in which the officer in charge is satisfied a good and sufficient cause for receiving a special visit exists such officer may permit such visit at any time.

(3) Any other provisions of this Ordinance to the contrary notwithstanding, the officer in charge may, in his discretion, allow any prisoner to have with him in his cell such books and periodicals, family photographs and small articles employed in religious observance as such officer may approve.

**62.** (1) All prisoners, other than convicted criminal prisoners, shall be given reasonable opportunities of communicating with their friends or legal advisers.

Communications with or by prisoners other than convicted criminal prisoners

(2) Every visit paid by a friend or legal adviser to any such prisoner shall take place within the sight of a prison officer.

**63.** Ministers of religion may be admitted at all reasonable times to the prison to visit prisoners and conduct services.

Visits by ministers of religion

**64.** The officer in charge, and any prison officer at his discretion, shall demand the name and address of every visitor to a prisoner and shall enter the same in the book provided for the purpose and when the officer has any ground for suspicion, he may search such visitor or cause him to be searched, but the search shall not be made in the presence of any prisoner or of any other visitor. Should any such visitor refuse to permit himself to be searched he may be denied admission and the grounds of such denial and the particulars thereof shall be entered in the said book:

Visitors to prisons

Provided that female visitors shall only be searched by and in the presence of females.

**65.** Any police officer acting in the course of his duty may at any reasonable time, and in the sight of a prison officer, interview any prisoner.

Interviews of police officers with prisoners

## PART XII

## PRISON MINISTERS AND VISITING JUSTICES

Appointment  
of prison  
ministers

66. The Minister may, from time to time, appoint by notice ministers or priests of any religious faith to be prison ministers; and the Superintendent of Prisons shall frame standing orders for the guidance of such prison ministers.

Appointment  
and powers  
of visiting  
justices

67. (1) The Minister may, from time to time, appoint by notice fit and proper persons to be visiting justices of prisons.

(2) The Governor, the Chief Justice, the judges and magistrates are *ex officio* visiting justices of every prison in the Gilbert Islands.

(3) Every administrative officer shall be a visiting justice of any prison situated in the district in which he is for the time being 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 a visiting justice.

(5) Any visiting justice 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 are adhered to.

(6) 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.

(7) 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 XIII

## OFFENCES IN RELATION TO PRISONS

Penalty for  
trafficking

68. (1) Any person who brings, throws or by any means whatever introduces into any prison or removes therefrom, or gives to or takes from any prisoner, any spirituous liquor, tobacco, any

intoxicating or poisonous drug, or any prohibited article whatsoever, and whoever communicates or attempts to communicate with any prisoner without the permission of the officer in charge shall be liable to a fine of \$50 or to imprisonment for 6 months.

(2) When any person, in the presence of any prison officer, commits any offence specified in this section and refuses on demand of such prison officer to state his name and residence, or gives a name or residence which such prison officer knows or has reason to believe to be false, such prison officer may arrest him and shall without unnecessary delay make him over to a police officer, and thereupon such police officer shall proceed as if the offence had been committed in his presence.

(3) The officer in charge shall cause to be affixed in a conspicuous place outside the prison, a notice in English and the local vernacular setting forth the acts prohibited under this section and the penalties incurred by their commission.

Publication  
of penalties

(4) No unauthorised person may be on or remain within the boundaries of any prison area or on any crops the property of the prison, and the officer in charge shall take steps to indicate where such boundaries and crops are; and any person trespassing on such area or crops may be removed, together with any stock found thereon, and if he persists in the offence may be arrested and handed over to the police.

Trespassing

69. Any person who is found in possession of any article whatsoever which has been supplied to any prison officer for the execution of his duty, or of other prison property and who fails to account satisfactorily for the possession thereof, or who without due authority purchases or receives any such article or property from any prison officer or who aids or abets any prison officer to sell or dispose of any such article or property, shall be liable to a fine of \$50 or to imprisonment for 3 months.

Unlawful  
possession of  
prison articles

70. Any person who knowingly harbours in or about his house, lands or otherwise, or who knowingly employs any person under sentence of imprisonment and illegally at large shall be liable to a fine of \$100 or to imprisonment for 6 months.

Harbouring  
prisoners

71. Any person who contravenes or fails to comply with the provisions of this Ordinance or of any regulations made thereunder shall be guilty of an offence, and if no penalty is specially provided, shall be liable on conviction to a fine of \$50 and to imprisonment for 3 months.

General pen-  
alty

Power to prosecute under other law not to be affected

72. Nothing in this Ordinance shall exempt any person from being prosecuted under any other Ordinance or law for the time being in force for any offence made punishable by this Ordinance, or from being liable under any other Ordinance or law to any other or higher penalty or punishment than is provided for such offence by this Ordinance:

Provided that no person shall be tried twice for the same offence.

