



GUERNSEY STATUTORY INSTRUMENT

2021 No. 51

The Prison (Guernsey) (Amendment) Regulations, 2021

<i>Made</i>	<i>10th May, 2021</i>
<i>Coming into operation</i>	<i>14th May, 2021</i>
<i>Laid before the States</i>	<i>, 2021</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 them 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 set out in regulations 2 and 3.

2. For regulation 82 of the principal Regulations, substitute the following regulations –

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

^b G.S.I. No. 58 of 2013; amended by Ordinance No. IX of 2016; G.S. I. No. 39 of 2016; No. 28 of 2017; No. 57 of 2018; and Nos. 37 and 49 of 2020.

"Restrictions on possession, etc. of certain prohibited things and related items.

82. A prisoner must not have in the prisoner's possession or keep in the prisoner's cell or any other part of the prison –

- (a) any controlled drug or medicinal product, except where authorised in writing by a member of the healthcare team under regulation 63,
- (b) any intoxicating liquor or tobacco product, or
- (c) any thing that appears to be made or adapted for smoking or for the production of intoxicating liquor.

Restrictions on possession, etc. by direction of the Governor.

82A. (1) The Governor may by written direction prohibit a prisoner from having in the prisoner's possession or keeping in a cell or any other part of the prison any thing, if the Governor is of the opinion that the prohibition –

- (a) is necessary on a permissible ground, and
- (b) is proportionate to what is sought to be achieved.

(2) Without limiting the generality of paragraph (1), the Governor may by written direction prohibit a prisoner from keeping in a cell any thing of a specified kind or description if, in the opinion of the Governor, the thing is incompatible with the size of the cell.

(3) For the avoidance of doubt, a prisoner must not have in the prisoner's possession, or keep in a cell or any other part of the prison, any thing prohibited by a written direction issued under paragraph (1) or (2).

Prison Orders may authorise possession, etc.

82B. Subject to regulations 82 and 82A, a prisoner may have in the prisoner's possession or keep in the prisoner's cell or any other part of the prison, any thing approved by or under Prison Orders for that purpose."

3. In regulation 83(3) of the principal Regulations, for paragraph (a), substitute the following paragraph –

"(a) regulations 82, 82A and 82B,".

Citation.

4. These Regulations may be cited as the Prison (Guernsey) (Amendment) Regulations, 2021.

Commencement

5. These Regulations shall come into force on the 14th May, 2021.

Dated this 10th day of May, 2021



Deputy Robert Prow
President of the 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 clarify the restrictions currently set out in regulation 82 of the principal Regulations.

Regulation 2 of these Regulations substitutes regulation 82 of the principal Regulations with new regulations 82, 82A and 82B.

The new regulation 82 of the principal Regulations prohibits prisoners from possessing or keeping certain prohibited things such as controlled drugs or medicinal products, unless authorised in writing by a member of the healthcare team.

The new regulation 82A of the principal Regulations authorises the Governor to issue written directions to prevent prisoners from possessing or keeping any thing specified in those directions. This power includes the power to prohibit a prisoner from keeping any thing in a cell if the Governor believes it is incompatible with the size of the cell. A prisoner must not possess or keep any thing prohibited under these directions.

The new regulation 82B of the principal Regulations authorises prisoners to possess or keep any thing approved by Prison Orders, subject to any prohibitions under new regulation 82 or 82A.

Regulation 3 of these Regulations makes a consequential amendment to regulation 83(3) of the principal Regulations.

These Regulations will come into force on the 14th May, 2021.