

Island of  Guernsey

Ordinance of the States **XXX**

1959

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**The Prison Administration (Guernsey)
Ordinance, 1959**

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The Prison Administration (Guernsey) Ordinance, 1959

THE STATES, on the representations of the States Prison Board and in exercise of the powers conferred upon them by section three of the Prison Administration (Guernsey) Law, 1949, as amended by the Prison Administration (Amendment) (Guernsey) Law, 1957, and of all other powers thereunto them enabling, hereby order:—

PART I

INTERPRETATION

Interpreta-
tion.

1. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“appellant prisoner” has the meaning assigned to it by section one hundred and five of this Ordinance;

“authorised medical practitioner” and “authorised dentist” mean a medical practitioner or dentist, as the case may be, authorised to practise as such in this Island according to the law for the time being in force;

“the Board” means the States Prison Board;

“business day” means a day not being—

- (a) a Sunday, Good Friday or Christmas Day;
- (b) a day appointed by Ordinance as a bank holiday;
- (c) a day appointed as a day of public thanksgiving or public mourning;

- “the **Chaplain**” means the person for the time being appointed chaplain of the Prison under section **fifty** of this Ordinance;
- “civil prisoner” has the meaning assigned to it by section one hundred and seventeen of this Ordinance;
- “disciplinary award” means any award which the Governor and the Board are respectively empowered to make under section thirty-five, section **thirty-six** and section thirty-seven of this Ordinance;
- “the **Governor**” means the person for the time being appointed to be Governor of the Prison under section four of the Law;
- “the **Law**” means the Prison Administration (Guernsey) Law, 1949;
- “legal adviser” means, in relation to a prisoner, the prisoner’s advocate or *écrivain* and includes any other advocate or *écrivain* or any clerk authorised by the prisoner’s advocate or *écrivain*, as the case may be, to interview the prisoner;
- “the **Medical Officer**” means the person for the time being appointed medical officer of the Prison under subsection (1) of section seventy-seven of this Ordinance;
- “mental defective” has the same meaning as the expression “*faible d’esprit*” has in the Mental Deficiency Law;
- “the **Mental Deficiency Law**” means the Law entitled “*Loi ayant rapport aux Faibles d’Esprit*” registered on the fourth day of September, nineteen hundred and twenty-six;
- “offence against discipline” has the meaning assigned to it by section thirty-four of this Ordinance;

- “ officer ” means an officer of the Prison;
- “ the Panel ” means the Panel of Visitors constituted in pursuance of the provisions of section six of the Law;
- “ restricted diet No. 1 ” means the diet set out in Part I of the First Schedule to this Ordinance;
- “ restricted diet No. 2 ” means the diet set out in Part II of the First Schedule to this Ordinance;
- “ unauthorised article ” means any article which a prisoner is not authorised to have in his possession under the provisions of this Ordinance or by virtue of any direction given by the Board;
- “ untried prisoner ” has the meaning assigned to it by subsection (1) of section eighty-eight of this Ordinance;
- “ young prisoner ” means a prisoner under twenty-one years of age;
- “ Visitors’ Register ” has the meaning assigned to it by section one hundred and thirty-four of this Ordinance.

(2) For the purposes of this Ordinance—

- (a) every prisoner shall be deemed to be in the legal custody of the Governor;
- (b) a prisoner shall be deemed to be in legal custody while he is confined in, or is being taken to or from, the Prison and while he is working, or is for any reason, outside the Prison in the custody or under the control of an officer or of an officer of police.

(3) Except in so far as the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

PART II

GENERAL PROVISIONS REGULATING THE
TREATMENT OF PRISONERS*Application of Part II*

2. Subject to the provisions of Parts III to X of this Ordinance, the provisions of this Part of this Ordinance shall apply to all classes of prisoners.

Application
of Part II.

Training

3. The purposes of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge and to fit them so to do.

Purposes of
training.

4. The Board may set aside particular parts of the Prison for particular classes of prisoners or for particular purposes, including—

Parts of
Prison set
aside for
particular
classes of
prisoners or
for particular
purposes.

- (a) the special observation of unconvicted or convicted prisoners for the purposes of making reports to any Court or otherwise;
- (b) the training of such classes of prisoners sentenced to imprisonment as it may from time to time determine.

5. (1) The Board shall, in the interest of good conduct and training, establish at the Prison such system or systems of privileges as it may deem appropriate for different classes of prisoners.

Privileges.

(2) Any system of privileges established in accordance with the provisions of subsection (1) of this section shall include arrangements under which sums paid to prisoners under the provisions of this Ordinance may be spent on such articles and subject to such conditions as the Board may determine.

Accommodation

Cells.

6. (1) Each prisoner shall occupy a cell by himself: PROVIDED that where it is necessary for special reasons the Board may authorise the accommodating of not more than three prisoners in a cell.

(2) A cell shall not be used for the confinement of a prisoner unless it is certified by the Board that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with an officer.

(3) A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.

(4) A certificate given under this section shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position.

(5) The Board may withdraw a certificate given under this section in respect of any cell if in its opinion the conditions of the cell are no longer as stated in the certificate.

(6) The Board shall allocate a cell or cells in respect of which a certificate has been given under this section for the temporary confinement of refractory or violent prisoners.

Beds and bedding.

7. Every prisoner shall be provided with a separate bed and with bedding adequate for warmth and health.

Women's accommodation.

8. (1) The Board shall allocate a part of the Prison to women prisoners and the part so allocated shall be secured by locks different to those used in the part of the Prison allocated to male prisoners.

(2) The keys of any part of the Prison for the time being allocated to women prisoners shall be under the control of a woman officer and a male officer shall not enter that part of the Prison except on duty and in the company of a woman officer.

Reception, removal and discharge

Reception

9. (1) Every prisoner shall be searched when taken into custody by an officer, on reception at the Prison and at such time or times thereafter as the Governor may direct, and all unauthorised articles shall be taken from him. Search.

(2) The searching of a prisoner shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3) A prisoner shall not be stripped and searched in the sight of another prisoner.

(4) A prisoner shall be searched only by an officer of the same sex as the prisoner.

10. All money, clothing or other effects belonging to a prisoner which he is not allowed to retain shall be placed in the custody of the Governor, who shall keep an inventory thereof, which shall be signed by the prisoner. Retention of property.

11. The name, age, height, weight and particular marks of every prisoner and such other measurements and particulars as may from time to time be required by the Board in respect of the prisoner shall, upon his reception, and from time to time thereafter, be recorded in such manner as the Board may determine. Recording of particulars.

Photo-
graphs.

12. (1) A prisoner may be photographed on reception and at any time thereafter during his imprisonment.

(2) A copy of any photograph of a prisoner taken under the provisions of subsection (1) of this section shall not be given to any person unless that person is authorised to receive it.

Baths.

13. Every prisoner shall take a hot bath on reception unless exempted by the Governor or by the Medical Officer.

Medical
examina-
tion.

14. Every prisoner shall be separately examined by the Medical Officer as soon as may be after his reception and the Medical Officer shall record the state of health of the prisoner and such other particulars as the Board may direct.

Babies.

15. Subject to such conditions as the Board may determine a woman prisoner may have her baby with her in the Prison during the normal period of lactation and, if required in special circumstances, for any longer period, and the baby may be supplied with clothing and necessaries at the expense of the Board.

Information to prisoners

Provision
and explana-
tion of
informa-
tion.

16. (1) Arrangements shall be made by the Governor to ensure that every prisoner as soon as may be after reception is provided in his cell with full information about the provisions of this Ordinance governing the treatment of prisoners of his class and about any other rule of which he should have knowledge, including those relating to earnings and privileges, to the making of complaints, to food, clothing, bedding and other necessaries, and to the disciplinary requirements of the Prison.

(2) The Governor or any officer appointed by the Governor in that behalf shall ensure as soon as possible after the reception of any prisoner that the prisoner has read the information provided in accordance with the provisions of subsection (1) of this section or, if the prisoner cannot read or has difficulty in understanding such information, that it has been so explained to him that he may understand both his rights and obligations under this Ordinance.

Removal and discharge

17. A prisoner whom the Board has directed to be taken to any place outside the Prison and a prisoner who has been directed to be brought before any Court shall, while outside the Prison, be kept in the custody of an officer or of an officer of police.

Custody during removal.

18. When any prisoner is being removed to or from the Prison he shall be concealed from public view as much as possible and proper safeguards shall be adopted to protect him from insult or curiosity.

Protection from public view, etc.

19. Every prisoner shall, before discharge or removal to any other place of detention, be interviewed by the Governor.

Interview with Governor before discharge or removal.

