



Tuvalu

PRISONS REGULATIONS

G.N.112/52 2, of 1969, L.N.32/76, L.N.11/90



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Arrangement of Sections

Section

PART I PRELIMINARY	5
PART II - PRISON MEDICAL OFFICERS	5
PART III - PRISON ADMINISTRATION	6
CIVIL PRISONERS AND UNCONVICTED CRIMINAL PRISONERS	10
PART IV - DIETARY	11
PART V - MISCELLANEOUS	11

Supporting Documents

ENDNOTES	15
Table of Legislation History	15
Table of Renumbered Provisions	15
Table of Endnote References	15



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PRISONS ORDINANCE 1985

Commencement [Date]

PART I PRELIMINARY

1. These Regulations may be cited as the Prisons Regulations.

PART II - PRISON MEDICAL OFFICERS

2. The prison medical officer shall examine at frequent intervals the washing and sanitary arrangements to see whether they are in proper working order. Any defect shall be reported to the officer in charge immediately.
3. The prison medical officer shall ensure that all prisoners who complain of illness or are sick are examined and treated.
4. The prison medical officer shall visit all often as possible every prisoner under restraint, cellular confinement or penal diet, and any other prisoners to whom his attention is specially directed, and shall report to the officer in charge.
5. The prison medical officer shall at least once a week inspect every part of the prison, for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the prisoners and shall report to the officer in charge.

6. Whenever the prison medical officer is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, he shall report his opinion and the grounds thereof, in writing, to the officer in charge who shall forthwith forward the particulars of the case to the Superintendent of Prisons, who shall forthwith report the case for the orders of the Minister.
7. The prison medical officer shall notify the officer in charge of all cases of dangerous illness.
8. The prison medical officer shall keep —
 - (i) all necessary books in connection with sick prisoners;
 - (ii) a record of the death of any prisoner which shall contain the following particulars —
 - (a) at what time the deceased was taken ill;
 - (b) when the illness was first notified to the medical officer;
 - (c) the nature of the disease;
 - (d) when the prisoner died;
 - (e) an account of the appearances after death (in cases where a post-mortem examination is made) together with any special remarks that appear to him to be required.
9. The prison medical officer shall report to the officer in charge any case of a prisoner whose mental health appears likely to become impaired by continued imprisonment.
10.
 - (1) The prison medical officer shall report immediately to the officer in charge any cases of contagious or infectious diseases and shall make any recommendations that appear to be necessary.
 - (2) The officer in charge shall comply with all the recommendations of the prison medical officer which are practicable and may remove any contagious or infectious prisoner to a place that has not been declared a prison.

PART III - PRISON ADMINISTRATION

11. Prisoners shall be classified as follows —
 - (i) First Class, which shall comprise convicted criminal prisoners.

- (ii) Second Class, which shall comprise criminal prisoners not convicted other than prisoners committed for contempt of court or for want of sureties to keep the peace.
 - (iii) Third Class, which shall comprise civil prisoners and shall include prisoners committed for contempt of court or for want of sureties to keep the peace.
12. On admission a prisoner shall —
- (i) be provided with suitable clothing;
 - (ii) bathe after being issued with soap;
 - (iii) except in the case of female prisoners, have his hair cut;
 - (iv) if so required wash his own clothes which thereafter shall be marked and placed in safe custody.
13. Every prisoner shall be allotted accommodation according to his class as far as accommodation permits, and no prisoner shall change his accommodation or any equipment which may be issued to him without permission.
14. Prisons throughout Tuvalu shall be unlocked at 5.30 a.m. each morning except in inclement weather or for any other reason on which account the officer in charge considers it necessary to defer the time to unlock.
- 15.
- (1) Immediately after breakfast, work parties shall be marshalled and distributed for work.
 - (2) The hours of work shall be in accordance with instructions issued by the Superintendent of Prisons. They shall not be less than 8 or more than 9 hours per day, provided that where prisoners are employed on task work their work shall cease on the completion of each task.
 - (3) At 5 p.m. work inside the prison shall cease. Outside gangs shall cease work in time for them to reach the prison by 5 p.m.
16. Except under special circumstances, which shall be reported to the Superintendent of Prisons, Sundays, Christmas Day and Good Friday shall be observed as days of rest. On such days opportunities for exercise shall be afforded to prisoners.
17. In wet weather prisoners shall not be sent to work away from the prison until such time as the officer in charge deems it advisable.
18. Where sufficient warder-staff is available, no warder shall be given charge of more than 5 prisoners in an isolated working party outside the prison. When prisoners are working in large parties, the proportion of warders to prisoners shall be at the discretion of the officer in charge.

