

GUERNSEY STATUTORY INSTRUMENT

2020 No.

## **The Prison (Guernsey) (Amendment) Regulations, 2020**

<i>Made</i>	30 <sup>th</sup> March, 2020
<i>Coming into operation</i>	1 <sup>st</sup> April, 2020
<i>Laid before the States</i>	, 2020

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 30, 45, 49 and 51 of the Prison (Guernsey) Ordinance, 2013<sup>a</sup> 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<sup>b</sup> ("the principal Regulations") are amended as follows.

2. Before regulation 1 of the principal Regulations, insert the following regulation –

#### **"Application.**

A1. (1) Subject to paragraph (2), nothing in these Regulations applies to a prisoner on a temporary release licence unless the context

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<sup>a</sup> Ordinance No. XXIX of 2013; as amended by No. XXVII of 2015; and Nos. IX and XXXVI of 2016.

<sup>b</sup> G.S.I. No. 58 of 2013; as amended by No. 39 of 2016; No. 28 of 2017; and No. 57 of 2018.

requires otherwise.

(2) The following apply to a prisoner on a temporary release licence –

(a) regulations 68, 75A, 120(1)(b), 130 and 131, and

(b) Parts X, XI, XII and XIV."

3. In regulation 68(4) of the principal Regulations –

(a) at the end of paragraph (b), delete "and", and

(b) after subparagraph (c), insert "and" and the following subparagraph -

"(d) where appropriate, reintegration planning under a temporary release licence."

4. After regulation 75 of the principal Regulations, insert the following regulation –

**"Prison Orders and prisoners on temporary release licences.**

75A. (1) Subject to paragraph (3), the Governor may issue Prison Orders prescribing a scheme for release of prisoners on a temporary release licence, including a scheme for the early conditional release of prisoners or the temporary release of prisoners in connection with an emergency (within the meaning of section 2(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012).

(2) Without limiting the generality of paragraph (1), a scheme prescribed under paragraph (1) may include –

- (a) procedures for the consideration and determination of an application for a temporary release licence,
- (b) restrictions and limitations subject to which a temporary release licence may be granted,
- (c) conditions to which a temporary release licence is subject, which may include the tagging with electronic devices and monitoring of prisoners released on a temporary release licence,
- (d) a scheme for such tagging and monitoring, and
- (e) a policy for recall to prison of prisoners released on a temporary release licence.

(3) A scheme prescribed under paragraph (1) must not provide for release on a temporary release licence of –

- (a) a prisoner remanded pending trial,
- (b) a convicted prisoner awaiting sentencing,
- (c) a sentenced prisoner remanded pending trial on further charges or for further sentencing, or

(d) a prisoner appealing the prisoner's sentence."

5. In regulation 130 of the principal Regulations –

(a) at the end of paragraph (2)(a), delete "and",

(b) after paragraph (2)(b), insert "and" and the following subparagraph –

"(c) in the case of a sample required from a prisoner on a temporary release licence, failure or refusal to provide a sample would be a breach of conditions in the scheme and might lead to recall of the prisoner to prison.",

(c) after paragraph (3)(a), delete "and", and

(d) after paragraph (3)(b), insert "and" and the following subparagraph –

"(c) in the case of a sample required from a prisoner on a temporary release licence, may give the prisoner instructions to attend the prison to provide the sample."

6. In paragraph 1(1)(a) of Schedule 5 to the principal Regulations, immediately after "the Ordinance", insert ", other than a licence issued in accordance with a scheme for early conditional release of prisoners prescribed in a Prison Order issued under regulation 75A".

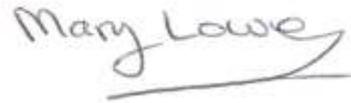
**Citation.**

7. These Regulations may be cited as the Prison (Guernsey) (Amendment) Regulations, 2020.

**Commencement.**

8. These Regulations come into force on the 1<sup>st</sup> April, 2020.

Dated this 1<sup>st</sup> day of April, 2020



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Deputy Mary M. Lowe  
President  
Committee for Home Affairs  
For and on behalf of the Committee.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Prison (Guernsey) Regulations, 2013 ("**the principal Regulations**") to provide for schemes to be prescribed in Prison Orders for the release of prisoners on a temporary release licence under section 30 of the Prison (Guernsey) Ordinance, 2013.

Schemes may include procedures, restrictions and limitations for the grant of an early conditional release, licence conditions, an electronic tagging and monitoring

scheme and a policy for recall of prisoners released under the scheme.

These Regulations would allow the Governor to issue a Prison Order setting out an early conditional release scheme and a scheme for the temporary release for prisoners in the event of an emergency such as the current Covid-19 emergency. Such a scheme might require the electronic tagging and monitoring of prisoners released under the scheme.

These Regulations come into force on the 1<sup>st</sup> April, 2020.