20. (1) Every prisoner shall, as short a time as is reasonably practicable before discharge or removal to any other place of detention, be examined by the Medical Officer.

Medical examination before discharge or removal, etc.

(2) A prisoner shall not be removed to any other place of detention unless the Medical Officer certifies that he is fit to be removed thereto.

(3) A prisoner who is due for discharge and who is suffering from an acute or dangerous illness shall not, unless he refuses to stay, be sent out of the Prison until, in the opinion of the Medical Officer, it is safe to send him out.

Return of
clothes.

21. On the discharge of a prisoner, his own clothes shall be returned to him unless it has been found necessary to destroy or otherwise dispose of them, in which case he shall be provided with proper clothing by the Board.

Deaths of prisoners

Records of
deaths.

22. The Medical Officer shall keep a record of the death of any prisoner, which record shall include the following particulars, that is to say:—

- (a) the time when the deceased was taken ill;
- (b) when the illness was first notified to the Medical Officer;
- (c) the nature of the illness;
- (d) the time at which and the day on which the prisoner died;
- (e) where a post mortem examination is carried out, an account of the appearance of the prisoner after death;
- (f) any special remarks that appear to the Medical Officer to be required.

Notice of
death to Law
Officers and
to the Board.

23. Upon the death of a prisoner the Governor shall give immediate notice thereof to the Law Officers of the Crown and to the Board.

Discipline and control

General

General
principles.

24. The provisions of the next six succeeding sections shall be applied, due allowance being made for the differences of character and response to discipline of different types of prisoner, in accordance with the following principles, that is to say:—

- (a) discipline and order shall be maintained with firmness but with no more restriction

than is required for safe custody and well ordered community life;

- (b) in the control of prisoners officers shall seek to influence them through their own example and leadership and to enlist their willing co-operation;
- (c) at all times the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility.

25. The Governor shall—

- (a) exercise a close personal supervision of the whole of the Prison;
- (b) from time to time and in accordance with any requirements of the Board visit and inspect all parts of the Prison where prisoners are working or accommodated;
- (c) give special attention to every prisoner who is under medical care;
- (d) from time to time and in accordance with any requirements of the Board visit during the night all parts of the Prison and satisfy himself as to its state.

Supervision
by the
Governor.

26. (1) The Board may authorise any person to act in the place and stead of the Governor in the Governor's absence, and during the Governor's absence any person so authorised by the Board shall perform all the duties imposed on, and may exercise any of the powers conferred on, the Governor by this Ordinance.

Performance
of the Gover-
nor's duties
by other
persons.

(2) The Governor may delegate to any officer such duties as may from time to time be approved by the Board.

27. (1) Women prisoners shall be attended only by a woman officer and if working under a male instructor shall be supervised by a woman officer.

Supervision
etc., of
women.

(2) The part of the Prison allocated to women prisoners shall be in the charge of a woman officer who shall have the care and superintendence of all women prisoners and the keys of all the locks of that part of the Prison shall be in her custody.

(3) The woman officer in charge of the part of the Prison allocated to women prisoners shall—

- (a) exercise a close and constant personal supervision over the whole of that part of the Prison;
- (b) visit and inspect daily all parts of the Prison where women prisoners are working or accommodated;
- (c) give special attention to every woman prisoner who is under medical care, under restraint, undergoing cellular confinement or upon restricted diet No. 1;
- (d) at least twice a fortnight, visit during the night that part of the Prison and satisfy herself as to its state.

Use of
force.

28. (1) An officer shall not, in dealing with prisoners, use force unnecessarily and, when the application of force to a prisoner is necessary, shall not use more force than is necessary.

(2) An officer shall not deliberately act in a manner calculated to provoke a prisoner.

Prisoners
not to hold
disciplinary
posts, etc.

29. A prisoner shall not be employed in any disciplinary capacity but a prisoner carefully selected by the Governor may be given any position of responsibility and leadership within such limits as the Board may determine.

Temporary
work in
cells.

30. (1) If at any time it appears to the Governor that it is desirable for the maintenance of good order

or discipline or in the interests of a prisoner that he should not work in association with other prisoners, he may arrange for that prisoner to work temporarily in a cell and not in association with other prisoners.

(2) Where in pursuance of the provisions of subsection (1) of this section a prisoner is working temporarily in a cell and not in association with other prisoners, the Governor may, if he considers it desirable, arrange for that prisoner to resume work in association with other prisoners and shall do so in any case—

- (a) if the Medical Officer so advises on medical grounds;
- (b) at the expiration of one month from the time when the prisoner commenced so working unless further authority is given from month to month by the Board.

Remission

31. The Board shall make arrangements by which a prisoner serving a sentence of imprisonment, whether by one sentence or by consecutive sentences, for a period exceeding one month, including a person committed to prison in default of payment of a sum adjudged to be paid by a conviction, may, by good conduct and industry, become eligible for discharge when a portion of his sentence not exceeding one-third of the whole sentence has yet to run: PROVIDED that nothing in the said arrangements shall authorise the reduction of any period of imprisonment to a period less than thirty-one days.

Remission of sentences.

Offences against discipline

32. (1) A report against any prisoner for an offence against discipline shall not be dealt with by any officer other than the Governor or an officer who, by virtue of the provisions of section twenty-six of

Reports against prisoners for offences against discipline.

this Ordinance (which relates to the performance of the Governor's duties by other persons), is authorised to deal with such reports.

(2) When a prisoner has been reported for an offence against discipline the Governor may order him to be kept apart from other prisoners pending the investigation of the report.

(3) A prisoner shall, before a report against him for any offence against discipline is dealt with, be informed of the offence for which he has been reported and shall be given a proper opportunity of hearing the facts alleged against him and of presenting his case.

Deprivation
of un-
authorised
articles.

33. The Governor or any other officer may deprive a prisoner of any unauthorised article found in his cell or in his possession.

Offences
against
discipline.

34. Any prisoner who—

- (a) disobeys any order of the Board or of the Governor or any other officer or any prison rule;
- (b) treats with disrespect any officer or any person authorised to visit the Prison;
- (c) is idle, careless, or negligent at work or refuses to work;
- (d) uses any abusive, insolent, threatening or other improper language;
- (e) is indecent in language, act or gesture;
- (f) commits any assault;
- (g) communicates with another prisoner without the authority of the Governor or any other officer;
- (h) leaves his cell or place of work or other appointed place without the permission of the Governor or any other officer;

- (i) wilfully disfigures or damages any part of the Prison or any property which is not his own;
- (j) commits any nuisance;
- (k) has in his cell or possession any unauthorised article or attempts to obtain any such article;
- (l) gives to, or receives from, any person any unauthorised article;
- (m) escapes from the Prison or from legal custody;
- (n) mutinies or incites other prisoners to mutiny;
- (o) commits gross personal violence to any officer;
- (p) commit gross personal violence to any other prisoner;
- (q) makes repeated and groundless complaints;
- (r) makes false and malicious accusations against any officer;
- (s) in any way offends against good order and discipline;
- (t) attempts to do any of the foregoing things;
- (u) where he has been temporarily released from the Prison under section seventy-five of this Ordinance (which relates to temporary release), fails to return to the Prison at the expiration of the period for which he was so released or fails to comply with any condition on which he was released;

shall be guilty of an offence against discipline.

35. (1) Subject to the provisions of the next two succeeding sections, every offence against discipline shall be reported to the Governor forthwith and the Governor shall as soon as may be investigate every report of such an offence.

Investigation of offences against discipline, and disciplinary awards, by the Governor.

(2) Subject to the provisions of subsection (2) of the next succeeding section, if upon investigation the Governor considers that an offence against discipline is proved he shall make one or more of the following awards, that is to say:—

- (a) caution;
- (b) forfeiture of remission of sentence for a period not exceeding fourteen days;
- (c) forfeiture or postponement of privileges for a period not exceeding twenty-eight days;
- (d) exclusion from working in association with other prisoners for a period not exceeding fourteen days;
- (e) restricted diet No. 1 for a period not exceeding three days;
- (f) restricted diet No. 2 for a period not exceeding fifteen days;
- (g) cellular confinement for a period not exceeding three days;
- (h) stoppage of earnings for a period not exceeding fourteen days.

Investigation of offences against discipline, and disciplinary awards, by the Board.

36. (1) Where a prisoner is reported in accordance with the provisions of subsection (1) of the last preceding section for any of the following offences, that is to say:—

- (a) escaping or attempting to escape from the Prison or from legal custody;
- (b) assault upon an officer;
- (c) gross personal violence to another prisoner;

the Governor shall forthwith refer the case to the Board and to the Law Officers of the Crown and the Law Officers may direct that for the purposes of this section the case shall not be dealt with by the Board as a case referred to it under this subsection.