19. If at any time it shall appear that it is desirable for the maintenance of good order and discipline or in the interests of a prisoner that he should not be employed in associated work, the officer in charge may arrange for him to work temporarily in a cell and not in association. A note of the circumstances shall be made in the prisoner's record and in the prison journal.
20. At 5.45 p.m. the roll call shall take place and by 6 p.m. the prisoners shall be locked up for the night by the senior subordinate officer on duty.
21.
 - (1) All prisoners' garments shall be clearly marked with the prisoner's number.
 - (2) Habitual offenders and others shall wear such distinguishing mark as the Superintendent of Prisons may decide.
22. During the week-end ail prisoners shall be given an opportunity of washing their clothing.
23. All prisoners shall be given daily opportunity of bathing between work and supper.
24. Every prisoner shall have his hair cut at such times and in such fashion as the officer in charge may direct and shall be shaved twice in every week:

Provided that no prisoner who does not so desire shall have his hair cut or be shaved within 1 month of the date of his discharge. And further provided that the hair of female prisoners shall not be cut unless it is essential in the interests of health or cleanliness.
25. All cells shall be thoroughly swept, cleaned and disinfected every morning, and shall be white-washed as often as may be required.
26. A supply of clean drinking water and a clean drinking vessel shall be provided in every ward and cell.
27. When weather conditions permit, the blankets and sleeping mats of prisoners shall be placed in the sun for airing. At noon after being well shaken they will be neatly folded and returned to the cells or wards. At such prisons where disinfectors are available, mats and blankets should be disinfected as often as may be required.
28. Prisoners employed on sedentary occupations or in cellular confinement shall be required to take exercise in the open air daily for at least an hour, unless the medical officer shall, in any particular case, otherwise direct.
29. Physical training and literary or other instruction may be given at the discretion of the officer in charge. Special regard shall be given to the rudiments of hygiene, both in instruction and in practice.

- 30.
- (1) Opportunities for services and religious instruction shall be afforded on Sundays and other holy days to prison ministers of religion. Attendance at religious services shall be voluntary.
 - (2) A prisoner, on admission, shall be asked to state his religious denomination.
- 31.
- (1) Every letter to or from a prisoner shall be read by the officer in charge of the prison or by a prison officer deputed by him, and if the contents are considered objectionable, it shall either not be forwarded or be forwarded with the objectionable part erased, as the officer in charge may think fit.
 - (2) When it is found necessary to withhold an out-going letter from a prisoner on account of objectionable matter therein, he may be given an opportunity of rewriting it, omitting the objectionable matter.
 - (3) An incoming letter addressed to a prisoner and containing matter which is considered objectionable may be delivered to the prisoner with the objectionable matter omitted.
 - (4) Letters, in or out, shall be of a reasonable length, and consist of not more than 2 octavo pages.
 - (5) The officer in charge shall keep a record in each prisoner's record-sheet of all letters written and received by him, and shall also note therein any action with regard to withholding or returning letters for alteration or re-writing.
 - (6) Letters addressed by prisoners to officers of the public service shall be forwarded through the officer in charge and at his discretion.
32. Subject to the provisions of the Ordinance, no prisoner shall communicate with any person without the permission of the officer in charge and no prisoner shall accept in any manner or convey into a prison any prohibited article.
33. Special arrangements may be made by the Superintendent of Prisons to facilitate visits by indigent relatives to long-term prisoners whose sentences on remission extend from 7 years upwards, and it shall be a duty of the officer in charge to recommend deserving cases to the Superintendent of Prisons.
- 34.
- (1) Every prisoner shall be subject to search on leaving and entering a prison or workshop and a proportion of all gangs shall be thoroughly searched on entering and leaving a prison.

