

Island of



Guernsey

Ordinance of the States **XXIII**

**1986**

Made ... .. 24th September, 1986.

Came into Operation ... 24th September, 1986.

**The Prison Administration (Amendment)  
(Guernsey) Ordinance, 1986**

THE STATES, in exercise of the powers conferred upon them by section 3 of the Prison Administration (Guernsey) Law, 1949, as amended<sup>(a)</sup>, and in pursuance of their Resolution of the 13th day of December, 1984, hereby order:—

1. The Prison Administration (Guernsey) Ordinance, 1959, as amended<sup>(b)</sup>, is hereby further amended as follows—

Amendments  
to Ordinance  
of 1959.

- (a) in section 1(1), the definitions of “restricted diet No. 1” and “restricted diet No. 2” are repealed;
- (b) in section 6(1), for the Proviso there is substituted—

(a) Ordres en Conseil Vol. XIV, p. 159; Vol. XVII, p. 234.

(b) Ordinances Tome XII, p. 232; No. III of 1981.

“PROVIDED that any certificate given by the Board under this section shall specify the maximum number of prisoners who may sleep or be confined at any one time in the cell to which the certificate relates, and that the number so specified shall not be exceeded without the permission of the Board.”;

- (c) section 11 is repealed and the following section substituted therefor—

“ 11. A personal record of each prisoner shall be prepared and maintained in such manner as the Board may, from time to time, direct.”;

- (d) section 17 is re-numbered as “ 17(1)” and immediately thereafter there is inserted the following subsection numbered “(2)”—

“ (2) A prisoner required to be taken in custody to any place outside the Prison, including a Court, shall wear his own clothing or clothing different from the clothing provided in accordance with the provisions of section 87 of this Ordinance.”;

- (e) in section 27(3)(c), after “ restraint ” the word “ or ” is inserted, and the words “ or upon restricted diet No. 1 ” are repealed;

(f) section 30 is repealed;

- (g) in section 31, for “ one month ” and “ thirty-one days ” there is substituted “ five days ”;

(h) in section 35(2)—

(i) in paragraph (b) for “ fourteen days ” there is substituted “ 28 days ”;

(ii) paragraphs (e) and (f) are repealed;

(iii) in paragraph (h) for "fourteen days" there is substituted "28 days";

- (i) immediately after section 35(2) there are inserted the following subsections numbered "(3)", "(4)" and "(5)"—

" (3) In every case where the Governor—

- (a) investigates an offence against discipline pursuant to subsection (1) above, and  
 (b) makes a disciplinary award pursuant to subsection (2) above,

then a written record shall be made of such investigation and award made.

(4) The power of the Governor to make a disciplinary award shall include power to direct that the award, or such part of it as the Governor considers appropriate, is not to take effect unless, during a period specified in the direction (not being more than 6 months from the date of the direction) the prisoner commits another offence against discipline and a direction is given under subsection (5) below.

(5) Where a prisoner commits an offence against discipline during the period specified in a direction given under subsection (4) above the Governor when dealing with that offence may—

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

- (c) vary the original direction by substituting for the period specified therein a period expiring not later than 6 months from the date of variation; or
  - (d) give no direction with respect to the suspended award.”;
- (j) in section 36 thereof—
- (i) subsection (3)(e) and (3)(f) are repealed;
  - (ii) in subsection (3)(h) for “twenty-eight days” there is substituted “56 days”;
  - (iii) immediately after subsection (3) there are inserted the following subsections numbered “(4)” and “(5)”—

“ (4) The power of the Board to make a disciplinary award shall include power to direct that the award, or such part of it as the Board considers appropriate, is not to take effect unless, during a period specified in the direction (not being more than 6 months from the date of the direction) the prisoner commits another offence against discipline and a direction is given under subsection (5) below.

(5) Where a prisoner commits an offence against discipline during the period specified in a direction given under subsection (4) above the Board when dealing with that offence may—

- (a) direct that the suspended award shall take effect; or

- (b) reduce the period or amount of the suspended award and direct that it shall take effect as so reduced; or
  - (c) vary the original direction by substituting for the period specified therein a period expiring not later than 6 months from the date of variation; or
  - (d) give no direction with respect to the suspended award.”;
- (k) in section 37—
- (i) in subsection (2), the words “subject to the provisions of the next succeeding subsection” are repealed;
  - (ii) subsections (3) and (4) are repealed;
- (l) in section 39—
- (i) in paragraph (a) the words “corporal punishment” and “or any restricted diet” are repealed;
  - (ii) paragraphs (b) and (c) are repealed;
- (m) in section 40, the words “or subjected to restricted diet No. 1” are repealed;
- (n) in section 44—
- (i) in subsection (2) the words from “and, where a request . . .” to the end of the subsection are repealed;
  - (ii) immediately after subsection (2) there are inserted the following subsections numbered “(3)” and “(4)”—

“ (3) Where a prisoner requests to see a member of the Board or a member of the Panel the Governor shall ensure that the President of the Board or the Chairman of the Panel is told of the request as soon as may be reasonably practicable.

