



GUERNSEY STATUTORY INSTRUMENT

2018 No. 57

The Prison (Guernsey) (Amendment) Regulations, 2018

<i>Made</i>	<i>1st October, 2018</i>
<i>Coming into operation</i>	<i>1st October, 2018</i>
<i>Laid before the States</i>	<i>, 2018</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 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. The Prison (Guernsey) Regulations, 2013^b ("the principal Regulations") are amended as follows.

2. For regulation 14 of the principal Regulations, substitute the following regulation –

"14. (1) Subject to paragraphs (2) to (5), the Governor may accommodate two or more prisoners in a cell certified for multiple occupancy under regulation 12(2)(a) where –

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

^b G.S.I. No. 58 of 2013; as amended by No. 39 of 2016 and No. 28 of 2017.

- (a) there are insufficient adequate cells in the prison to accommodate every prisoner in a cell assigned solely to the prisoner, and
- (b) the number of prisoners to be accommodated in the multiple-occupancy cell is no more than the number for which that cell is certified.

(2) Before the Governor assigns any prisoner to be accommodated with any other prisoner in a multiple-occupancy cell, the Governor must ensure that-

- (a) an appropriate risk assessment (including, if necessary, a risk assessment on medical grounds by a member of the healthcare team) is carried out to determine whether those prisoners are suitable to associate with each other in the cell, and
- (b) each of those prisoners is consulted.

(3) If the risk assessment under paragraph (2)(a) determines that a prisoner is not suitable to associate with another prisoner, those prisoners must not be required to share a cell.

(4) A prisoner required to share a cell with any other prisoner has the following entitlements -

- (a) so far as practicable, the prisoner must be given the

opportunity to be fully and gainfully employed in work, study, training or other activities outside the cell during the prison working day,

(b) the prisoner must not be required to share a cell for longer than six consecutive weeks at a time, and

(c) after each period of time spent sharing a cell, the prisoner must be given sole occupancy of a cell for an interval of at least the same period of time as the period spent cell-sharing.

(5) A prisoner may waive any entitlement under paragraph (4)(a), (b) or (c) by making a written request to that effect to the Governor."

3. In regulations 120(5) and 143(3) of the principal Regulations, for "section 1(1) of the Data Protection (Bailiwick of Guernsey) Law, 2001", in each place, substitute "section 111(1) of the Data Protection (Bailiwick of Guernsey) Law, 2017".

4. In regulation 148(1) of the principal Regulations, in paragraph (a) of the definition of "**personal data**", for "section 1(1) of the Data Protection (Bailiwick of Guernsey) Law, 2001", substitute "section 111(1) of the Data Protection (Bailiwick of Guernsey) Law, 2017".

Citation.

5. These Regulations may be cited as the Prison (Guernsey) (Amendment) Regulations, 2018.

Commencement.

6. These Regulations come into force on the 1st October, 2018.

Dated this 1st day of October, 2018



Deputy Mary M. 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") to authorise the accommodation of prisoners in certified multiple-occupancy cells where there are insufficient cells to allow each prisoner sole occupancy of a prison cell. These Regulations also replace references to a provision of the now-repealed Data Protection (Bailiwick of Guernsey) Law, 2001 with references to the corresponding provision of the Data Protection (Bailiwick of Guernsey) Law, 2017, which replaced the 2001 Law.

Regulation 2 of these Regulations substitute regulation 14 of the principal Regulations in order to specifically provide for two or more prisoners to be accommodated in a duly-certified multiple-occupancy cell where there are insufficient cells to allocate one cell solely to each prisoner. Before prisoners are accommodated in a multiple-occupancy cell, an appropriate risk assessment must be carried out and the prisoners consulted. Prisoners must not be required to share a cell if they are not suitable to associate with one another.

Cell-sharing prisoners are entitled to be employed in work, study, training or other activities outside the cell during the prison working day (so far as practicable), not to share cells for more than six consecutive weeks at a time, and to be given sole occupancy of a cell for an interval of at least the same length of time as the time spent cell-sharing. A prisoner may waive any of these entitlements by written request made to the Governor.

Regulations 3 and 4 replace references in the principal Regulations to a provision of the recently-repealed Data Protection (Bailiwick of Guernsey) Law, 2001 with references to the corresponding provision of the Data Protection (Bailiwick of Guernsey) Law, 2017.

Regulations 5 and 6 are the citation and commencement provisions respectively.

These Regulations come into force on the 1st October, 2018.