- (2) All cells, wards and other parts of the prison shall be searched at regular intervals at the discretion of the officer in charge, and not less than once a fortnight. The officer in charge shall prescribe the manner of search and shall arrange that searching does not avoidably interfere with labour.
- 35.
- (1) Every punishment awarded shall be recorded in the offending prisoner's record, and the offence for which it was imposed and such other particulars as the Superintendent of Prisons shall require.
- (2) In the case of punishments which require confirmation by the Superintendent of Prisons such confirmation shall be recorded by signature of the Superintendent of Prisons or by letter or telegram duly confirmed.
- (3) Such evidence shall be recorded as shall be required by the Superintendent of Prisons.
36. The use of handcuffs and leg-irons, whether inside or outside the prison and when on transfer, shall be in the discretion of the officer in charge, who shall instruct the police officer or the warder in charge of the escort, and enter his instructions on the marching orders at the time when such orders are given.
37. The Superintendent of Prisons shall direct the manner in which prisoners may be safeguarded.
38. Whenever it shall appear to the officer in charge that in order to prevent a prisoner from injuring himself or others, or for any other cause which shall seem to him adequate or reasonable, he may order such prisoner to be placed under mechanical restraint, and notice thereof shall forthwith be given to the Superintendent of Prisons and the medical officer.
39. The officer in charge shall submit to the Superintendent of Prisons particulars of those prisoners whose cases are due for consideration under section 59; and such particulars shall be sent in at least a month before the report is due.
40. Discharged prisoners may be accommodated in the precincts of the prison, at the discretion of the officer in charge, and may receive rations at Government expense till such time as is most convenient for them to set out for their homes.

CIVIL PRISONERS AND UNCONVICTED CRIMINAL PRISONERS

41.

- (1) Civil prisoners and unconvicted criminal prisoners shall, except where otherwise provided in these Regulations, be subject to these Regulations.
- (2) A civil prisoner or an unconvicted criminal prisoner when not at exercise shall remain in his cell or ward but shall be eligible for employment if he so desires outside his cell, provided that he is not thereby brought into close contact with convicted criminal prisoners.
- (3) A civil prisoner or an unconvicted criminal prisoner shall not be compelled to have his hair cut or be shaved unless the medical officer certifies this to be necessary.
- (4) Civil prisoners and unconvicted criminal prisoners shall exercise daily for such periods as the circumstances of the prison allow and during such periods may associate together in an orderly manner.

PART IV - DIETARY

42. Rations shall be supplied to prisoners in accordance with the scale laid down from time to time by the Minister upon the advice of the Senior Medical Officer.
43. The hours of meals shall be as follows —
Breakfast: 6.30 a.m.
Lunch: 12.00 noon to 1.00 p.m.
Supper: 5.15 p.m.
44.
 - (1) The officer in charge may, in case of necessity and in consultation with the medical officer, vary the scale of diet or replace any item of diet, as circumstances require. Any such change shall be reported to the Superintendent of Prisons and the Senior Medical Officer.
 - (2) In the case of an individual prisoner the dietary prescribed may be increased, reduced or otherwise varied by the officer in charge on the recommendation of the medical officer. All such alterations shall be entered daily in the Hospital Diet Sheet or Food Ledger of the prison.

PART V - MISCELLANEOUS

45. The officer in charge or other prison officer deputed by him shall subject to the provisions of the Ordinance —

- (1) visit and inspect daily all wards, cells, yards, workshops, kitchens, latrines and other parts of the prison and every cell or other place in which any prisoner is undergoing punishment or special discipline or charged with any offence and, as far as practicable, shall see every prisoner every day, visit daily all prisoners while employed at labour, and in default of such daily visits and inspection he shall record in his journal how far he has omitted them and the cause for such omission:

Provided that the officer in charge himself shall carry out such an inspection not less than twice weekly or in his absence shall arrange for an officer to carry out such inspections;