(4) A prisoner shall have the right at any time to submit a written petition to the Board and the Governor shall, on receipt of such a petition, record the fact and forward the petition to the Board for consideration at its next meeting.”;

(o) in section 47—

(i) in subsection (1) immediately after “ may be ” there is inserted “ stopped ”;

(ii) immediately after subsection (4) there is inserted the following subsection numbered “(5)”—

“ (5) The Governor may direct the removal from the Prison of any person who, or vehicle which, does not leave the Prison when required to do so.”;

(p) in section 49(1) the proviso thereto is repealed;

(q) section 66(1) is repealed and the following section substituted therefor—

“ 66. (1) (a) An untried prisoner shall be allowed to send and receive as many letters and may receive as many visits

as he wishes, within such limits and subject to such conditions as the Board may direct either generally or in any particular case;

- (b) a prisoner who is serving a sentence of imprisonment shall be allowed to send and to receive a letter on his reception and thereafter once a week, and to receive a visit once in four weeks.”;
- (r) in section 67(3), for the word “shall” there is substituted “may”;
- (s) in section 86(4), the words “in pursuance of a disciplinary award or” are repealed;
- (t) in section 89(2)(a) the words from “. . . and, if he has not . . .” to the end of the paragraph are repealed;
- (u) section 103 is repealed and the following section substituted therefor—
 

“ 103. (1) Where an untried prisoner is guilty of any offence against discipline the Governor or the Board may, in addition to or instead of making any award which they are respectively empowered to make under section 35, 36 and 37 of this Ordinance—

  - (a) make an award for the forfeiture of remission notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced; or

(b) make an award for the forfeiture of any of the privileges granted to that prisoner or any of the privileges to which that prisoner is entitled under section 93, 98, 100 or 102(2) and (3) of this Ordinance:

**PROVIDED** that any award made under this section shall not affect any visit or any letters required for the purposes of securing bail or preparing a defence.

(2) An award under subsection 1(a) above shall have effect only in the case of a sentence of imprisonment being imposed upon a prisoner who is over 21 years of age on the date of the sentence being imposed.”;

- (v) section 106(2) is repealed;
- (w) section 108(1)(b) is repealed;
- (x) section 110 is repealed and the following section substituted therefor:—

“ Education  
and  
training.

110. (1) The Board shall, so far as is reasonably practicable, provide work training and instruction of a kind that will assist young prisoners to acquire or develop personal resources, interests and skills; encourage young prisoners to exercise self discipline and accept responsibility; foster links with the outside community and, in co-operation with the services responsible for supervision, help them to return to the community.

(2) In all such activities under subsection (1) above, due regard shall be paid to individual assessment and personal development of the young prisoner concerned.

(3) A young prisoner shall not be required to work for more than 8 hours in any day nor more than 40 hours in any normal working week.

(4) Vocational training courses, physical education and education by means of class teaching shall be provided for young prisoners within the normal working week.

(5) The Board shall ensure that steps are taken to establish and maintain relationships with suitable persons and agencies outside the prison, including activities outside the prison which will be of benefit to the community, or of benefit to the young prisoner in preparing him for his return to the community.

(6) From the commencement of his sentence, arrangements shall be made by or on behalf of the Board to enable the young prisoner to establish contact with the Probation

Service with a view towards assisting him after his return to the community.”.

- (y) in section 137, immediately after subsection (2) there is inserted the following additional subsection numbered “(3)”—

“ (3) A member of the Panel shall visit any prisoner who at the time of his visit is confined pursuant to section 43 or 43A of this Ordinance or pursuant to the instructions of the Medical Officer.”;

- (z) in section 141, for “one year”, there is substituted “five years”;
- (aa) in section 142, for “fifty pounds”, there is substituted “£500”;
- (bb) in section 143, for “ten pounds”, there is substituted “£250”;
- (cc) the First Schedule is repealed.

Citation  
and collective  
title.

2. (1) This Ordinance may be cited as the Prison Administration (Amendment) (Guernsey) Ordinance, 1986.

(2) This Ordinance and the Prison Administration (Guernsey) Ordinances, 1959 and 1981, may be cited together as the Prison Administration (Guernsey) Ordinances, 1959 to 1986.

K. H. TOUGH,  
Her Majesty's Greffier.