(2) Where a prisoner is reported for any other serious or repeated offence against discipline, not being an offence to which the next succeeding section applies, for which such awards as the Governor is empowered to make under the last preceding section are in his opinion insufficient the Governor may, after investigation, refer the case to the Board.

(3) Subject to the provisions of subsection (1) of this section, the Board shall inquire into every case referred to it under subsection (1) or subsection (2) of this section and, if it finds the offence is proved, shall make one or more of the following awards, that is to say:—

- (a) caution;
- (b) forfeiture of remission of sentence for a period not exceeding six months;
- (c) forfeiture or postponement of privileges;
- (d) exclusion from working in association with other prisoners for a period not exceeding twenty-eight days;
- (e) restricted diet No. 1 for a period not exceeding fifteen days;
- (f) restricted diet No. 2 for a period not exceeding twenty-eight days;
- (g) cellular confinement for a period not exceeding fifteen days;
- (h) stoppage of earnings for a period not exceeding twenty-eight days.

37. (1) Where a prisoner is reported in accordance with the provisions of subsection (1) of section thirty-five of this Ordinance (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor) for any of the following offences, that is to say:—

Investigations and disciplinary awards by the Board in cases of grave offences against discipline.

- (a) mutiny;
- (b) incitement to mutiny;
- (c) gross personal violence to an officer;

the Governor shall forthwith refer the case to the Board and to the Law Officers of the Crown and the President of the Board shall, unless the Law Officers of the Crown otherwise direct, summon a special meeting of the Board at which a Law Officer of the Crown and not less than three members of the Board shall be present.

(2) Subject to the provisions of the next succeeding subsection, at any meeting of the Board summoned under the provisions of subsection (1) of this section the Board shall inquire into the case and, if it finds the offence is proved, shall make one or more of the following awards, that is to say:—

- (a) any of the awards which it is empowered to make under subsection (3) of the last preceding section, other than the awards specified in paragraphs (b) and (g) of that subsection;
- (b) forfeiture of remission of sentence for such period as it may direct;
- (c) cellular confinement for a period not exceeding twenty-eight days.

(3) In the case of a male prisoner serving a sentence of imprisonment, the Board acting under this section may, in addition to making any award under the last preceding subsection, other than the award specified in paragraph (c) of that subsection or an award as to any restricted diet, or instead of making any award under that subsection, order the infliction of corporal punishment on that male prisoner.

(4) Where an order for the infliction of corporal punishment is made under the last preceding subsection—

- (a) the order shall specify the number of strokes to be inflicted and the instrument with which they are to be inflicted;
- (b) the order shall be recorded in such manner as the Board may determine;
- (c) the Board may, when making the order, make any of the awards which it is empowered to make under subsection (2) of this section as an alternative award in the event of the Bailiff refusing to confirm the order under subsection (11) of section three of the Law.

38. (1) A Law Officer of the Crown, Her Majesty's Sheriff, the Governor and the Medical Officer shall be present at every infliction of corporal punishment.

(2) The Medical Officer shall immediately before corporal punishment is inflicted examine the prisoner and satisfy himself that he is both mentally and physically fit to undergo the punishment and shall make such recommendations for preventing injury to the prisoner's health as he may deem necessary.

(3) The Governor shall carry out any recommendations made by the Medical Officer under the last preceding subsection.

(4) At any time after the infliction of corporal punishment has begun the Medical Officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted and thereupon the Governor shall remit the remainder of the punishment.

(5) The Governor shall enter in a book kept specially for that purpose the number of strokes inflicted and any remission which he may have ordered under the last preceding subsection.

(6) Every instrument used for the infliction of corporal punishment shall be of a pattern approved by the Board.

Special provisions in respect of certain disciplinary awards.

39. Notwithstanding anything contained in section thirty-five (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor), section thirty-six (which relates to the investigation of offences against discipline, and disciplinary awards, by the Board) and section thirty-seven (which relates to investigations and disciplinary awards by the Board in cases of grave offences against discipline) of this Ordinance—

- (a) corporal punishment, cellular confinement for more than one day or any restricted diet shall not be awarded in respect of any prisoner unless the Medical Officer has certified that the prisoner is in a fit condition of health to sustain it;
- (b) where a disciplinary award has been made in respect of any prisoner placing him on restricted diet No. 1, a further disciplinary award made in respect of that prisoner placing him on restricted diet No. 1 shall not take effect unless or until there has elapsed from the expiration of the period during which the other disciplinary award remained in force a period of the same duration;
- (c) where a disciplinary award has been made in respect of any prisoner placing him on restricted diet No. 2 then that prisoner may be placed on restricted diet No. 1 in pursuance of a further disciplinary award for any period not exceeding three days during any part of the period for which he has been placed on restricted diet No. 2 and in

any such case the period for which he has been placed on restricted diet No. 1 shall be deemed to form part of the period for which he has been placed on restricted diet No. 2.

40. Any prisoner undergoing cellular confinement for more than one day or subjected to restricted diet No. 1 shall be visited at least once a day by the Governor and by the Medical Officer and, if he is undergoing cellular confinement, shall be visited during the day by an officer at intervals of not more than three hours.

Visits to prisoners undergoing cellular confinement or restricted diet No. 1 by Governor and Medical Officer.

41. (1) A disciplinary award may be remitted or mitigated by the Board.

Remission, mitigation and determination of disciplinary awards.

(2) A disciplinary award, other than caution or forfeiture of remission of sentence, may be determined or mitigated at any time during the currency thereof by the authority responsible for the award.

Restraints

42. (1) Except on medical grounds by direction of the Medical Officer or in the circumstances and under the conditions stated in the succeeding subsections of this section, a prisoner shall not be placed under any mechanical restraints as a punishment or for any purpose other than safe custody during removal.

Mechanical restraints.

(2) When it appears to the Governor that it is necessary to place a prisoner under mechanical restraint in order to prevent his injuring himself or others, damaging property or creating a disturbance, the Governor may order him to be placed under mechanical restraint and notice thereof shall forthwith be given to the Board and to the Medical Officer.

(3) The Medical Officer, on receipt of a notice given in accordance with the provisions of the last

preceding subsection, shall forthwith inform the Governor whether or not he concurs in the order and if on medical grounds he does not so concur the Governor shall act in accordance with any recommendations which he may make.

(4) A prisoner shall not be kept under mechanical restraint longer than is necessary and in any case for a longer period than twenty-four hours unless the Board otherwise directs by an order in writing specifying the reason for keeping the prisoner under mechanical restraint and the time during which the prisoner is to be so kept, and any such order shall be preserved by the Governor as his warrant.

(5) The Governor shall record the relevant particulars of any case where any mechanical restraint is used.

(6) Mechanical means of restraint shall not be used unless they are of such patterns and used in such manner and under such conditions as may be approved by the Board.

Temporary
confine-
ment.

43. The Governor may order any refractory or violent prisoner to be temporarily confined in any cell allocated for the purpose by the Board under subsection (6) of section six of this Ordinance (which relates to cells):

PROVIDED that a prisoner shall not be confined in any such cell as a punishment or after he has ceased to be refractory or violent.

Complaints by prisoners

Complaints
by prisoners.

44. (1) The Board shall make arrangements for any request by a prisoner to see the Governor, any member of the Board or any member of the Panel to be recorded by the officer to whom the request

is made and for the request to be conveyed without delay to the **Governor**.

(2) The **Governor** shall, as soon as may be and at a convenient hour on a business day, hear the application of any prisoner who has made a request to see him and, where a request has been made by a prisoner to see any member of the Board or any member of the Panel, shall inform that member of that request.

Prohibited articles

45. (1) A person shall not, without lawful authority, convey into or throw into or deposit in the Prison or convey or throw out of the Prison or convey to a prisoner or deposit in any place with intent that it shall come into the possession of a prisoner any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever. Prohibited articles generally.

(2) Anything so conveyed, thrown or deposited may be confiscated by the **Governor**.

46. (1) A prisoner shall not be given or allowed to have any intoxicating liquor except in pursuance of an order in writing of the Medical Officer specifying the quantity to be given and the name of the prisoner for whose use it is intended. Drink and tobacco.

(2) A prisoner shall not be allowed to smoke or be given or be allowed to have in his possession any tobacco except in accordance with such orders as may be given by the **Governor** with the approval of the **Board**.

Control of admission

47. (1) Any person and any vehicle entering or leaving the Prison may be examined and searched by an officer. General restrictions.

