

CHAPTER 304

THE PRISONS ACT.

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CHAPTER 304

THE PRISONS ACT.

Commencement: 1 July, 1958.

An Act to consolidate the law relating to prisons, and to provide for the organization, powers and duties of prison officers, and for matters incidental thereto.

PART I—PRELIMINARY.

1. Application.

(1) This Act shall apply to all prisons administered by the Government, all prisoners lawfully held in those prisons and to all members of the Uganda Prisons Service.

(2) Nothing in this Act shall be deemed to render unlawful the detention of prisoners in prisons or lockups maintained by the administration of a district or a police force if the prisoners are lawfully detained in those prisons or lockups in a lawful manner.

(3) The Minister may by statutory order apply all or any of the provisions of this Act or any statutory instruments made under this Act to any prison or lockup administered by the administration of a district or by the police or to any prisoner or class of prisoner detained in any such prison or lockup or to any person employed in the control or administration of any such prison.

(4) The Minister may by statutory order revoke or vary any order made under subsection (3).

(5) The Minister in any order made under subsection (3) or (4) or by a subsequent order may provide that in the application of any provision of this Act or any statutory instruments made under it to any prison or lockup or to any prisoner or class of prisoner or to any person employed in the control or administration of any prison that the provision shall be subject to such adaptions and modifications as he or she may think necessary.

2. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “aggravated prison offence” means an offence declared to be such under rules made under this Act;
- (b) “appellant prisoner” means any convicted criminal prisoner who is detained in a prison as a result of a conviction which is the subject matter of an appeal notice of which has been accepted but the decision in regard to which has not been given but does not mean a convicted criminal prisoner who has made an election under section 40(5) of the Criminal Procedure Code Act;
- (c) “assistant commissioner” means an assistant commissioner of prisons;
- (d) “civil prisoner” means any prisoner other than a criminal prisoner;
- (e) “commissioner” means the Commissioner of Prisons;
- (f) “convicted criminal prisoner” means any criminal prisoner under sentence of a court or court-martial and includes a person detained in prison under sections 12 to 28 of the Magistrates Courts Act;
- (g) “court” means any court or authority entitled to pass a sentence in a criminal case or to order a person to be detained in custody in any case;
- (h) “criminal prisoner” means any person duly committed to custody under the writ, warrant or order of any court exercising criminal jurisdiction or by order of a court-martial;
- (i) “deputy commissioner” means the deputy commissioner of prisons;
- (j) “judge” means a judge of the High Court;
- (k) “junior prison officer” means a prison officer of a class declared by the Minister to be a junior prison officer;
- (l) “justice of the peace” means a justice of the peace appointed under the Justices of the Peace Act;
- (m) “magistrate” means a magistrate presiding over a court established under the Magistrates Courts Act;
- (n) “medical officer” means either the district medical officer of the district or area in which the prison is situated or, in his or her absence, any registered or licensed Government medical practitioner or the medical officer appointed to a prison if a medical officer has been so appointed;
- (o) “minor prison offence” means an offence declared to be such

- under rules made under this Act;
- (p) “officer in charge” means the prison officer appointed by the commissioner to be in charge of any prison and, in prisons where no such prison officer has been appointed, includes a police officer or administrative officer in charge of a prison;
 - (q) “prison” means a prison established under the provisions of this Act;
 - (r) “prison officer” means any member of the prisons service of whatever rank;
 - (s) “prisoner” means any person, whether convicted or not, under detention in any prison;
 - (t) “prohibited article” means an article the introduction or removal of which into or out of a prison is prohibited by this Act or by any rules made under this Act;
 - (u) “senior prison officer” means a prison officer of a class declared by the Minister to be a senior prison officer;
 - (v) “service” means the Uganda Prisons Service.

PART II—CONSTITUTION AND ADMINISTRATION OF THE UGANDA PRISONS SERVICE.

3. Establishment of the service.

There shall be established a Uganda Prisons Service.

4. Commissioner of Prisons.

(1) The administration of the service and the control and supervision of all prisoners shall be vested in the commissioner subject to the directions of the Minister.

(2) The commissioner may, subject to this Act, from time to time make standing orders and give administrative directions for the observance of all prison officers carrying out their duties under the provisions of this Act.

