

GUERNSEY STATUTORY INSTRUMENT

2016 No. 39

The Prison (Guernsey) (Amendment) Regulations, 2016

<i>Made</i>	4 th August, 2016
<i>Coming into operation</i>	5 th August, 2016
<i>Laid before the States</i>	, 2016

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 43, 49 and 51 of the Prison (Guernsey) Ordinance, 2013^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of Regulations of 2013.

1. For regulation 111(7) of the Prison (Guernsey) Regulations, 2013^b, substitute the following –

- "(7) The prisoner must be seated during the inquiry unless–
- (a) the prisoner requests the inquirer to allow the prisoner to stand,
 - (b) the inquirer is satisfied that there is good reason for allowing the prisoner to do so, and
 - (c) the inquirer allows the prisoner to do so."

Interpretation.

2. Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification),

^a Ordinance No. XXIX of 2013; as amended by Ordinance No. XXVII of 2015 and No. IX of 2016.

^b G.S.I. No. 58 of 2013.

extended or applied.

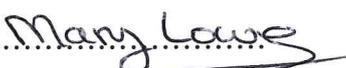
Transitional provision.

3. For the avoidance of doubt, on the commencement of these Regulations, the amendment made by regulation 1 has effect in relation to any inquiry into a charge, even if the inquiry was commenced before the commencement of these Regulations.

Citation and commencement.

4. These Regulations may be cited as the Prison (Guernsey) (Amendment) Regulations, 2016 and come into force on the 5th August, 2016.

Dated this 4th day of August, 2016

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Deputy Mary Lowe

President

Committee for Home Affairs

For and on behalf of the Committee.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Prison (Guernsey) Regulations, 2013 ("**the principal Regulations**").

Currently, regulation 111(7) of the principal Regulations allows a prisoner to stand or be seated, as the prisoner prefers, during an inquiry into a disciplinary charge

against the prisoner. However, allowing a prisoner to stand during an inquiry would pose considerable issues for the security of the inquirer, and is generally considered to be unsafe.

Thus, regulation 1 of these Regulations substitute regulation 111(7) of the principal Regulations with a new regulation 111(7) that requires the prisoner to be seated during the inquiry unless the prisoner makes a request to stand and the inquirer, on being satisfied there is good reason for allowing the prisoner to stand, allows the prisoner to do so.

Regulation 2 of these Regulations is the interpretation provision.

Regulation 3 of these Regulations provide that upon the commencement of these Regulations, the amendment made by regulation 1 has effect in relation to any inquiry into a charge, even if the inquiry was commenced before these Regulations.

Regulation 4 is the citation and commencement provision.

These Regulations come into force on the 5th August, 2016.