- (2) Any person suspected—
- (a) of bringing any prohibited article into the Prison;
 - (b) of carrying out of the Prison any prohibited article or any property belonging to the Prison; or
 - (c) while in the Prison, of being in possession of any prohibited article or in improper possession of any property belonging to the Prison;

may be apprehended by an officer and where any such person is so apprehended immediate notice thereof shall be given to the Governor, who may order that such person shall be examined and searched.

(3) The Governor or any other officer may refuse admission to the Prison of any person who refuses to be examined and searched.

(4) The Governor may direct the removal from the Prison of any person who, while in the Prison, refuses to be examined and searched or whose conduct is improper.

Visitors
viewing the
Prison.

48. (1) Subject to the provisions of this Ordinance, of any Law or any other Ordinance for the time being in force and any directions of the Board, the Governor shall not allow any person to view the Prison.

(2) The Governor shall ensure that any person authorised to view the Prison shall not make a sketch, take a photograph or hold any communication with a prisoner, unless that person has been authorised to do so by the Board.

Work

Work.

49. (1) Subject to the provisions of this section, every prisoner shall be required to engage in useful

work for not more than ten hours a day, of which, so far as is reasonably practicable, at least eight hours shall be spent in work in association with other prisoners or in any other work outside the cells:

PROVIDED that any prisoner who has been placed on restricted diet No. 1 shall not, on any of the days on which his diet consists only of bread and water, be required to work but may be given the option of carrying out in his cell any light work of a type approved by the Board.

(2) The Medical Officer may excuse any prisoner from work on medical grounds.

(3) A prisoner shall not be required to engage in any type of work unless that type of work has been approved by the Board.

(4) Except with the permission of the Board, a prisoner shall not be engaged in any work in the service of another prisoner or of an officer or for the private benefit of any person.

(5) Prisoners may be paid for work in accordance with such rates as the Board may from time to time determine.

Religion, education and welfare

Religion

50. The Board shall from time to time appoint a clergyman of the Church of England to act as chaplain of the Prison.

Chaplain of
the Prison.

51. The religious denomination of every prisoner shall be ascertained and recorded on his reception and he shall be treated as a member of the denomination then recorded unless and until he

Recording of
the religious
denomina-
tion of
prisoners.

satisfies the Governor that he has good grounds for desiring the record to be altered.

Visits by ministers of religious denominations other than the Church of England.

52. Where a prisoner is recorded under the last preceding section as belonging to a religious denomination other than the Church of England, the Governor shall, if the prisoner so requests, arrange for him, so far as possible, to be visited by a minister of that denomination and every such prisoner shall on his reception be informed of this section.

Divine services.

53. (1) The Chaplain shall conduct Divine Service for prisoners recorded under section fifty-one of this Ordinance as belonging to the Church of England at least once on every Sunday, and on Christmas Day and Good Friday, and such celebrations of Holy Communion and such services on business days as may be arranged.

(2) The Governor may from time to time arrange for Divine Services to be held for prisoners recorded under section fifty-one of this Ordinance as belonging to any religious denomination other than the Church of England.

Visits by Chaplain, etc.

54. Every prisoner shall, so far as is reasonably practicable, be visited regularly at reasonable times by the Chaplain or, if the prisoner is recorded under section fifty-one of this Ordinance as belonging to any religious denomination other than the Church of England, by a minister of his own denomination.

Religious books.

55. There shall, so far as is reasonably practicable, be made available for the personal use of every prisoner such of the Scriptures and books of religious observance and instruction recognised for his religious denomination as are approved by the Board for use in the Prison.

56. (i) The Chaplain shall—

Interviews.
visits to
sick, by
Chaplain,
etc.

- (a) interview individually every prisoner recorded under section fifty-one of this Ordinance as belonging to the Church of England as soon as possible after the prisoner's reception, a short time before his discharge and from time to time as often as may be reasonably practicable during his imprisonment;
- (b) visit as often as may be necessary any such prisoner who is sick, under restraint or undergoing cellular confinement;
- (c) if no other arrangements are made, read the burial service at the funeral of any prisoner.

(2) Where a prisoner is recorded under section fifty-one of this Ordinance as belonging to a religious denomination other than the Church of England, the Governor shall, so far as is reasonably practicable, arrange for a minister of that prisoner's denomination to carry out, in relation to that prisoner, any of the duties which the Chaplain is required under subsection (1) of this section to carry out in relation to a prisoner belonging to the Church of England.

(3) Where any prisoner who is not recorded under section fifty-one of this Ordinance as belonging to the Church of England is sick, under restraint or undergoing cellular confinement, and is not regularly visited by a minister of his own religious denomination, the Chaplain shall visit him if the prisoner is willing.

(4) The Chaplain shall make a written report to the Board at the end of each year with regard to the religious instruction of the prisoners during that year and on any other matter as directed from time to time by the Board and may set out in such report

any observations and recommendations he may care to make.

Sunday
work, etc.

57. The Governor shall make arrangements for avoiding all unnecessary work by prisoners of the Christian religion on Sunday, Christmas Day and Good Friday, and by prisoners recorded under section fifty-one of this Ordinance as belonging to any other religion on the recognised days of religious observance of that other religion.

Substitute
for
Chaplain.

58. The Board may authorise any clergyman of the Church of England to carry out any of the duties imposed on the Chaplain under this Ordinance in the event of the Chaplain being unable for any reason to carry out any of those duties.

Education and library

Educational
facilities.

59. (1) Reasonable facilities, under such conditions as the Board may determine, shall be allowed to prisoners who wish, in their leisure time, to improve their education by correspondence courses or private study, or to practise handicrafts.

(2) Every prisoner able to profit by the educational facilities provided by the Board under this section shall be encouraged by the Governor so to do.

Library.

60. A library shall be provided by the Board in the Prison and, subject to such conditions as the Board may determine, every prisoner shall be allowed to have library books and to exchange them as often as may be reasonably practicable.

Books, etc.,
from out-
side.

61. Prisoners may receive books or periodicals from outside the Prison under such conditions as the Board may determine.

Social relations and after-care

62. (1) The Governor shall encourage the maintenance of such relations between a prisoner and his family as are, in the opinion of the Governor, desirable in the best interests of both. Family relationships, etc.

(2) The Governor shall, if he considers it desirable, encourage and assist any prisoner to establish or maintain such relations with persons or agencies outside the Prison as may, in the opinion of the Governor, promote the best interests of the prisoner's family or his social rehabilitation.

(3) The Governor may at any time communicate to a prisoner, or to his family or friends, any matter of importance to such prisoner.

63. A prisoner shall be allowed to inform his family of his transfer to any other place of detention. Information to family of transfer.

64. From the commencement of the sentence of every prisoner consideration shall be given by the Governor, in consultation with the welfare officer of any organisation concerned with the after-care of discharged prisoners, to the future of the prisoner and the assistance to be given to him on and after his discharge. After-care, etc.

65. In the event of—

- (a) the death or serious illness of a prisoner;
- (b) any serious injury to a prisoner;
- (c) the certification of a prisoner as a person of unsound mind under the provisions of the Mental Treatment Law (Guernsey), 1939;
- (d) an order being made by the Royal Court under the Mental Deficiency Law for the removal of a prisoner who has been certified

Notification to family of death, etc.

in accordance with the provisions of that Law as a mental defective to an institution in England for the treatment of mental defectives;

the Governor shall, as soon as may be after the event, notify, if the prisoner is married to a person whose address is known, the wife or husband of the prisoner, as the case may be, and in any other case the nearest relative of the prisoner whose address is known, and shall notify any other person whom the prisoner has requested to be notified.

Letters and visits

Minimum number of letters and visits allowed.

66. (1) Every prisoner shall be allowed to write and receive a letter on reception and thereafter once in every period of four weeks and to receive a visit once in every period of four weeks.

(2) Notwithstanding anything contained in section thirty-five (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor), section thirty-six (which relates to the investigation of offences against discipline, and disciplinary awards, by the Board) and section thirty-seven (which relates to investigations and disciplinary awards by the Board in cases of grave offences against discipline) of this Ordinance, the letters and visits to which a prisoner is entitled under subsection (1) of this section shall not be liable to forfeiture.

Letters and visits generally.

67. (1) Subject to the provisions of the last preceding section, the Board may, notwithstanding anything contained in this section and in the next seven succeeding sections of this Ordinance, impose such restrictions upon, and supervision over, letters and visits as it may consider necessary for securing discipline and good order, the prevention of crime and criminal associations, and the welfare of individuals.

(2) Except as provided in this Ordinance, a person shall not be allowed to communicate with a prisoner without the authority of the Governor.

(3) Every letter to or from a prisoner shall be read by the Governor or by a responsible officer authorised by the Governor in that behalf.