#### PART XIV

##### MISCELLANEOUS

Regulations

73. The Minister may make regulations providing for the following matters—

- (a) the classification of prisoners into categories and their separation accordingly;
- (b) the safe custody, management, organisation, hours, mode and kind of labour and employment, clothes, maintenance, instruction, discipline, treatment, restraint, correction and discharge of prisoners;
- (c) the provision of a suitable diet and dietary scale for prisoners according to their age, race, state of health and kind of punishment being suffered; and prescribing conditions under which such diet and scale may be varied;
- (d) the construction, description, equipment and supervision of cells and work;
- (e) the conditions of service, rates of pay and gratuities, training and discipline of subordinate officers;
- (f) the duties and powers of prison ministers and visiting justices;
- (g) the duties of prison medical officers, the medical inspection of prisons and prisoners, and the prevention of contagious diseases in prisons;
- (h) anything which by this Ordinance may or is to be prescribed and generally for the effective administration of this Ordinance or any amendments thereto, for the good management and government of prisons and the prisoners therein whether in, about or beyond the limits of such prisons.

### SUBSIDIARY LEGISLATION

#### Declaration of prisons under section 3

The following buildings or parts of buildings have been declared to be prisons L.N. 10/73 for the purposes of the Ordinance—

- (i) the prison at Betio;
- (ii) the prison at Bairiki;
- (iii) the prison at Ocean Island;
- (iv) the prison at Christmas Island;
- (v) the prison at Tabiteuea North;
- (vi) all police lock-ups.

#### Appointment of the Superintendent of Prisons under section 5 (1)

The officer for the time being holding the office of Staff Officer, Police Head- G.N. 6/75 quarters, is appointed Superintendent of Prisons.

#### Appointment of officers in charge of prisons under section 6

There has been appointed for each of the following prisons the police officer G.N. 33/73 specified to be the officer in charge of that prison—

Prison	Officer in Charge
(a) Betio	Staff Officer, Police Headquarters
(b) Bairiki	Staff Officer, Police Headquarters
(c) Ocean Island	Officer in Charge, Police, Ocean Island
(d) Christmas Island	Officer in Charge, Police, Christmas Island
(e) Tabiteuea North	Officer in Charge, Police, Tabiteuea North
(f) Every police lock-up	The relevant Officer in Charge, Police

#### Appointment of visiting justices under section 67

The Presidents of the Island Courts of and for the areas specified in column 1 of the following Table are each appointed respectively visiting justice for the prison specified in column 2 against their names—

TABLE

Column 1	Column 2	
Islet of Betio	Betio	G.N. 35/70
The area from and including Bairiki to and including Bonriki	Bairiki	
Ocean Island	Ocean Island	
Christmas Island	Christmas Island	

#### Regulations under section 73

### PRISONS REGULATIONS

G.N. 112/52  
2 of 1969

#### PART I

#### PRELIMINARY

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

[Subsidiary]

## PART II

### APPOINTMENT AND DUTIES OF GAOLER

2. The Superintendent of Prisons shall appoint a subordinate officer as gaoler in each prison in the Gilbert Islands.

3. The gaoler shall, subject to the provisions of the Ordinance and to any regulations, rules or orders made thereunder and to any orders of the Superintendent of Prisons, be responsible to the officer in charge of the prison for the conduct and treatment of the subordinate officers and the prisoners in the prison and for the due observance by the subordinate officers and the prisoners of the Ordinance and of all regulations, rules and orders made thereunder relating to the order and good management of the prison.

## PART III

### PRISON MEDICAL OFFICERS

4. The prison medical officer shall examine at frequent intervals the washing and sanitary arrangements to see whether they are in proper working order. Any defect shall be reported to the officer in charge immediately.

5. The prison medical officer shall ensure that all prisoners who complain of illness or are sick are examined and treated.

6. The prison medical officer shall visit as often as possible every prisoner under restraint, cellular confinement or penal diet, and any other prisoners to whom his attention is specially directed, and shall report to the officer in charge.

7. The prison medical officer shall at least once a week inspect every part of the prison, for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the prisoners and shall report to the officer in charge.

8. Whenever the prison medical officer is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, he shall report his opinion and the grounds thereof, in writing, to the officer in charge who shall forthwith forward the particulars of the case to the Superintendent of Prisons, who shall forthwith report the case for the orders of the Minister.

9. The prison medical officer shall notify the officer in charge of all cases of dangerous illness.

10. The prison medical officer shall keep—

- (i) all necessary books in connection with sick prisoners;
- (ii) a record of the death of any prisoner which shall contain the following particulars—
  - (a) at what time the deceased was taken ill;
  - (b) when the illness was first notified to the medical officer;
  - (c) the nature of the disease;
  - (d) when the prisoner died;

[Subsidiary]

(e) an account of the appearances after death (in cases where a post-mortem examination is made) together with any special remarks that appear to him to be required.