- (2) take every precaution to prevent the escape of prisoners, and shall take care that all prison officers under his charge shall be thoroughly acquainted with their duties in this respect and are vigilant in the performance of them;
- (3) require and receive daily while in the prison reports accounting for the number of prisoners in his custody and the work on which they are engaged;
- (4) assure himself that the prison is unlocked and locked up at the prescribed times and that prisoners go to their work punctually and in an orderly manner under proper escort;
- (5) arrange for the proper employment of the prisoners;
- (6) at least once a week make a surprise visit to every part of the prison between sunset and sunrise and shall record the result of such visit;
- (7) see new prisoners as early as possible, and satisfy himself that they are properly committed to his custody;
- (8) without delay call the attention of the medical officer to any prisoner whose state of body or mind appears to require attention, and shall carry into effect the recommendations of the medical officer in regard to such prisoner in so far as they are consistent with prison discipline and rules;
- (9) without delay notify the medical officer of the illness of any prison officer or prisoner, and shall assure himself that adequate arrangements have been made for all sick prisoners and for their safe custody;
- (10) upon the death of a prisoner immediately inform the Superintendent of Prisons and arrange for the inquest. The Minister shall be informed so that he may inform the relatives. The magistrate's findings shall be reported to the Superintendent of Prisons without delay;
- (11) impress upon his staff the dangers of trafficking and its seriousness;

- (12) hear reports daily while in prison and adjudicate on cases without delay;
- (13) ensure that any prisoner having a complaint or a request to prefer shall be heard, and redress any legitimate grievance, or take such steps as may be necessary to effect a remedy;
- (14) enter in a book, to be called the Prisoners' Complaint Book, all complaints, requests and any action taken thereon;
- (15) bring to the notice of the Superintendent of Prisons as early as possible any complaint which any prison officer wishes to make to the Superintendent of Prisons, together with any observations he may have to make;
- (16) forward to the Superintendent of Prisons any report or complaint against an officer with which he is not competent to deal;
- (17) inform visiting justices of the name of any prisoner who wishes to see them;
- (18) ensure that every prisoner under punishment for a prison offence is Visited not less than twice daily by a prison officer;
- (19) report monthly to the Superintendent of Prisons every occasion on which a prison officer is punished for any offence, stating the offence and the punishment awarded, and enter the same in the officer's record;
- (20) keep, or cause to be kept, a journal in which shall be recorded any events outside strictly routine matters, as well as the number of prisoners unlocked and locked up daily;
- (21) ensure that all warders in his care maintain proper discipline among themselves and the prisoners; that they maintain and wear their clothing in a clean and proper manner and condition and impress upon them the necessity of a proper attitude towards all prisoners in their charge;
- (22) make provision for physical exercise for all prisoners engaged on sedentary occupations; and for physical and mental recreation and instruction of all prisoners;
- (23) on receiving information from the medical officer that a prisoner is seriously ill and not expected to live, take steps to inform the Superintendent of Prisons and the relatives of such prisoner;
- (24) use his best endeavours to promote the well-being of the prisoners committed to his custody and, when need be, assist as far as possible in their rehabilitation on discharge;
- (25) take all necessary steps to assist prisoners in reaching their homes;

- (26) be responsible for all accounts, stores, furniture, tools, clothing, arms and ammunition and for all other things and materials kept in the prison;
 - (27) maintain such books and records as the Superintendent of Prisons shall direct, and be responsible for the safe custody of all records, warrants, money and other articles taken from prisoners on their admission;
 - (28) have special regard to juveniles and lunatic prisoners and take such steps as may be necessary to separate each class from the other and from other prisoners;
 - (29) ensure that the finger-print apparatus is kept in a clean and ready condition, and ensure that the officer detailed for finger-print duty is thoroughly conversant with his work;
 - (30) ensure that all clerical work is properly carried out, and render such returns as the Superintendent of Prisons may direct.
46. The provisions of the Public Service Regulations (Amendment) Regulations 1984 as amended from time to time relating to retirement on grounds of age shall apply to the retirement of all prison officers.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References