(4) The Governor may stop any letter on the ground that its contents are objectionable or that it is of inordinate length.

(5) Every visit to a prisoner shall be made in the sight and, unless the Governor otherwise directs, hearing of an officer.

(6) Except in an emergency or except where the Governor otherwise directs, a prisoner shall not be allowed to receive a visit on a Sunday.

68. Where a prisoner is undergoing cellular confinement, the Governor may defer any visit and keep any letter which the prisoner would otherwise have been entitled to receive under the provisions of this Ordinance until after the expiration of his cellular confinement.

Retention of letters and deferment of visits during cellular confinement.

69. The Board may allow such additional letters or visits as they may determine as a privilege for any class of prisoners.

Additional letters and visits as privilege.

70. (1) The Governor may allow a prisoner who is entitled to a visit under the provisions of this Ordinance to write a letter and receive a reply instead of such visit.

Letters instead of visits and special letters and visits.

(2) The Governor may allow any prisoner to have special letters and visits for any purpose which, in the opinion of the Governor, is likely to promote the best interests of the prisoner or his family during his sentence or after discharge.

Visits for special purposes

Visits by
the police.

71. (1) An officer of police may visit any prisoner on production of an authority issued by or on behalf of the Chief Officer of Police.

(2) The Governor may, at the request of any prisoner, allow him to be visited by an officer of police.

Persons
imprisoned
on default
of payment.

72. A person committed to the Prison in default of the payment of a sum which he is required to pay in pursuance of any conviction or order shall be allowed to have an interview with his friends on any business day at any reasonable hour or to communicate by letter with them for the purpose of providing for a payment which would procure his release from the Prison and every such prisoner shall on his reception be informed of this section.

Visits by
legal
adviser.

73. (1) The Governor shall allow reasonable facilities for the legal adviser of any prisoner who is party to legal proceedings, civil or criminal, to interview the prisoner with reference to those proceedings in the sight but not in the hearing of an officer.

(2) The legal adviser of any prisoner may, with the permission of the Governor, interview any prisoner with reference to any other legal business in the sight and hearing of an officer.

Special pur-
pose visits
not to be
forfeited.

74. Any visit to any prisoner under or in pursuance of the provisions of the last three preceding sections shall be in addition to any visit which that prisoner is entitled to receive under any other of the preceding sections of this Ordinance and, notwithstanding anything contained in section thirty-five (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor),

section thirty-six (which relates to the investigation of offences against discipline, and disciplinary awards, by the Board) and section thirty-seven (which relates to investigations and disciplinary awards by the Board in cases of grave offences against discipline) of this Ordinance, shall not be liable to forfeiture.

Temporary release

75. (1) Any prisoner serving a sentence of imprisonment may be temporarily released from the Prison by the Board for such time or times and subject to such conditions as it may determine—

Temporary release.

- (a) for the purpose of engaging in employment or receiving instruction or training; or
- (b) in such other circumstances as it may approve.

(2) If the Board is satisfied that any prisoner released under subsection (1) of this section has failed to comply with any of the conditions on which he was so released, it may by order recall him to the Prison notwithstanding that the period for which he was so released has not expired.

Physical welfare

Medical services

76. A suitable part of the Prison shall be equipped and furnished by the Board in a manner proper for the medical care and treatment of sick prisoners.

Accommodation for medical cases.

77. (1) The Board shall from time to time appoint an authorised medical practitioner to act as medical officer of the Prison.

Medical Officer.

(2) The Board may authorise any authorised medical practitioner to perform any of the duties imposed on, or to exercise any of the powers conferred on, the Medical Officer by this Ordinance.

General
duties of
Medical
Officer.

78. The Medical Officer shall have the care of the mental and physical health of all prisoners and shall as often as may be necessary visit every prisoner who is sick, every prisoner who complains of illness and every other prisoner to whom his attention is specially directed by the Governor.

Immediate
medical
attendance
and con-
sultations.

79. (1) The Medical Officer shall, as soon as may be after receiving notification of the illness of any prisoner, attend that prisoner.

(2) The Medical Officer may call into consultation any other authorised medical practitioner and shall do so before a serious operation is performed upon a prisoner unless, in his opinion, it is essential for the operation to be performed immediately.

(3) The Medical Officer shall keep a record of the occasions on which he has under this section consulted any other authorised medical practitioner and of the circumstances in which any serious operation has been performed without consultation with any other authorised medical practitioner.

Notifica-
tions,
reports and
recom-
mendations
by the
Medical
Officer
to the
Governor
and to the
Board.

80. (1) The Medical Officer shall make a written report to the Governor on any matter which appears to him, on medical grounds, to require the consideration of the Board and the Governor shall send any such report to the Board.

(2) Where the Medical Officer has reason to believe that—

- (a) the mental or physical health of a prisoner is likely to be injuriously affected by continued imprisonment or by any conditions of imprisonment;
- (b) the life of a prisoner will be endangered by imprisonment;

- (c) a sick prisoner will not survive his sentence or is totally or permanently unfit for imprisonment;

he shall without delay make a written report thereof to the Governor with such recommendations as he may think fit and the Governor shall forthwith forward such report and any such recommendations to the Board.

(3) The Medical Officer shall make a written report to the Governor of the case of any prisoner to which he thinks it necessary on medical grounds to draw attention and shall make such recommendations as he deems needful for the alteration of the diet or treatment of the prisoner, his separation from other prisoners or the supply to him of additional clothing, bedding or other articles and the Governor shall, so far as is reasonably practicable, give effect to any such recommendations.

(4) Where the Medical Officer has reason to believe that any prisoner has suicidal intentions he shall notify the Governor thereof forthwith in order that special observation may be kept on that prisoner and the Governor shall, without delay, direct that such prisoner be observed at frequent intervals.

(5) The Medical Officer shall notify the Governor when a prisoner appears to be seriously ill and the Governor shall notify the Chaplain accordingly.

(6) The Medical Officer shall make a written report to the Board at the end of each year on—

- (a) the general state of the health of the prisoners;
- (b) the hygiene of the Prison and of the prisoners;

(c) the food provided for the prisoners; during that year and on any other matter as directed from time to time by the Board and may set out in such report any observations and recommendations he may care to make.

Mental
illness.

81. (1) The Medical Officer shall keep under special observation any prisoner whose mental condition appears to require such observation and shall, if he thinks fit, take such steps as he considers proper for the segregation of that prisoner.

(2) Where the Medical Officer is of opinion that a prisoner ought to be certified under the Mental Treatment Law (Guernsey), 1939, as a person of unsound mind or is a mental defective within the meaning of the Mental Deficiency Law he shall forthwith inform the Governor of that fact and thereupon the Governor shall report thereon to the Law Officers of the Crown.

Hygiene

Supervision
of hygiene
by the
Medical
Officer.

82. The Medical Officer shall supervise, and shall advise the Governor upon, the hygiene of the Prison and of the prisoners, including arrangements for cleanliness, sanitation, heating, lighting and ventilation.

Washing,
shaving and
hair cutting.

83. (1) The Governor shall make arrangements for every prisoner to wash at all proper times and to have a hot bath at least once a week and for a male prisoner, unless he is excused or prohibited on medical or other grounds, to shave or be shaved daily and to have his hair cut as often as may be required.

(2) The hair of a male prisoner may be cut as short as is necessary.

(3) Except by a direction in writing of the Medical Officer for the eradication of vermin, dirt or disease, the hair of a woman prisoner shall not be cut without her consent.

84. Every prisoner shall be provided on admission with such toilet articles as are necessary for health and cleanliness and the Governor shall make arrangements for the replacement of those articles as often as may be necessary.

Provision
of toilet
articles.

Exercise

85. (1) Subject to the provisions of subsection (3) of this section, every prisoner who is not engaged in out-door work shall, if the weather permits, be given one hour's exercise in the open air:

Regular
exercise and
physical
training.

PROVIDED that in special circumstances the Board may authorise the reduction of the daily period of exercise to half an hour.

(2) Subject to the provisions of the next following subsection, every prisoner shall receive physical training during some part of the daily period of exercise.

(3) The Medical Officer shall decide on the fitness of every prisoner for exercise or to undergo physical training and may on medical grounds excuse any prisoner from exercise or physical training or modify the exercise or physical training of a prisoner.

Food

86. (1) The food provided for prisoners shall be of a nutritional value adequate for health and strength and shall be of wholesome quality, well prepared and served and reasonably varied.

Food.

(2) The Medical Officer shall from time to time inspect the food, cooked and uncooked, provided for

prisoners and shall report to the Governor on the state and quality of the food and on any deficiency in the quantity or defect in the quality of the water provided for prisoners.