5. Power of deputy and assistant commissioner.

Any act or thing which may be done, ordered or performed by the commissioner may be done, ordered or performed by the deputy commissioner or by an assistant commissioner.

PART III—POWERS, DUTIES AND PRIVILEGES OF PRISON OFFICERS.

6. General powers and duties of prison officers.

Every prison officer shall exercise such powers and perform such duties as are by law conferred or imposed on prison officers of his or her class and shall obey all lawful directions in respect of the execution of his or her office which he or she may from time to time receive from his or her senior officers.

7. Responsibility of officer in charge for stores, etc.

Every officer in charge shall be charged with the arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison and prison officers under his or her control, and with all public money for which he or she may be held accountable, and also subject to this Act with all valuables, money, articles of clothing and other property entrusted to his or her keeping as being the property of prisoners, and shall account for the same in case of their being lost or damaged, otherwise than by unavoidable accident, theft, robbery or actual service.

8. Cases where prison officers have the powers and privileges of police officers.

Within a prison and while in charge of prisoners and for the purpose of conveying any person to or from a prison, or for the purpose of apprehending any prisoner who may have escaped from a prison or who may have escaped while being conveyed to or from a prison, every prison officer shall have all the powers, protection and privileges of a police officer.

9. Arrest of deserters.

Any prison officer may, on reasonable suspicion that any person is a deserter from the service, arrest the person without warrant and shall forthwith take him or her before a magistrate.

10. Power to examine persons or vehicles for prohibited articles.

(1) Any prison officer may examine anything within or being brought in or out of a prison and may stop and search any vehicle or person within a prison or going in or out of a prison, or whether within or without a prison

any person who or any vehicle which is without authority close to a prisoner if he or she has reason to suspect that the person or vehicle is carrying a prohibited article or any property belonging to the Government in use in a prison.

(2) The senior officer on duty in a prison may refuse admission to the prison to any person who is not willing to be searched.

(3) The senior officer on duty in a prison may order any person within a prison who refuses to be searched to leave the prison and if the person refuses to leave may order his or her removal.

(4) If on stopping and searching any vehicle or person under subsection (1) a prison officer finds any prohibited article or any property belonging to the Government in use in a prison, he or she may arrest the person or the person on the vehicle who appears to have charge of the article or property and shall as soon as practicable cause the person to be made over to a police officer or to be taken to the nearest police station in accordance with section 10 of the Criminal Procedure Code Act.

(5) Any search of a woman under this section shall be made by another woman with due regard to decency.

11. Use of force, weapons and firearms by prison officers.

(1) A prison officer may use such force against a prisoner as is reasonably necessary in order to make the prisoner obey lawful orders he or she refuses to obey or in order to maintain discipline in a prison.

(2) A prison officer may use weapons against any prisoner escaping or attempting to escape; except that—

(a) resort shall not be had to the use of any weapon unless the prison officer has reasonable ground to believe that he or she cannot otherwise prevent the escape; and

(b) a firearm shall not be used against a prisoner unless the prison officer has first given a warning to the prisoner that he or she is about to fire upon him or her and the warning goes unheeded.

(3) A prison officer may use weapons against any prisoner—

(a) engaged in any combined breaking out or in any attempt to force or break open the outside door or gate or enclosure wall of the

prison, and may continue to use the weapons so long as the combined breaking out is actually being prosecuted;

- (b) using violence to any prison officer or other person if the prison officer has reasonable ground to believe that the prison officer or other person is in danger of life or limb, or that other grievous harm is likely to be caused to him or her; or
- (c) engaged with others in riotous or threatening behaviour and refuses to desist when called upon.

(4) Notwithstanding subsections (2) and (3), no prison officer shall use any weapon against a prisoner in the presence of his or her superior officer except under the orders of the superior officer.

(5) The use of any weapon under this section shall, as far as possible, be to disable and not to kill.

12. Power to take photographs and fingerprints of criminal prisoners.

(1) An officer in charge shall cause photographs and fingerprints to be taken of any prisoner by any prison officer or other person authorised by the commissioner to take photographs or fingerprints.

(2) The Identification of Offenders Act shall apply to the taking of fingerprints under this section.

