

Island of



Guernsey

Ordinance of the States

XXXII

2002

Made 27th November, 2002.

The Prison Administration (Amendment) Ordinance, 2002

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THE STATES, in pursuance of their Resolution of 27th November 2002^a and in the exercise of the powers conferred upon them by section 3 of the Prison Administration (Guernsey) Law, 1949^b, hereby order:-

Offences against discipline, and disciplinary awards.

1. (1) In section 27 of the Prison Administration (Guernsey) Ordinance, 1998^c paragraph (2)(b) is repealed.

(2) For section 28 of the Prison Administration (Guernsey) Ordinance, 1998 there is substituted -

“Investigation of offences against discipline, and disciplinary awards by an adjudicator.

28. (1) Where a prisoner is reported in accordance with section 27(1) for -

- (a) escaping, attempting to escape, absconding or attempting to abscond from lawful custody;
- (b) assault upon the Governor or an officer;
- (c) gross personal violence to another prisoner,

^a Item on Article of Billet d'État No. XXIII of 2002

^b Ordres en Conseil Vol. XIV, p. 159; Vol. XVII, p. 234; Vol. XIX, p. 213; Order in Council No. I of 1999.

^c Ordinance No. XXIII of 1998.

the Governor shall forthwith refer the case to an adjudicator who shall be a Lieutenant Bailiff or Assistant Magistrate appointed for the purpose by the Bailiff (“the adjudicator”) and also to the Law Officers; and, unless a Law Officer otherwise directs, the adjudicator shall inquire into the case.

(2) Where a prisoner is reported for any other serious or repeated offence against discipline, not being an offence to which section 29 applies, for which such awards as the Governor is empowered to make under section 27 are in his opinion insufficient the Governor may, at any time before making an award under section 27, refer the case to the adjudicator.

(3) Subject to subsection (1), the adjudicator shall inquire into every case referred to him under subsection (1) or (2), and if he finds the offence proved shall make one or more of the following awards -

- (a) caution;
- (b) forfeiture of remission of sentence for a period not exceeding 6 months;
- (c) forfeiture or postponement of privileges;
- (d) exclusion from working in association with other prisoners for a period not exceeding 56 days;
- (e) cellular confinement for a period not exceeding 21 days;

- (f) stoppage of earnings for a period not exceeding 56 days.

(4) The power of the adjudicator to make a disciplinary award includes power to direct that the award, or such part of it as the adjudicator 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).

(5) Where a prisoner commits an offence against discipline during the period specified in a direction given under subsection (4) the adjudicator 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 the variation; or
- (d) give no direction with respect to the suspended award.

(6) At an inquiry under this section the prisoner shall be entitled to be legally represented.”.

(3) For section 29 of the Prison Administration (Guernsey) Ordinance, 1998 there is substituted -

“Investigation and disciplinary awards by the adjudicator in cases of grave offences against discipline.

29. (1) When a prisoner is reported in accordance with section 27(1) for -

- (a) mutiny;
- (b) incitement to mutiny;
- (c) gross personal violence to the Governor, an officer, or other person who is at the prison for the purpose of work or a visit,

the Governor shall forthwith refer the case to the adjudicator, and also to the Law Officers; and, unless a Law Officer otherwise directs, the adjudicator shall inquire into the case.

(2) At any inquiry under this section the prisoner shall be entitled to be legally represented; and if the adjudicator finds the offence is proved, he shall make one or more of the following awards -

- (a) any of the awards which he is empowered to make under section 28(3), other than the awards specified in paragraphs (b) and (e) of

that subsection;

- (b) forfeiture of remission of sentence for such period as he may direct;
- (c) cellular confinement for a period not exceeding 28 days.”.

Citation.

2. This Ordinance may be cited as the Prison Administration (Amendment) Ordinance, 2002.