(3) Unless the Board or, on medical grounds, the Medical Officer otherwise directs, a prisoner shall not be allowed to have any food in addition to the normal prison diet.

(4) Except in pursuance of a disciplinary award or on the written recommendation of the Medical Officer in respect of any prisoner who persistently wastes his food or in any case where the Medical Officer, on medical grounds, otherwise directs, a prisoner shall not be provided with less food than is provided in the normal prison diet.

Clothing

Clothing.

87. (1) Every prisoner shall be provided on reception with an outfit of clothing adequate for warmth and health in accordance with a scale approved by the Board.

(2) Every prisoner shall wear the clothing provided for him under subsection (1) of this section and shall not, unless the Board otherwise directs, wear any other clothing.

(3) The clothing provided under subsection (1) of this section shall, where necessary, include suitable protective clothing for use at work.

PART III

UNTRIED PRISONERS

General

Application
of Part III.

88. (1) Subject to the provisions of the next succeeding subsection, the provisions of this Part of this Ordinance shall apply to any of the following

persons (and any such person is hereafter in this Ordinance referred to as an "untried prisoner"), that is to say:—

- (a) any person committed to the Prison upon being committed for trial before the Royal Court;
- (b) any person committed to the Prison pending, or in the course of, the hearing before the Magistrate's Court or of the Royal Court sitting as an Ordinary Court of a charge against that person in respect of an offence triable on indictment;
- (c) any person who is not under sentence and who is being detained in the Prison under any Law for the time being in force relating to the detention of aliens;
- (d) any person who is being detained in the Prison to await extradition or to await return to any place under the law for the time being in force relating to fugitive offenders;
- (e) any person who has been imprisoned pursuant to an order for his arrest granted under section (1) of Article IV of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" registered on the second day of August, nineteen hundred and twenty-nine;
- (f) any person who is being detained in the Prison to await the arrival of a naval, military, air force or police escort;
- (g) any person who has been imprisoned pursuant to a charge signed by an officer of police of or above the rank of sergeant and presented to the Governor at the time of the reception of that person;

(h) any person who is being detained in the Prison by reason of his having been found drunk or drunk and incapable or drunk and disorderly and arrested by an officer of police.

(2) The provisions of this Part of this Ordinance, other than section one hundred and two (which relates to visits, letters and other facilities for defence), shall not apply to any untried prisoner who is already serving a sentence of imprisonment or has been committed to the Prison in default of payment of a sum adjudged to be paid by a conviction.

Release of
certain
untried
prisoners.

89. (1) An untried prisoner who is a person to whom paragraph (g) of subsection (1) of the last preceding section applies shall be released from the Prison—

- (a) upon the receipt by the Governor of a written request in that behalf, signed by an officer of police of or above the rank of sergeant;
- (b) in any case, if within seventy-two hours of his reception he has not been brought before any Court:

PROVIDED that an untried prisoner shall not be released under this subsection if he is also a person to whom any of the other paragraphs of subsection (1) of the last preceding section applies.

(2) An untried prisoner who is a person to whom paragraph (h) of subsection (1) of the last preceding section applies shall be released from the Prison—

- (a) at the instance of the Chief Officer of Police and, if he has not been charged with an offence, on payment to the Chief Officer of Police for the account of the States of a sum

not exceeding five shillings towards the cost of his maintenance in the Prison;

- (b) in any case, if within seventy-two hours of his reception he has not been brought before any Court:

PROVIDED that an untried prisoner shall not be released under this subsection if he is also a person to whom any of the other paragraphs of subsection (1) of the last preceding section applies.

90. Where an untried prisoner is a person to whom paragraph (e) of subsection (1) of section eighty-eight of this Ordinance applies, the Board may recover as a civil debt from the creditor at whose instance such untried prisoner is imprisoned such amount as the Board deems reasonable in respect of the maintenance and custody of such untried prisoner during any period in which he is so imprisoned.

Recovery of cost of maintenance and custody of certain untried prisoners.

91. An untried prisoner shall, so far as may be reasonably practicable, be kept apart from convicted prisoners.

Separation.

92. The association of an untried prisoner with any other untried prisoners shall only be restricted to what is necessary to prevent contamination or conspiracy to defeat the ends of justice.

Association.

Food and clothing

93. Subject to such conditions as the Board may determine, an untried prisoner may be supplied at his own expense or at the expense of friends with any food and drink.

Food.

94. (1) Subject to the provisions of this section, an untried prisoner whose own clothing is not required for the purposes of justice may, if he so desires, wear that clothing and have adequate

Private clothing.

changes of his own underclothing supplied to him from time to time.

(2) Where an untried prisoner desires to wear his own clothing under subsection (1) of this section the Medical Officer may require that such clothing shall be disinfected.

(3) Where an untried prisoner escapes or attempts to escape from the Prison or from legal custody, the Governor or the Board, as the case may be, may, in addition to or instead of making any award which they are respectively empowered to make under section thirty-five (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor), section thirty-six (which relates to the investigation of offences against discipline, and disciplinary awards, by the Board) and section thirty-seven (which relates to investigations and disciplinary awards by the Board in cases of grave offences against discipline) of this Ordinance, make an award for the forfeiture of the privileges to which he is entitled under subsection (1) of this section.

(4) Where an untried prisoner—

(a) has no clothing of his own;

(b) does not desire to wear his own clothing;

(c) has, in the opinion of the Governor, insufficient or unsuitable clothing of his own;

(d) has forfeited the privileges to which he is entitled under subsection (1) of this section under an award made by the Governor or by the Board under the last preceding subsection;

the Governor may require him to wear any clothing provided by the Board in pursuance of section eighty-seven of this Ordinance (which relates to clothing).

Health and cleanliness

95. An untried prisoner shall not be required to have his hair cut or, if he usually wears a beard, to shave or to be shaved, unless the Medical Officer deems it necessary for the purposes of health or cleanliness, in which case his hair shall not be cut closer than is necessary for any of those purposes.

Hair cutting
and shaving.

96. If an untried prisoner desires the attendance of any authorised medical practitioner, other than the Medical Officer, or of any authorised dentist and is able and willing to defray any expense thereby incurred, the Governor may, if he is satisfied that there is reasonable ground for the application, allow him to be visited and treated by that medical practitioner or dentist in consultation with the Medical Officer.

Private
medical
attendant.

Books, etc.

97. The Governor may, on the application of an untried prisoner, allow him, so far as it is consistent with discipline and the good order of the Prison, to have in his cell any articles which were in his possession at the time of his arrest and which are not required for purposes of justice or reasonably suspected of having been improperly acquired by him.

Private
property.

98. (1) The Governor may allow an untried prisoner to have, at his own expense, any books, newspapers, writing materials or other means of occupation, except such as appear objectionable to the Governor.

Supply of
books, etc.

(2) The privilege granted to an untried prisoner under subsection (1) of this section may at any time be withdrawn by the Board or by the Governor on proof of any abuse of that privilege.

Work

Work to be
voluntary
and paid.

99. An untried prisoner shall not be required to work in the service or in any of the industries of the Prison but may do so with his own consent and in that event shall receive payment in accordance with such rates as may be fixed by the Board.

Visits and communications

Visits
generally.

100. An untried prisoner may be visited during such hours and under such restrictions as the Governor may determine.

Prisoners in
default of
bail.

101. Where an untried prisoner is in the Prison in default of bail, facilities shall be given to him, for the purpose of securing bail, to have an interview on any business day at a reasonable hour or to communicate with friends.

Visits,
letters and
other
facilities
for defence.

102. (1) An untried prisoner may, for the purposes of his defence, receive a visit from an authorised medical practitioner, other than the Medical Officer, selected by him, his friends or his legal adviser, under the same conditions as apply to a visit by his legal adviser under the provisions of this Ordinance.

(2) An untried prisoner shall be allowed all reasonable facilities, including the provision of writing materials, for communicating by letter with his friends or for conducting correspondence or preparing notes in connection with his defence.

(3) A confidential written communication prepared by an untried prisoner as instructions to his legal adviser may be delivered personally to such legal adviser and shall not be treated as a letter to which subsection (3) of section sixty-seven of this Ordinance (which relates to letters and visits generally) applies unless the Governor has reason to

suppose that it contains any matter not relating to such instructions.

Discipline

103. 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 thirty-five (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor), section thirty-six (which relates to the investigation of offences against discipline, and disciplinary awards, by the Board) and section thirty-seven (which relates to investigations and disciplinary awards by the Board in cases of grave offences against discipline) of this Ordinance, 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 ninety-three (which relates to food), section ninety-eight (which relates to the supply of books, etc.), section one hundred (which relates to visits generally) or subsections (2) and (3) of section one hundred and two (which relates to visits, letters and other facilities for defence) of this Ordinance:

Forfeiture of privileges.