13. Salaries of certain officers not to be liable to attachment.

No salary or other allowance paid to a junior prison officer shall be liable to be attached, sequestered or levied upon for or in respect of any debt or claim for any money borrowed by him or her or any goods supplied to him or her or any person on his or her behalf while the prison officer is serving as a prison officer.

14. Nonliability for act done under authority of a warrant.

(1) Where the defence to any suit instituted against a prison officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court or other competent authority, the court shall, upon production of the warrant and upon proof that the act complained of was done in obedience to the warrant, enter judgment in favour of the prison officer.

(2) No proof of the signature on a warrant shall be required unless the court has reason to doubt the genuineness of the signature; and where it is proved that the signature is not genuine, judgment shall nevertheless be given in favour of a prison officer if it is proved that, at the time the act complained of was committed, he or she believed on reasonable grounds that the signature was genuine.

PART IV—OFFENCES BY PRISON OFFICERS.

15. Prison officers not to leave the service without permission.

(1) No prison officer shall leave the service, withdraw himself or herself from duty or be absent without leave unless expressly permitted to do so by the commissioner or by some other prison officer authorised to grant the permission.

(2) Any prison officer who leaves the service, withdraws himself or herself from duty, is absent without leave or deserts commits an offence and is liable on conviction by a magistrate to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding twelve months or to both.

(3) No person shall be guilty of an offence under this section who leaves the service on completion of the period of his or her engagement.

16. Assault, etc. on officer senior in rank.

Any prison officer who assaults, threatens or insults any officer senior to him or her in the service, when the senior officer is on duty or when the assault, threat or insult relates to or is consequent upon the discharge of duty by the officer so assaulted, threatened or insulted, commits an offence and is liable on conviction by a magistrate to imprisonment for a period not exceeding six months or to a fine not exceeding one thousand shillings or to both.

17. Miscellaneous offences by prison officers.

Every prison officer who without lawful authority—

- (a) knowingly suffers any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions, letter, document or other article to be sold to or received from or used by or on

- behalf of any prisoner;
- (b) lends or gives to any prisoner any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions, letter, document or other article;
 - (c) knowingly suffers any letter, document or other article to be brought out of any prison, or to be conveyed from any prisoner; or
 - (d) without the permission of the commissioner informs the press or any other person of any matter concerning a prison or a prisoner or any matter derived from official sources connected with or related to the service,
- commits an offence and is liable on conviction by a magistrate to imprisonment for a period not exceeding nine months or to a fine not exceeding two thousand shillings or to both.

18. Other offences.

(1) No prison officer or any person with any duty with prisoners shall sell or supply or receive directly or indirectly any benefit or advantage from the sale or supply of any article to or for the use of any prisoner or for the use of any prison, nor shall any such officer or person directly or indirectly have any interest in any contract or agreement for the sale or supply of any such article.

(2) No prison officer or any person with any duty with prisoners shall directly or indirectly have any pecuniary interest in the purchase of any prison supplies, or receive any discounts, gifts or other consideration from contractors for or sellers of such supplies or have any pecuniary dealing with prisoners or with their friends with regard to them or on behalf of any prisoner hold any unauthorised communications with any person.

(3) Any prison officer or person who contravenes this section commits an offence and is liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding two thousand shillings or to both.

19. Prison officers not to be members of trade unions.

(1) No prison officer shall be a member of or attend any meeting of any trade union or other association the object or one of the objects of which is to control or influence salaries, wages, pensions or conditions of service

of prison officers or any other class of persons.

(2) Nothing in subsection (1) shall be deemed to prohibit prison officers becoming members of any prison officer's staff association approved by statutory instrument by the Minister.

(3) Any prison officer who contravenes subsection (1) commits an offence and on conviction by a magistrate is liable to a fine not exceeding two thousand shillings.

20. Prison officers not to engage in dealings with prisoners.

(1) No prison officer shall receive any fee or gratuity from or have any business dealings with prisoners or discharged prisoners or with friends of visitors or with visitors to a prison.

(2) No prison officer shall correspond with or hold any intercourse with the friends or relatives of any prisoner, unless expressly authorised so to do by the officer in charge.

(3) No prison officer unless so authorised by the commissioner shall give any certificate or testimonial to, or in respect of, any prisoner as regards his or her conduct in prison or otherwise.