11. The prison medical officer shall report to the officer in charge any case of a prisoner whose mental health appears likely to become impaired by continued imprisonment.

12. (1) The prison medical officer shall report immediately to the officer in charge any cases of contagious or infectious diseases and shall make any recommendations that appear to be necessary.

(2) The officer in charge shall comply with all the recommendations of the prison medical officer which are practicable and may remove any contagious or infectious prisoner to a place that has not been declared a prison.

13. In every prison a hospital or proper place for the reception of sick prisoners shall if practicable be provided.

#### PART IV

##### PRISON ADMINISTRATION

14. Prisoners shall be classified as follows—

- (i) First Class, which shall comprise convicted criminal prisoners.
- (ii) Second Class, which shall comprise criminal prisoners not convicted other than prisoners committed for contempt of court or for want of sureties to keep the peace.
- (iii) Third Class, which shall comprise civil prisoners and shall include prisoners committed for contempt of court or for want of sureties to keep the peace.

15. On admission a prisoner shall—

- (i) be provided with suitable clothing;
- (ii) bathe after being issued with soap;
- (iii) except in the case of female prisoners, have his hair cut;
- (iv) if so required wash his own clothes which thereafter shall be marked and placed in safe custody.

16. Every prisoner shall be allotted accommodation according to his class as far as accommodation permits, and no prisoner shall change his accommodation or any equipment which may be issued to him without permission.

17. Prisons throughout the Gilbert Islands shall be unlocked at 5.30 a.m. each morning except in inclement weather or for any other reason on which account the officer in charge considers it necessary to defer the time to unlock.

18. (1) Immediately after breakfast, work parties shall be marshalled and distributed for work.

(2) The hours of work shall be in accordance with instructions issued by the Superintendent of Prisons. They shall not be less than 8 or more than 9 hours per day, provided that where prisoners are employed on task work their work shall cease on the completion of each task.

## [Subsidiary]

(3) At 5 p.m. work inside the prison shall cease. Outside gangs shall cease work in time for them to reach the prison by 5 p.m.

19. Except under special circumstances, which shall be reported to the Superintendent of Prisons, Sundays, Christmas Day and Good Friday shall be observed as days of rest. On such days opportunities for exercise shall be afforded to prisoners.

20. In wet weather prisoners shall not be sent to work away from the prison until such time as the officer in charge deems it advisable.

21. Where sufficient warder-staff is available, no warder shall be given charge of more than 5 prisoners in an isolated working party outside the prison. When prisoners are working in large parties, the proportion of warders to prisoners shall be at the discretion of the officer in charge.

22. If at any time it shall appear that it is desirable for the maintenance of good order and discipline or in the interests of a prisoner that he should not be employed in associated work, the officer in charge may arrange for him to work temporarily in a cell and not in association. A note of the circumstances shall be made in the prisoner's record and in the prison journal.

23. At 5.45 p.m. the roll call shall take place and by 6 p.m. the prisoners shall be locked up for the night by the gaoler or the senior subordinate officer on duty.

24. (1) All prisoners' garments shall be clearly marked with the prisoner's number.

(2) Habitual offenders and others shall wear such distinguishing mark as the Superintendent of Prisons may decide.

25. During the week-end all prisoners shall be given an opportunity of washing their clothing.

26. Where facilities exist, all prisoners shall be given daily opportunity of bathing between work and supper. In any case, they shall bathe on Saturday afternoons.

27. Every prisoner shall have his hair cut at such times and in such fashion as the officer in charge may direct and shall be shaved twice in every week:

Provided that no prisoner who does not so desire shall have his hair cut or be shaved within 1 month of the date of his discharge. And further provided that the hair of female prisoners shall not be cut unless it is essential in the interests of health or cleanliness.

28. (1) All cells shall be thoroughly swept, cleaned and disinfected every morning, and shall be white-washed as often as may be required.

(2) Night soil buckets shall be removed, emptied, washed and disinfected early every morning. The buckets shall remain in the open air during the day, and be replaced in a clean condition in the afternoon shortly before lock-up.

29. A supply of clean drinking water and a clean drinking vessel shall be provided in every ward and cell.



30. (1) When weather conditions permit, the blankets and sleeping mats of prisoners shall be placed in the sun for airing. At noon after being well shaken they will be neatly folded and returned to the cells or wards. At such prisons where disinfectors are available, mats and blankets should be disinfected as often as may be required.

(2) The bedding of non-native prisoners shall be frequently aired.

31. Prisoners employed on sedentary occupations or in cellular confinement shall be required to take exercise in the open air daily for at least an hour, unless the medical officer shall, in any particular case, otherwise direct.

32. Physical training and literary or other instruction may be given at the discretion of the officer in charge. Special regard shall be given to the rudiments of hygiene, both in instruction and in practice.

33. (1) Opportunities for services and religious instruction shall be afforded on Sundays and other holy days to prison ministers of religion. Attendance at religious services shall be voluntary.