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.

104. The sale or transfer or attempted sale or transfer to any person by an untried prisoner of an article allowed to be introduced into the Prison for his use shall be an offence under section thirty-four of this Ordinance (which relates to offences against discipline) and upon proof of the offence section thirty-three of this Ordinance (which relates to the deprivation of unauthorised articles) shall apply to that article as it applies to an unauthorised article.

Sale, etc., of articles.

PART IV

APPELLANT PRISONERS

Application
of Part IV.

105. The provisions of this Part of this Ordinance shall apply to any prisoner who is detained in the Prison pending the determination of an appeal by him against conviction or sentence or against both conviction and sentence (hereafter in this Ordinance referred to as "an appellant prisoner") but shall not apply to any prisoner who is under sentence of death.

Appellant
prisoners
absent from
the Prison.

106. (1) An appellant prisoner who is in custody shall be taken to, kept in custody at or brought back from, any place at which he is entitled to be present for the purposes of his appeal or any place to which the Court to which he has appealed may order him to be taken for the purpose of any proceedings of that Court and shall, while absent from the Prison, be kept in the custody of an officer designated in that behalf by the Governor.

(2) An appellant prisoner shall, while absent from the Prison under this section, wear his own clothing or, if his own clothing cannot be used, clothing different from the clothing provided in accordance with the provisions of section eighty-seven of this Ordinance (which relates to clothing).

Earnings for
work done.

107. If an appellant prisoner is ordered to be released by the Court to which he has appealed, otherwise than on bail pending the hearing of his appeal, payment at a rate fixed by the Board shall be made to him in respect of any work which he has done during the time he has been treated as an appellant prisoner.

108. (1) An appellant prisoner may, for the purposes of his appeal, receive a visit—

Visits, letters and other facilities for appeal.

- (a) from an authorised medical practitioner, other than the Medical Officer, selected by him, his friends or his legal adviser, under the same conditions as apply to a visit by his legal adviser under the provisions of this Ordinance;
- (b) from any other person.

(2) An appellant prisoner shall be provided, if he so desires, with such writing materials as the Governor shall consider sufficient for the purpose of preparing his appeal.

(3) An appellant prisoner may, for the purpose of his appeal, write letters to his legal adviser or to any other person.

(4) A confidential written communication prepared by an appellant prisoner as instructions to his legal adviser may be delivered personally to his legal adviser and shall not be treated as a letter to which subsection (3) of section sixty-seven of this Ordinance (which relates to letters and visits generally) applies unless the Governor has reason to suppose that it contains any matter not relating to such instructions.

PART V

CONVICTED PRISONERS AWAITING SENTENCE OR REMANDED FOR INQUIRY

109. Any person who is committed to the Prison on remand by any Court to enable inquiries to be made or any convicted prisoner who is committed to Prison by any Court where that Court has postponed sentence on that convicted prisoner until a

Facilities for making representations.

later date shall, if he so desires, for the purpose of preparing any representations to the Court before which he is to appear to be sentenced or otherwise dealt with, be granted any or all of the facilities which are accorded to an appellant prisoner under the last preceding section.

PART VI

YOUNG PRISONERS

Separation,
education
and training.

110. The Board shall, so far as is reasonably practicable, make arrangements for the separation of young prisoners from other prisoners and for the education and moral, physical and industrial training of such prisoners.

Persons
ordered to be
sent to
Borstal or
approved
schools.

111. A person ordered to be detained in a Borstal Institution or ordered to be sent to an approved school under any Law for the time being in force relating to young offenders shall, if committed to the Prison until any such order can be carried out, be treated as a young prisoner.

PART VII

INSANE AND MENTALLY DEFECTIVE PRISONERS

Application
of Part VII.

112. The provisions of this Part of this Ordinance shall apply to any of the following persons, that is to say:—

- (a) any person who has been found by any Court not guilty by reason of his insanity;
- (b) any person who has been found by any Court unfit to plead by reason of his insanity;

- (c) any prisoner in respect of whom an application has been made by the Law Officers of the Crown under the Mental Deficiency Law for an Order of the Royal Court ordering that person to be removed to an institution in England for the treatment of mental defectives and any prisoner who has been ordered by the Royal Court under that Law upon such application to be so removed.

113. Any person to whom the provisions of this Part of this Ordinance apply shall, while detained in the Prison, receive the special attention of the Medical Officer and the Medical Officer shall take such steps as he may think necessary for the care and accommodation of that person until that person is removed from the Prison.

Duties of the Medical Officer in relation to insane and mentally defective prisoners.

PART VIII

PRISONERS UNDER SENTENCE OF DEATH

114. A prisoner under sentence of death shall, immediately on his reception, be thoroughly searched and every article shall be taken from him which the Governor deems it dangerous or inexpedient to leave in his possession.

Search.

115. A prisoner under sentence of death—

- (a) shall be confined in a separate cell and shall be kept apart from all other prisoners;
- (b) shall be kept by day and by night in the constant charge of two officers;
- (c) shall not be subject to the provisions of section forty-nine of this Ordinance (which relates to work).

Separation and supervision.

116. (1) A prisoner under sentence of death may be visited by any of his relations, friends and legal

Visits.

advisers whom he desires to see and who are authorised to visit him by an order in writing from the President of the Board.

(2) The Chaplain shall have access at all times to any prisoner under sentence of death, unless the prisoner is recorded under section fifty-one of this Ordinance (which relates to the recording of the religious denomination of prisoners) as not belonging to the Church of England, in which case—

- (a) the Chaplain shall have free access at all times to the prisoner if the prisoner so desires;
- (b) if the prisoner is so recorded as belonging to a religious denomination other than the Church of England, a minister of that denomination shall have access at all times to the prisoner.

(3) A prisoner under sentence of death shall not be permitted to receive any visits from any person other than—

- (a) a member of the Board or of the Panel;
- (b) a person visiting the prisoner in pursuance of any of the preceding provisions of this section;
- (c) an officer;

unless that person has been authorised to do so by the Board.

(4) Any visit to a prisoner under sentence of death shall take place in the sight and hearing of an officer notwithstanding that such visit is by the prisoner's legal adviser or is made in connection with an appeal.

(5) A prisoner under sentence of death shall be allowed special facilities to correspond with his legal advisers, his relatives and friends.

PART IX

CIVIL PRISONERS

117. The provisions of this Part of this Ordinance shall apply to any person detained in the Prison who is not serving a sentence, is not imprisoned in default of payment of a sum adjudged to be paid on conviction and is not the subject of special treatment under any of the provisions of Parts III to VIII of this Ordinance (hereafter in this Ordinance referred to as "a civil prisoner").

Application
of Part IX.

118. (1) A civil prisoner may associate with any other civil prisoners at such times and in such manner as the Board may determine.

Association
and separa-
tion.

(2) A civil prisoner shall not be allowed to associate with any prisoners other than civil prisoners except in accordance with the provisions of the next succeeding subsection.

(3) Where, owing to the small number of civil prisoners or otherwise, suitable arrangements for association between such prisoners are not practicable, a civil prisoner may, if he so desires and with the approval of the Governor, associate with such other prisoners, at such times and in such manner as the Board may determine.

119. The provisions of section ninety-four of this Ordinance (which relates to private clothing) shall apply in relation to civil prisoners as those provisions apply to untried prisoners.

Private
clothing.

120. The provisions of section thirty-one of this Ordinance (which relates to the remission of sentences) shall not apply to civil prisoners.

Remission.

121. (1) Subject to the provisions of the next succeeding subsection, a civil prisoner may be

Visits and
letters.

visited during such hours and under such restrictions as the Governor may determine, and may write one letter and receive one letter during any week.

(2) The Board or the Governor may, in special circumstances, allow such additional number of letters to be written or received by a civil prisoner as the Board or the Governor, as the case may be, shall deem advisable.

(3) Where a civil prisoner is guilty of an 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 thirty-five (which relates to the investigation of offences against discipline, and disciplinary awards, by the Governor), section thirty-six (which relates to the investigation of offences against discipline, and disciplinary awards, by the Board) and section thirty-seven (which relates to investigations and disciplinary awards by the Board in cases of grave offences against discipline) of this Ordinance, make an award for the forfeiture of any of the privileges granted to that prisoner, or any of the privileges to which he is entitled, under this section: **PROVIDED** that notwithstanding any award made under this subsection a civil prisoner shall be allowed to write and to receive one letter and receive one visit in any period of four weeks.