(4) No prison officer, except in accordance with this Act or in accordance with orders or directions issued by the commissioner, shall convey any communication or article to or from any prisoner.

(5) Any prison officer who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months or to both.

21. Search of prison officers.

(1) Any prison officer may at any time be searched on the orders of a prison officer senior in rank to him or her.

(2) The officer in charge may at any time order the quarters occupied by a prison officer to be searched by a prison officer senior in rank to that officer.

22. Power of officers holding disciplinary inquiries.

(1) Every prison officer inquiring into a disciplinary offence alleged to have been committed by a prison officer shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry and to adjourn any hearing from time to time.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons or on adjournment or refuses to answer any question lawfully put to him or her commits an offence and is liable on conviction by a magistrate to a fine not exceeding one hundred shillings or to imprisonment for a term not exceeding one month; except that no witness shall be obliged to answer any question which may tend to incriminate him or her or render him or her liable to any forfeiture or penalty.

(3) Any person summoned as a witness under this section shall be entitled to be paid from public funds such sum as is allowed to witnesses when attending the court of a magistrate.

PART V—ESTABLISHMENT AND CONTROL OF PRISONS.

23. Declaration of prisons.

(1) The Minister may, by statutory instrument, declare any building, enclosure or place or any part of a building, enclosure or place to be a prison for the purposes of this Act, and may in the like manner declare that any prison shall cease to be a prison for the purposes of this Act.

(2) Every prison shall include the grounds and buildings within the prison enclosure and also any other grounds or buildings belonging or attached thereto and used by prisoners or the staff of the prison.

(3) In any writ, warrant, or other legal instrument in which it may be necessary to describe a particular prison, any description designating a prison by reference to the name of the place or town where it is situated, or other definite description, shall be valid and sufficient for all purposes.

24. Temporary prisons.

Whenever—

- (a) it appears to the commissioner that the number of prisoners in any prison is greater than can be conveniently kept in the prison and that it is not convenient to transfer the excess number to some other prison; or
- (b) owing to the outbreak of epidemic disease within a prison or for any other reason, it is desirable to provide for temporary shelter or safe custody of any prisoners,

provision shall be made as the commissioner, with the approval of the Minister, may direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison, and every such temporary prison shall be a prison for the purposes of this Act.

25. Officers in charge.

(1) In every prison there shall be an officer in charge of the prison who shall be designated the officer in charge.

(2) In any place where there is a prison but no prison officer has been appointed to be in charge of the prison, the officer in charge of the police of the place, if that officer is of or above the rank of inspector, shall be in charge of the prison, and if there is no such police officer, the administrative officer in charge of that place or any administrative officer deputed by him or her shall be in charge of the prison.

(3) The police officer or administrative officer designated under subsection (2) shall be subject to the orders and directions of the commissioner and shall, subject to any express limitations which may be imposed on him or her by the commissioner in writing, have all the powers conferred by law upon an officer in charge.

(4) Every officer in charge shall supervise and control all matters in connection with the prison to which he or she is appointed, and shall keep or cause to be kept such records as the commissioner may from time to time direct and shall be responsible to the commissioner for the conduct and treatment of prison officers and prisoners under his or her control, and for the due observance by prison officers and prisoners of the provisions of this Act and of all rules, directions and orders made under it.

26. Appointment of police officers to perform the duties of prison officers.

(1) Where in any prison the number of prison officers detailed for duty in the prison is insufficient to secure the good management and government of the prison, the officer in charge of the prison may, with the consent of the Inspector General of Police, employ temporarily such number of police officers as he or she may consider necessary to perform the duties of prison officers in the prison.

(2) Every police officer appointed under subsection (1) shall thereupon have all the powers and perform in the prison all the duties of a prison officer of the class to which the officer in charge shall appoint him or her and, for the purposes of this Act, shall be deemed to be a prison officer.

(3) Where on the removal of any prisoner from any prison the staff of warders is insufficient to provide escort for the prisoner, the officer in charge of the prison from which the prisoner is to be removed may deliver the prisoner to any police officer who may be detailed for that duty, and thereupon the police officer shall have the same powers and be subject to the same responsibilities, discipline and penalties and to the same authorities as a prison officer would have and be subject to in like circumstances.