(2) A prisoner, on admission, shall be asked to state his religious denomination.

34. (1) Every letter to or from a prisoner shall be read by the officer in charge of the prison or by a prison officer deputed by him, and if the contents are considered objectionable, it shall either not be forwarded or be forwarded with the objectionable part erased, as the officer in charge may think fit.

(2) When it is found necessary to withhold an out-going letter from a prisoner on account of objectionable matter therein, he may be given an opportunity of rewriting it, omitting the objectionable matter.

(3) An incoming letter addressed to a prisoner and containing matter which is considered objectionable may be delivered to the prisoner with the objectionable matter omitted.

(4) Letters, in or out, shall be of a reasonable length, and consist of not more than 2 octavo pages.

(5) The officer in charge shall keep a record in each prisoner's record-sheet of all letters written and received by him, and shall also note therein any action with regard to withholding or returning letters for alteration or re-writing.

(6) Letters addressed by prisoners to officers of the public service shall be forwarded through the officer in charge and at his discretion.

35. Subject to the provisions of the Ordinance, no prisoner shall communicate with any person without the permission of the officer in charge and no prisoner shall accept in any manner or convey into a prison any prohibited article.

36. Special arrangements may be made by the Superintendent of Prisons to facilitate visits by indigent relatives to long-term prisoners whose sentences on remission extend from 7 years upwards, and it shall be a duty of the officer in charge to recommend deserving cases to the Superintendent of Prisons.

37. (1) Every prisoner shall be subject to search on leaving and entering a prison or workshop and a proportion of all gangs shall be thoroughly searched on entering and leaving a prison.

## [Subsidiary]

(2) All cells, wards and other parts of the prison shall be searched at regular intervals at the discretion of the officer in charge, and not less than once a fortnight. The officer in charge shall prescribe the manner of search and shall arrange that searching does not avoidably interfere with labour.

38. Any subordinate officer may at any time be searched by an officer senior to himself and in the presence of another officer but such search shall not be carried out in the presence of prisoners.

39. (1) Every punishment awarded shall be recorded in the offending prisoner's record, and the offence for which it was imposed and such other particulars as the Superintendent of Prisons shall require.

(2) In the case of punishments which require confirmation by the Superintendent of Prisons such confirmation shall be recorded by signature of the Superintendent of Prisons or by letter or telegram duly confirmed.

(3) Such evidence shall be recorded as shall be required by the Superintendent of Prisons.

40. The use of handcuffs and leg-irons, whether inside or outside the prison and when on transfer, shall be in the discretion of the officer in charge, who shall instruct the warder in charge of the escort, and enter his instructions on the marching orders at the time when such orders are given.

41. The Superintendent of Prisons shall direct the manner in which prisoners may be safeguarded.

42. Whenever it shall appear to the officer in charge that in order to prevent a prisoner from injuring himself or others, or for any other cause which shall seem to him adequate or reasonable, he may order such prisoner to be placed under mechanical restraint, and notice thereof shall forthwith be given to the Superintendent of Prisons and the medical officer.

43. The officer in charge shall submit to the Superintendent of Prisons particulars of those prisoners whose cases are due for consideration under section 58; and such particulars shall be sent in at least a month before the report is due.

44. Discharged prisoners may be accommodated in the precincts of the prison, at the discretion of the officer in charge, and may receive rations at Government expense till such time as is most convenient for them to set out for their homes.

#### CIVIL PRISONERS AND UNCONVICTED CRIMINAL PRISONERS

45. (1) Civil prisoners and unconvicted criminal prisoners shall, except where otherwise provided in these Regulations, be subject to these Regulations.

(2) A civil prisoner or an unconvicted criminal prisoner when not at exercise shall remain in his cell or ward but shall be eligible for employment if he so desires outside his cell, provided that he is not thereby brought into close contact with convicted criminal prisoners.

(3) A civil prisoner or an unconvicted criminal prisoner shall not be compelled to have his hair cut or be shaved unless the medical officer certifies this to be necessary.

(4) Civil prisoners and unconvicted criminal prisoners shall exercise daily for

[Subsidiary]

such periods as the circumstances of the prison allow and during such periods may associate together in an orderly manner.

## PART V

## DIETARY

46. Rations shall be supplied to prisoners in accordance with the scale laid down from time to time by the Minister upon the advice of the Chief Medical Officer.

47. The hours of meals shall be as follows—

Breakfast	..	..	6.30 a.m.
Lunch	..	..	12.00 noon to 1.00 p.m.
Supper	..	..	5.15 p.m.

48. (1) ~~The officer in charge may, in case of necessity and in consultation with the medical officer, vary the scale of diet or replace any item of diet, as circumstances require. Any such change shall be reported to the Superintendent of Prisons and the Chief Medical Officer.~~

(2) In the case of an individual prisoner the dietary prescribed may be increased, reduced or otherwise varied by the officer in charge on the recommendation of the medical officer. All such alterations shall be entered daily in the Hospital Diet Sheet or Food Ledger of the prison.