PART X

PRISONERS SENTENCED FOR CONTEMPT OF COURT

Application of sections 118, 119 and 121 to prisoners sentenced for contempt of court.

122. The provisions of section one hundred and eighteen (which relates to association and separation), section one hundred and nineteen (which relates to private clothing) and section one hundred and

twenty-one (which relates to visits and letters) of this Ordinance shall apply in relation to any prisoner undergoing a stated term of imprisonment by reason of being committed for contempt of court as those provisions apply to a civil prisoner.

PART XI

PRISON STAFF

123. An officer while acting as such shall have all the powers, authority, protection and privileges of an officer of police. Powers of officers.

124. Every officer shall—

- (a) comply with the provisions of this Ordinance and with the Prison rules and shall support the Governor in the maintenance of discipline and order in the Prison;
- (b) obey the lawful instructions of the Governor;
- (c) immediately report to the Governor any abuse or impropriety which may come to his knowledge.

General obligations.

125. Every officer shall notify the Governor of the case of any prisoner who, whether he complains or not, appears to be out of health or whose state of mind appears to be deserving of special notice and care and the Governor shall forthwith notify any such case to the Medical Officer. Duty of officers to report sick prisoners.

126. (1) An officer shall not, without the authority of the Board, carry out any pecuniary or business transaction with or on behalf of any prisoner. Business transactions on behalf of prisoners prohibited.

(2) An officer shall not, without the authority of the Board or of the Governor, bring in or carry out, or knowingly allow to be brought in or carried

out, to or for a prisoner, or deposit in any place with intent that it shall come into the possession of a prisoner, any article whatsoever.

Receipt of gratuities by officers prohibited.

127. An officer shall not, without the authority of the Board, receive any fee, gratuity or other consideration in connection with his duties as an officer.

Restrictions on communications with relatives or friends of prisoners.

128. Except with the consent of the Governor, an officer shall not communicate with any person known to him to be a relative or friend of any prisoner.

Search.

129. Every officer shall submit himself to be searched in the Prison if called upon to do so by the Governor.

Communications to Press, etc.

130. Except with the authority of the Board, an officer shall not—

- (a) directly or indirectly, make any communication to representatives of the Press or any other persons with reference to any matter which has become known to him in the course of his duty as an officer;
- (b) publish any matter or make any public pronouncement relating to the administration or to any of the inmates of the Prison.

Quarters.

131. (1) Every officer shall occupy such quarters as may be assigned to him by the Board and shall, at any time, vacate them if required to do so by the Board.

(2) On the termination of an officer's service he shall vacate any quarters assigned to him by the Board as soon as he is required to do so by the Board and on the death of an officer his family shall vacate any quarters so assigned to that officer when required to do so by the Board.

132. The Board may by order prescribe a code of discipline for officers setting out the offences against discipline, the procedure for dealing therewith and the awards therefor. Code of discipline.

PART XII

THE PANEL OF VISITORS

133. Members of the Panel shall pay frequent visits to the Prison and at least two members of the Panel shall visit the Prison once in each month. Visits to the Prison.

134. A member of the Panel shall, after visiting the Prison, make a note of his visit in a register kept for that purpose (which register is hereafter in this Ordinance referred to as "the Visitors' Register") together with any comment he may wish to make. Visitors' Register.

135. The Panel shall co-operate with the Board and with the Governor in promoting the efficiency of the Prison and shall inquire into and report on any matter specially referred to it by the Board. Duty to make inquiries and reports.

136. A member of the Panel shall bring to the notice of the Board any abuse in connection with the Prison which comes to his knowledge. Duty to report abuses.

137. (1) Members of the Panel shall have access at all times to any part of the Prison and to any prisoner and, notwithstanding anything contained in Part III of this Ordinance, may see such prisoners as they desire either in their cells or in a room out of the sight and hearing of officers. Access to the Prison

(2) A member of the Panel shall hear and investigate any application which a prisoner desires to make to him and, if necessary, shall report the same, with his opinion, to the Board.

Inspection
of diet.

138. Members of the Panel shall from time to time inspect the dietary of every prisoner and, if they find the quality of the food unsatisfactory, shall report the matter to the Board and note the same in the Visitors' Register.

Inspection of
Prison
books.

139. A member of the Panel may inspect any of the registers and other books of the Prison and shall make a note of any such inspection in the Visitors' Register.

Inquiries
into state
of Prison
buildings.

140. Members of the Panel may inquire into the state of the Prison buildings and, if any repairs or additions appear to them to be necessary, shall report thereon with their advice and suggestions to the Board.

PART XIII

OFFENCES

Assisting
prisoner
to escape.

141. Any person who aids any prisoner in escaping or attempting to escape from the Prison or who, with intent to facilitate the escape of any prisoner, conveys any thing into the Prison or to a prisoner, or places any thing anywhere outside the Prison with a view to its coming into the possession of a prisoner, shall be guilty of an offence and, on conviction thereof, liable to imprisonment for a term not exceeding one year.

Unlawful
conveyance
of spirits or
tobacco into
the Prison,
etc.

142. Any person who, contrary to the provisions of this Ordinance, brings into the Prison or to a Prisoner any spirituous or fermented liquor or tobacco, or places any such liquor or any tobacco anywhere outside the Prison with intent that it shall come into the possession of a prisoner, and any officer who, contrary to those provisions, allows any

such liquor or any tobacco to be sold or used in the Prison, shall be guilty of an offence and, on conviction thereof, liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

143. Any person who, contrary to the provisions of this Ordinance, conveys any letter or any other thing into or out of the Prison or to a prisoner, or places it anywhere outside the Prison with intent that it shall come into the possession of a prisoner, shall, where he is not thereby guilty of an offence under either of the last two preceding sections, be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

Unlawful
introduction
of other
articles.

144. (1) Every person who attempts to commit an offence punishable under any of the last three preceding sections shall be guilty of an offence and shall be liable to such term of imprisonment or to such fine or to such term of imprisonment and such fine as the Court may deem just:

Attempts.

PROVIDED that as respects any attempt to commit any such offence the Court may not impose any punishment exceeding that which the Court might have imposed if the offence had been completed.

(2) If, on the trial of any person charged with any offence under any of the last three preceding sections, it appears to the Court upon the evidence that the person so charged did not complete the offence charged but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, and the Court may find that person not guilty of the offence charged but guilty of the attempt to commit the same and thereupon he shall be liable to be punished accordingly.

PART XIV

REPEALS, CITATION AND COMMENCEMENT

Repeals. 145. The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed.

Citation and commencement. 146. This Ordinance may be cited as the Prison Administration (Guernsey) Ordinance, 1959, and shall come into force on the first day of February, nineteen hundred and sixty.

FIRST SCHEDULE Sections thirty-five,
thirty-six and thirty-seven.

Restricted diets

PART I

Restricted diet No. 1

1. This diet, when given for a period of three days, or less, shall consist of:—

1 lb. bread per diem with water.

2. This diet when given for more than three days shall consist for alternate periods of three days of:—

(a) 1 lb. bread per diem with water;

(b) the diet prescribed for prisoners employed on ordinary industrial labour according to sex.

PART II

Restricted diet No. 2

Breakfast	Porridge, 1 pint, containing 3 oz. oatmeal. Bread, 8 oz. Margarine, $\frac{1}{2}$ oz. Cocoa, 1 pint, containing $\frac{3}{4}$ oz. cocoa and 1 fluid oz. milk.
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Dinner	Bread, 4 oz. Soup, $1\frac{1}{2}$ pints, containing 3 oz. split peas; 3 oz. dried beans; 4 oz. potatoes; 4 oz. carrots; salt; and, on any day on which meat is included in the normal diet of a prisoner, so much meat as is so included.
Supper	Bread, 8 oz. Margarine, $\frac{1}{2}$ oz. Cocoa, 1 pint containing $\frac{3}{4}$ oz. cocoa and 1 fluid oz. milk.

SECOND SCHEDULE Section one hundred
and forty-five.

Ordinances repealed

The Ordinance entitled "Ordonnance contenant les Règlements de la Prison Publique" made permanent on the eighteenth day of January, nineteen hundred and thirty-two.

The Ordinance entitled "Ordonnance relative au paiement par des prisonniers pour leur détention" made permanent on the eighteenth day of January, nineteen hundred and thirty-two.

The Ordinance entitled "Ordonnance relative à l'Allouance de la Prison" made permanent on the eighteenth day of January, nineteen hundred and thirty-two.

The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance contenant les Règlements de la Prison Publique, 1946" of the twenty-fifth day of May, nineteen hundred and forty-six.

R. H. VIDELO,

Her Majesty's Greffier.

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