27. Matrons and female prisoners.

In every prison in which female prisoners are imprisoned there shall be a woman prison officer who shall have the care and superintendence of the female prisoners, and who shall be responsible for their discipline.

28. Medical officers.

(1) There shall be a medical officer stationed in or responsible for every prison.

(2) The medical officer shall be responsible for the health of all prisoners in a prison and shall cause all prisoners to be medically examined at such times as shall be prescribed.

PART VI—ADMISSION, CONTROL AND DISCHARGE OF PRISONERS.

29. Prisoners in custody of officers in charge.

(1) Every prisoner confined in any prison shall be deemed to be in the lawful custody of the officer in charge of the prison.

(2) Every officer in charge shall keep and detain all persons duly committed to his or her custody by any court or other competent authority, according to the provisions of the warrant or order by which the person has been committed, or until the person is discharged by due course of law.

(3) A prisoner who is being removed or transferred from one prison to another or while he or she is working or is for any other reason outside the prison shall—

- (a) be kept in the custody of the prison officer directed to convey or escort him or her; and
- (b) be deemed to be in the lawful custody of the officer in charge of the prison at which that prison officer is serving.

(4) Subject to such conditions as may be prescribed, the infant child of a female prisoner may be received into prison with its mother and may be supplied with clothing and necessaries at public expense.

30. Detention of remand prisoners.

Every person remanded to any prison by any court or other competent authority charged with any crime or offence shall be delivered to the officer in charge together with the warrant of commitment, and the officer in charge shall detain the person according to the terms of the warrant and shall cause the person to be delivered to the court or competent authority, or shall discharge the person at the time named in and according to the terms of the warrant.

31. Custody of persons under arrest.

Every person arrested in pursuance of any warrant or order of any court or other competent authority, if the court is not sitting, may be delivered to an officer in charge for custody, and the officer in charge shall cause the person to be brought before the court or other competent authority at its next sitting.

32. Prisoners required as witnesses.

(1) Subject to section 98 of the Magistrates Courts Act and section 37 of the Trial on Indictments Act, whenever the presence of any person confined in a prison is required by any court or other competent authority, the court or competent authority may issue an order addressed to the officer in charge requiring production before the court or other competent authority of the person in proper custody at the time and place to be named in the order; and that officer in charge shall cause the person named in the order to be brought up as directed, and shall provide for his or her safe custody during his or her absence from prison, and every such court or competent authority may by endorsement on the order require the person named in the order to be again brought up at any time to which the matter in which the person is required may be adjourned.

(2) A prisoner taken from a prison in pursuance of an order made under this section shall, while outside the prison, be kept in such custody as the officer in charge may direct and while in that custody shall be deemed to be in lawful custody.

33. Prisoners to be subject to prison discipline.

Every prisoner shall be subject to prison discipline and to all laws, orders and directions relating to prisons and prisoners during the whole time of his or her imprisonment, whether he or she is or is not within the precincts of any prison.

34. Petitions.

Every prisoner may petition the President, but in exercising that right shall address the President through the commissioner.

35. Maintenance of certain prisoners from private sources.

(1) A civil or unconvicted criminal prisoner may be permitted to maintain himself or herself and to purchase or receive from private sources at proper hours food, clothing or other necessaries, but subject to examination and to such other conditions as the commissioner may direct.

(2) No food, clothing or other necessaries belonging to a civil or unconvicted criminal prisoner shall be given, hired, loaned or sold to any

other prisoner; and any prisoner transgressing the provisions of this section shall be liable to lose the privilege of purchasing or receiving food, clothing or other necessaries from private sources for such time as the officer in charge may think proper.

(3) If a civil or unconvicted criminal prisoner does not provide himself or herself with food or clothing, or if such food or clothing is in the opinion of the officer in charge unsatisfactory, the prisoner shall receive the regular food and clothing.

36. Certain prisoners to be treated as unconvicted criminal prisoners.

When a sentence of imprisonment imposed on any prisoner requires confirmation by the High Court and the prisoner elects to postpone serving the sentence until the High Court makes a confirming or other order, the prisoner shall, between the date of the election and the making of the confirming or other order, be treated as an unconvicted criminal prisoner.