## PART VI

## MISCELLANEOUS

49. The officer in charge or other prison officer deputed by him shall subject to the provisions of the Ordinance—

- (1) visit and inspect daily all wards, cells, yards, workshops, kitchens, latrines and other parts of the prison and every cell or other place in which any prisoner is undergoing punishment or special discipline or charged with any offence and, as far as practicable, shall see every prisoner every day, visit daily all prisoners while employed at labour, and in default of such daily visits and inspection he shall record in his journal how far he has omitted them and the cause for such omission:

Provided that where there is no officer of the Prisons Division, these duties may be delegated in writing to a gaoler, head warder, or warder who shall report the result of his inspection to the officer in charge:

Provided further that the officer in charge himself shall carry out such an inspection not less than twice weekly or in his absence shall arrange for an officer to carry out such inspections;

- (2) take every precaution to prevent the escape of prisoners, and shall take care that all prison officers under his charge shall be thoroughly acquainted with their duties in this respect and are vigilant in the performance of them;
- (3) require and receive daily while in the prison reports accounting for the number of prisoners in his custody and the work on which they are engaged;

## [Subsidiary]

- (4) assure himself that the prison is unlocked and locked up at the prescribed times and that prisoners go to their work punctually and in an orderly manner under proper escort;
- (5) arrange for the proper employment of the prisoners;
- (6) at least once a week make a surprise visit to every part of the prison between sunset and sunrise and shall record the result of such visit;
- (7) see new prisoners as early as possible, and satisfy himself that they are properly committed to his custody;
- (8) without delay call the attention of the medical officer to any prisoner whose state of body or mind appears to require attention, and shall carry into effect the recommendations of the medical officer in regard to such prisoner in so far as they are consistent with prison discipline and rules;
- (9) without delay notify the medical officer of the illness of any prison officer or prisoner, and shall assure himself that adequate arrangements have been made for all sick prisoners and for their safe custody;
- (10) upon the death of a prisoner immediately inform the Superintendent of Prisons and arrange for the inquest. The Minister shall be informed so that he may inform the relatives. The magistrate's findings shall be reported to the Superintendent of Prisons without delay;
- (11) impress upon his staff the dangers of trafficking and its seriousness;
- (12) hear reports daily while in prison and adjudicate on cases without delay;
- (13) ensure that any prisoner having a complaint or a request to prefer shall be heard, and redress any legitimate grievance, or take such steps as may be necessary to effect a remedy;
- (14) enter in a book, to be called the Prisoners' Complaint Book, all complaints, requests and any action taken thereon;
- (15) bring to the notice of the Superintendent of Prisons as early as possible any complaint which any prison officer wishes to make to the Superintendent of Prisons, together with any observations he may have to make;
- (16) forward to the Superintendent of Prisons any report or complaint against an officer with which he is not competent to deal;
- (17) inform visiting justices of the name of any prisoner who wishes to see them;
- (18) ensure that every prisoner under punishment for a prison offence is visited not less than twice daily by a prison officer;
- (19) report monthly to the Superintendent of Prisons every occasion on which a prison officer is punished for any offence, stating the offence and the punishment awarded, and enter the same in the officer's record;
- (20) keep, or cause to be kept, a journal in which shall be recorded any events outside strictly routine matters, as well as the number of prisoners unlocked and locked up daily;
- (21) ensure that all warders in his care maintain proper discipline among themselves and the prisoners; that they maintain and wear their clothing in a clean and proper manner and condition and impress upon them the necessity of a proper attitude towards all prisoners in their charge;
- (22) make provision for physical exercise for all prisoners engaged on sedentary occupations; and for physical and mental recreation and instruction of all prisoners;
- (23) on receiving information from the medical officer that a prisoner is

[Subsidiary]

- seriously ill and not expected to live, take steps to inform the Superintendent of Prisons and the relatives of such prisoner;
- (24) use his best endeavours to promote the well-being of the prisoners committed to his custody and, when need be, assist as far as possible in their rehabilitation on discharge;
  - (25) take all necessary steps to assist prisoners in reaching their homes;
  - (26) be responsible for all accounts, stores, furniture, tools, clothing, arms and ammunition and for all other things and materials kept in the prison;
  - (27) maintain such books and records which the Superintendent of Prisons shall direct, and be responsible for the safe custody of all records, warrants, money and other articles taken from prisoners on their admission;
  - (28) have special regard to juveniles and lunatic prisoners and take such steps as may be necessary to separate each class from the other and from other prisoners;
  - (29) ensure that the finger-print apparatus is kept in a clean and ready condition, and ensure that the officer detailed for finger-print duty is thoroughly conversant with his work;
  - (30) ensure that all clerical work is properly carried out, and render such returns as the Superintendent of Prisons may direct.