37. Female prisoners to be kept apart.

Male and female prisoners shall be confined in separate prisons or in separate parts of a prison in such manner as to prevent, as far as practicable, their seeing or conversing or holding any intercourse with each other.

38. Prisoners may be removed to any prison.

(1) Prisoners on being sentenced, or during confinement, may be removed to any prison established under this Act at the commissioner's discretion.

(2) Prisoners shall if practicable be released from a prison situated in the area to which the prisoner belongs.

39. Removal of prisoners of unsound mind.

(1) Whenever a medical officer or officer in charge is of the opinion that any prisoner is of unsound mind, he or she shall take all necessary action to procure his or her adjudgment under the Mental Treatment Act.

(2) If a magistrate adjudges the prisoner to be a person of unsound mind, the prisoner shall be removed so soon as convenient from the prison

and confined in a mental hospital.

(3) Whenever any prisoner removed to a mental hospital is entitled to be discharged in accordance with the Mental Treatment Act, the medical superintendent in charge of the mental hospital shall notify the officer in charge of the prison from which the prisoner was removed and the prisoner shall be delivered into his or her custody if still liable to be confined in prison, and if not so liable, be released.

(4) The period during which the prisoner has been detained in the mental hospital shall be reckoned as part of his or her term of imprisonment.

40. Removal of sick prisoners to hospital.

(1) In the case of illness of a prisoner confined in a prison in which there is no suitable accommodation for the prisoner, the officer in charge, on the advice of the medical officer, may make an order for his or her removal to a hospital.

(2) In cases of emergency a removal under subsection (1) may be ordered by the officer in charge without the advice of the medical officer.

(3) Any prisoner who has been removed to a hospital under this section shall be deemed to be under detention in the prison from which he or she was so removed.

(4) Whenever the medical officer in charge of a hospital considers that the health of a prisoner removed to the hospital under this section no longer requires his or her detention in the hospital, he or she shall notify the officer in charge who shall thereupon cause the prisoner to be brought to the prison if he or she is still liable to be confined in prison.

(5) Every reasonable precaution shall be taken by the medical officer in charge of a hospital and the other officers and employees of the hospital to prevent the escape of any prisoner who may at any time be under treatment in the hospital, and those officers and employees may take such measures for the preventing of escape of any such prisoner as shall be necessary; except that nothing shall be done under the authority of this section which in the opinion of the medical officer in charge of the hospital is likely to be prejudicial to the health of such a prisoner.

41. Measures for further security of prisoners in hospital.

Where in any case from the gravity of the offence for which any prisoner may be in custody or for any other reason the officer in charge considers it desirable to take special measures for the security of the prisoner while under treatment in a hospital, he or she may give such prisoner into the charge of fit and proper persons, not being less than two in number, one of whom shall always be with the prisoner day and night, and those persons shall be vested with full power and authority to do all things necessary to prevent the prisoner from escaping and shall be answerable for his or her safe custody until such time as he or she is handed over to the officer in charge on his or her discharge from the hospital or until such time as his or her sentence expires, whichever may first occur.

42. Removal of leper prisoners to leper settlements.

(1) Where a prisoner confined in a prison appears to the commissioner on the certificate of a medical officer to be a leper, the commissioner may, subject to subsection (2), by order in writing direct his or her removal to any leper settlement, there to be kept and treated until cured of his or her leprosy or until such time as he or she ceases to be liable to confinement in prison, whichever time is the earlier.

(2) No order shall be made by the commissioner under subsection (1) until he or she has received notification in writing that the person in charge of the leper settlement to which he or she wishes to remove the leper prisoner is able and willing to receive the prisoner.

(3) So long as any prisoner who has been removed to a leper settlement under this section shall remain in the settlement and remain liable to confinement in prison, the person in charge of the settlement shall from time to time transmit to the officer in charge of the prison from which the prisoner was removed a certificate signed by him or her that it is in his or her opinion necessary that the prisoner should remain in the settlement.

(4) So soon as, in the opinion of the person in charge of any leper settlement, it is no longer necessary that any prisoner who has been removed to the settlement should remain in the settlement, if the prisoner is still liable to confinement in prison, he or she shall transmit to the officer in charge of the prison from which the prisoner was removed, a certificate stating that the necessity has ceased, and thereupon the officer in charge shall forthwith

cause the prisoner to be brought back to the prison if he or she is still liable to be confined in the prison.