CAP.72 - PRISONS  
(CAP.76 OF 1977)

A. Prisons Ordinance

Section 2 (1977, S.2)

Omit the definition "Superintendent of Prisons", substitute "the Superintendent of Prisons' means the officer referred to in section 5;".

Section 5 (1977, S.5)

Omit subsection (1), substitute -

"(1) There shall be an office of Superintendent of Prisons .....  
(1A) The Superintendent of Prisons shall, in accordance with section 99 of the Constitution, be appointed by the Beretitenti, in accordance with the advice of the Public Service Commission."

Section 8 (1977, S.8)

Omit from subsection (1) "the Superintendent of Prisons", substitute "Subject to section 99 of the Constitution, the Superintendent of Prisons".

Insert in subsection (3) after "shall" the words " , subject to section 99 of the Constitution,".

Section 20 (1977, S.20)

Omit from subsection (1) "the Director of Medical Services", substitute "Subject to section 99 of the Constitution, the Chief Medical Officer".

Section 24 - 30 (inclusive) (1977, Ss.24-30)

Omit the sections.

Section 33 (1977, S.33)

Omit from subsection (1) "a fund", substitute "a Special Fund".

Section 58 (1977, S.58)

Omit "until Her Majesty's pleasure be known" (twice occurring), substitute "under section 144 or 146(2) or (3) of the Criminal Code, or under any similar provision,".

Section 67 (1977, S.67)

Omit from subsection (1) "the Governor", substitute "the Chief Justice".

Omit from subsection (2) "the Governor, the Judges", substitute "the Judges".

Section 73 (1977, S.73)

Omit "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

B. Prisons Regulations

Regulation 30 (1977, Reg.30)

Omit from subregulation (2) "non-native".

Regulation 34 (1977, Reg.34)

Add at the end -

"(7) This regulation shall be read subject to section 10(2) of the Constitution."

Regulation 35 (1977, Reg.35)

Insert after "the provisions of" the words "section 10(2) of the Constitution and".

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CAP.74 - ARMS AND AMMUNITION  
(Cap.3 of 1977)

Arms and Ammunition Ordinance

Note: These amendments are replaced in Schedule 3

Section 4 (1977, S.4)

Omit subsection (3)(a).

Section 47 (1977, S.47)

Omit "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

CAP.75 - CLOSED DISTRICTS  
(CAP.9 OF 1977)

Closed Districts Ordinance

Note: These amendments are replaced in Schedule 3.

Section 3 (1977, S.3)

Omit "the Governor in Council", substitute -

"Subject to section 14 of the Constitution and for a reason set out in subsection (3)(b) of that section, the Beretitenti, acting in accordance with the advice of the Cabinet,".

REPUBLIC OF KIRIBATI  
(No. 11 of 1984)

I assent,

*U. Tabai*  
Beretitenti.  
2/12/1984

AN ACT TO AMEND THE PRISONS ORDINANCE  
(Cap. 76)

Commencement:  
10 December 1984

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

~~Short title. 1. This Act may be cited as the Prisons (Amendment) Act 1984.~~

Amendment of section 59. 2. Section 59 of the Prisons Ordinance is amended by inserting after section 59 in Part IX before the heading "Discharge of Prisoners" the following sections:

"Release on parole. 59A. The Superintendent of Prisons with the prior approval in writing of the Minister may by order release a prisoner on parole to serve the remainder of his sentence subject to community service and such other terms or conditions as may be imposed but only in the case of and in respect of a prisoner -

- (a) who had been convicted and sentenced to a term of imprisonment for a period of not less than 6 months; and
- (b) whose remaining unexpired term of imprisonment including any remission earned under section 56 of the Prisons Ordinance is not longer than 6 months before such order is made.

Revocation of the order. 59B(1) The Superintendent of Prisons with the prior approval in writing of the Minister may revoke an order under section 59A if during the continuance in force of such order such prisoner -



- (a) has been convicted of an offence; or
- (b) on reasonable grounds is suspected of having committed an offence; or
- (c) has contravened or failed to comply with any of the terms of conditions of that order.

(2) Any person released under section 59A who -

- (a) is convicted of an offence; or
- (b) contravenes or fails to comply with any of the terms or conditions of an order under section 59A,

commits an offence and is liable to a term of imprisonment for a period of 3 months.

Effect of  
revocation.

59C. Where an order under section 59A is revoked the person named therein shall after undergoing any other punishment to which he may be sentenced for any offence in consequence of which an order under 59B was made, undergo a further term of imprisonment equal to that portion of his sentence which remains unexpired at the time of his release under such order

Arrest and  
recall to  
prison by  
Superinten-  
dent of  
Prisons.