(5) Every reasonable precaution shall be taken by the person in charge of a leper settlement and the other persons employed in it to prevent the escape of any prisoner who may at any time be under treatment in the settlement, and those persons may take such measures for preventing the escape of any such prisoner as shall be necessary; except that nothing shall be done under the authority of this section which in the opinion of the person in charge of the settlement is likely to be prejudicial to the health of such a prisoner.

(6) For the purpose of this section, "leper" means a person suffering from active leprosy.

43. Prison officer not liable for escape of prisoners in hospital, etc.

If any prisoner escapes during such time as he or she is in any hospital, mental hospital or leper settlement, no prison officer shall be held answerable therefor, unless the prisoner shall have been in the personal custody of that officer, and no medical officer, person in charge of a leper settlement or other person shall be held answerable therefor unless it can be shown that the medical officer has helped the prisoner to escape or has wilfully neglected to take reasonable precautions to prevent his or her escape.

44. Employment of prisoners and abolition of hard labour.

(1) Every sentence of imprisonment, whether the sentence was one of imprisonment with hard labour or simple imprisonment, passed upon any criminal prisoner shall subject the prisoner during the term of the sentence to be imprisoned and to work at such labour as may be directed by the officer in charge with the general approval of the commissioner, and so far as practicable the labour shall take place in association or outside cells.

(2) Notwithstanding any other Act, no person shall be sentenced by a court to imprisonment with hard labour; and every law conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring a power to pass a sentence of imprisonment for a term not exceeding a term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any law provides that a person

sentenced to imprisonment or committed to prison is or may be directed to be treated to any special form of imprisonment, it shall cease to have effect.

(3) The medical officer may order any prisoner to be excused from labour or to perform light labour, and any prisoner ordered to perform light labour shall be required to work on any labour for which he or she is considered fit by the medical officer.

45. Employment of civil and unconvicted criminal prisoners.

(1) Civil and unconvicted criminal prisoners shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean. Other employment may be given to them at their own request.

(2) Appellant prisoners shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean and perform such classes of labour as the commissioner, with the approval of the Minister, shall direct.

46. Release of prisoners.

(1) The officer in charge shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release.

(2) No prisoner under treatment by the medical officer shall be discharged from prison except at his or her own request until, in the opinion of the medical officer, the discharge can be effected without danger to the health of the prisoner.

(3) All prisoners shall be discharged before noon on the date on which they are entitled to be released, but should that date fall on a Sunday or any public holiday, they shall be released before noon on the day preceding the Sunday or public holiday.

PART VII—REMISSION OF SENTENCES.

47. Remission of part of sentence of certain prisoners.

(1) Convicted criminal prisoners sentenced to imprisonment whether by one sentence or consecutive sentences for a period exceeding one month, may by industry and good conduct earn a remission of one-third of the remaining period of their sentence or sentences.

(2) For the purpose of giving effect to subsection (1), each prisoner on admission shall be credited with the full amount of remission to which he or she would be entitled at the end of his or her sentence or sentences if he or she lost or forfeited no such remission.

(3) A prisoner may lose remission as a result of its forfeiture as a punishment for an offence against prison discipline and shall not earn any remission in respect of any period—

- (a) spent in a hospital through his or her own fault or while malingering; or
- (b) while undergoing confinement as a punishment in a separate cell.

(4) The commissioner may recommend to the Advisory Committee on the Prerogative of Mercy established under article 121(1) of the Constitution that it should advise the President to grant a further remission on special grounds.

(5) The commissioner shall have power to restore forfeited remission in whole or in part.

(6) For the purpose of calculating remission of a sentence, imprisonment for life shall be deemed to be twenty years imprisonment.

48. Habitual criminals to be released on licence only.

(1) Any habitual criminal sentenced to imprisonment whether by one sentence or consecutive sentences for three years or more who is released under section 47 shall be released on licence.

(2) Any licence granted under subsection (1) shall be granted by the commissioner and shall authorise the prisoner to be at large in Uganda or in any other territory with the government of which reciprocal arrangements have been made under subsection (8) or in any such part of Uganda or other territory as shall be specified in the licence, and the commissioner may revoke or alter the licence at his or her discretion.