59D. Where the Superintendent of Prisons is of the opinion that a person released under an order under section 59A may have contravened or failed to comply with any of the terms or conditions of the order or committed any offence such person may be arrested forthwith and recalled to prison pending the exercise or non-exercise as the case may be of the power under section 59B, and such arrest and recall shall be non-justiciable".

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 22nd November 1984 and is found by me to be a true and correctly printed copy of the said Bill.



Clerk to the Maneaba ni  
Maungatabu.

THE REPUBLIC OF KIRIBATI  
(No. 11 of 1985)

I assent,

*21. Tabu*  
Beretitenti.

18/12 1985

AN ACT TO AMEND THE PRISONS ORDINANCE  
(Cap 76)

Commencement:

18/12 1985.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title.

1. This Act may be cited as the Prisons (Amendment) Act 1985

Insertion of section 5A.

2. After section 5 of the Prisons Ordinance (Cap 76) as amended in this Act referred to as the "Principal Ordinance", the following section is inserted:

"Appointment of other prison officers.

5A. Prison officers below the rank of Superintendent of Prisons and not below the rank of Assistant Superintendent of Prisons shall be appointed by the Beretitenti, acting in accordance with the advice of the Public Service Commission in accordance with section 9 of the Constitution."

Amendment to section 8.

3. Section 8 of the Principal Ordinance is amended by repealing the following words wherever they occur in section 8:

"Subject to section 99 of the Constitution,".

Amendment to section 20

4. Section 20 of the Principal Ordinance is amended in subsection (1) by adding the following:

" Provided that section 99 of the Constitution shall not apply to this section if the person appointed as a prison medical officer by the Chief Medical Officer under this section is a government medical officer who -

(a) has already been appointed under section 99 of the Constitution; and

(b) is employed in the public service of the Government."

Insertion of section 22 A.

5. After section 22 of the Principal Ordinance, the following section is inserted in Part V:

"Methods of dealing with offences of misconduct by senior prison officers.

22A(1) Any offences or misconduct committed by a prison officer of or above the rank of Assistant Superintendent in regard to which criminal proceedings are not instituted before a Court shall be dealt with and punished in accordance with the National Conditions of Service.

(2) The provisions of the National Conditions of Service having reference to suspension and interdiction shall apply in the case of a prison officer of or above the rank of Assistant Superintendent not only in respect of offences and misconduct referred to in subsection (1) but also in respect of any offence in regard to which criminal proceedings are instituted or about to be instituted in a court.

(3) A prison officer of or above the rank of Assistant Superintendent suspended or interdicted under the provisions of the National Conditions of Service shall not by reason of such suspension or interdiction cease to be a member of the prison service:

Provided that the power, privileges and benefits vested in him as a member of the prison service shall be in abeyance during the period of such suspension or interdiction but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been suspended or interdicted.

(4) A prison officer of or above the rank of Assistant Superintendent convicted of an offence by a court may be dismissed in accordance with the provisions of the National Conditions of Service".

Insertion of section 24 to 30 inclusive.

6. After Section 23 of the Principal Ordinance the following sections are inserted:

(a) "Punishment which may be awarded by certain officers.

24(1). The Superintendent of Prisons, or the officer in charge, may inquire into the truth of any charge under the last preceding section against a subordinate officer and if his decision is against the accused may impose on him any one or more of the following punishments -

- (i) admonishment;
- (ii) reprimand;
- (iii) confinement to quarters for any period not exceeding 14 days with or without punishment duties;
- (iv) fine not exceeding 4 days pay.

(2). A subordinate officer shall not be convicted under subsection (1) unless the charge has been read and investigated in his presence and he has been given sufficient opportunity to cross-examine the witnesses called against him, to give evidence or make a statement himself and to call witnesses on his behalf.

(3). The Superintendent of Prisons may at any time before it is carried into execution confirm, vary or quash any punishment imposed under this section by the officer in charge and may order either generally or in any particular case that any such punishment shall be reported to him before being carried into execution:

Provided that the Superintendent of Prisons shall not increase any punishment without giving the accused an opportunity of being heard.

(b) Special powers of Superintendent of Prisons.

25. The Superintendent of Prisons may in respect of any conviction under section 24 impose any one or more of the punishments mentioned in section 24 or any one or more of the following punishments -

- (i) severe reprimand;
- (ii) forfeiture of pay not exceeding the amount of pay for 14 days which may be due to the convicted subordinate officer;
- (iii) forfeiture of any reward or allowances which the convicted subordinate officer may have earned;
- (iv) reduction in rank or grade;
- (v) dismissal:

Provided that any subordinate officer who has been punished by dismissal or reduction in rank or grade may within 10 days after the decision of the Superintendent of Prisons has been communicated to him

appeal to the Public Service Commission which may confirm or quash, increase or reduce any such punishment or substitute for it any other punishment authorised by section 24 and the decision of the Public Service Commission shall be final, but no increase of punishment shall be made by the Public Service Commission without giving such sub-ordinate officer an opportunity of being heard.

(c) Powers of interdiction.

26(1). The Superintendent of Prisons may at any time interdict from duty any subordinate officer pending an enquiry under section 24 into any disciplinary offence of which he is charged or pending trial or enquiry into any offence, whether under this Ordinance or any other law, of which he is charged before a court.

(2). A subordinate officer interdicted from duty 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 be in abeyance during his interdiction but he shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(3). Save as hereinafter provided a subordinate officer shall not receive pay for any period during which he is interdicted from duty.

(4). A subordinate officer interdicted from duty shall be allowed to receive such proportion of his pay not being less than one half as the Superintendent of Prisons may think fit.

(5). On the termination of any period of interdiction from duty of a subordinate officer the Superintendent of Prisons may, if he thinks fit, direct the whole or any part of the pay stopped under this section to be paid to such subordinate officer.

(d) Power of officer holding enquiry.

27(1). Every prison officer empowered to make enquiry under this Part shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such enquiry and to adjourn

every case which is required under section 24 to be reported to the Superintendent of Prisons the proceedings and evidence shall be recorded in writing.

(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 refused to answer any question that is lawfully put to him, shall be guilty of an offence and shall on conviction, be liable to a fine not exceeding \$10 and to imprisonment for 1 month:

Provided that nothing contained in this section shall render any person compellable to answer any question in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court.

~~(c) Power to suspend  
punishment.~~

~~28(1). Subject to this section any punishment awarded under section 24 may be suspended by order of the Superintendent of Prisons for such period not exceeding 6 months, as he may determine.~~

(2) Where any punishment has been suspended under this section the officer in charge of the prison wherein the offender is stationed or such other officer as may be directed by the Superintendent of Prisons shall, at the expiration of the period of suspension, review the case, taking into consideration such reports on the conduct of the offender during the period of suspension as shall be available. Such officer may thereupon order the punishment to be remitted or reduced, in which case he shall cause any entry relating to the offence which has been made in the records of the offender to be expunged or altered, as the case may be, or he may order the punishment to be forthwith carried into execution:

Provided that if during the period of suspension the offender is convicted of a further offence under section 23 the suspended punishment shall forthwith be carried into execution, and if punishments of confinement to quarters have been awarded in respect of both offences such punishments shall run consecutively:

Provided further that if, during the period of suspension the offender is convicted of a further offence as aforesaid, the second punishment shall not be suspended.

(f) Dismissal and reduction in rank of officers convicted.

29. The Superintendent of Prisons may reduce in rank or grade or may dismiss any subordinate officer who has been convicted by the court in respect of any offence whether under this Ordinance or otherwise, unless such prison officer has successfully appealed from such conviction.

(g) Fine to be recovered by stoppage of pay.

30(1). All Fines imposed on a subordinate officer in respect of offences under this Ordinance or any regulations made thereunder shall be recovered by stoppage of the pay due at the time of committing such offence and thereafter accruing due to the convicted prison officer.

(2). The amount of stoppage in respect of any fines or for any other cause authorised by this Ordinance or by the regulations made thereunder shall, subject to any appeal to the Superintendent of Prisons, be in the discretion of the prison officer by whom the fine was imposed but shall in no case exceed one-third of the pay of the convicted subordinate officer; 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 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.

Amendment to section 58.

7. Section 58 of the Principal Ordinance is amended by repealing the whole of section 58.

Amendment to section 59.

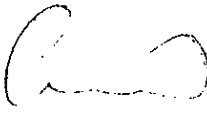
8. Section 59 of the Principal Ordinance is amended by repealing the whole of section 59.

Savings.

9. (a) Any order under section 59 of the Principal Ordinance relating to the release on licence of a prisoner which has effect when this Act comes into force shall continue to have effect as if that section had not been repealed and that any such order may at any time be varied or revoked in accordance with section 59 of the Principal Ordinance as if such section were still in force.

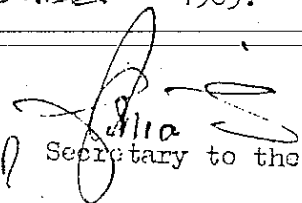
- (b) Nothing in this Act shall in any way affect or invalidate an appointment of a prison officer made under the Principal Ordinance immediately before the commencement of this Act.

This printed impression has been examined by me with the Bill which passed the Maneaba ni Maungatabu on the 10th day of December, 1985 and is found by me to be a true and correctly printed copy of the said Bill.

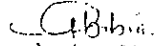
  
Clerk to the Maneaba  
ni Maungatabu

Published by exhibition -

- (a) at the Public Office of the Poretitenti this  
18<sup>th</sup> day of December 1985.

  
Secretary to the Cabinet

- (b) at the Maneaba ni Maungatabu this 15th day  
of December, 1985.

  
Clerk to the Maneaba  
ni Maungatabu