(3) Every licence granted under this section shall be in the prescribed form and shall be granted subject to the prescribed conditions; except that the commissioner may waive any conditions in the case of any particular prisoner.

(4) If a prisoner released on a licence granted under this section is convicted of any offence or fails to comply with any of the conditions of his or her licence by any act or omission that is not of itself an offence, he or she shall be liable on conviction before a magistrate to imprisonment for a period not exceeding three months and to have his or her licence forfeited by order of the magistrate.

(5) Where any licence under this section is forfeited or revoked, the prisoner whose licence is forfeited or revoked shall, after undergoing any other punishment to which he or she has been sentenced undergo a further term of imprisonment equal to the portion of his or her imprisonment as remained unexpired at the date of his or her release on licence, calculated without any remission previously earned or granted.

(6) Whenever a licence is revoked by the commissioner, any magistrate shall, on the production to him or her of a certificate of such revocation signed by the commissioner, issue a warrant for the apprehension of the person to whom the licence was granted; and that person on being apprehended shall be brought before the magistrate or some other magistrate exercising jurisdiction in the same area who shall make out his or her warrant for the recommitment of that person to prison to undergo the residue of his or her sentence as remained unexpired at the date of his or her release under licence calculated without remission previously earned or granted.

(7) Whenever a licence is forfeited by order of a magistrate under subsection (4), the magistrate shall make out a warrant for the recommitment of that person to prison to undergo the residue of his or her sentence as remained unexpired at the date of his or her release under licence calculated without any remission previously earned or granted.

(8) The Minister may by statutory order declare any other territory to be a territory with the government of which reciprocal arrangements have been made by the Uganda Government for the surrender of persons whose licences have been revoked.

(9) Whenever a warrant has been issued under subsection (6) for the apprehension of a person whose licence has been revoked, the magistrate issuing the warrant may forward it for execution to any court having jurisdiction in such other territory.

(10) Any warrant issued by a court having jurisdiction in such other territory for the apprehension of a person who, in such other territory, has been released on licence and whose licence has been subsequently revoked may be executed in Uganda in the same manner and subject to the same conditions as if Part II of the Extradition Act applied to the warrant.

(11) For the purpose of this section, “habitual criminal” means a person who has been sentenced on four separate occasions to imprisonment for any offence contained in Chapters XXV to XXXVIII inclusive of the Penal Code Act or for any offence of a similar nature under customary law or for any attempt or conspiracy to commit any such offence.

49. Review of sentences.

The commissioner shall submit to the Advisory Committee on the Prerogative of Mercy established under article 121(1) of the Constitution a report on the general condition and conduct of every prisoner undergoing imprisonment for life or for a term exceeding seven years, at the end of every four years of the imprisonment or at such lesser period as the advisory committee or the commissioner considers desirable.

50. Release on parole.

(1) A prisoner serving a sentence of imprisonment for a period of four years or more may be allowed by the commissioner within three months of the date he or she is due for release on conditions and for reasons approved by the commissioner to be temporarily absent from prison on parole for a stated length of time which shall not be greater than fourteen days.

(2) The commissioner or an officer in charge may at any time recall a prisoner released on parole.

(3) Any prisoner who fails to return to prison on the completion of the period of his or her parole or when informed that he or she has been recalled under subsection (2) commits an offence and may be arrested without warrant and is liable on conviction to the same punishment as if he or she had escaped from prison.

(4) A prisoner when released on parole who contravenes the conditions imposed upon him or her commits an offence and is liable on conviction to imprisonment for a period not exceeding six months.

PART VIII—OFFENCES BY PRISONERS.

51. Prison offences.

(1) The Minister may prescribe by rules what acts or omissions by prisoners shall be deemed to be prison offences and shall prescribe which of the offences shall be minor prison offences and which shall be aggravated prison offences.

(2) Rules made under this section shall prescribe the manner in which the offences shall be tried.

52. Punishment of prisoners by officers in charge.

(1) An officer in charge, if he or she is a senior prison officer or any police officer designated as officer in charge, may punish any prisoner found after due inquiry by him or her to be guilty of a minor prison offence by awarding him or her one or more of the following punishments—

- (a) confinement in a separate cell on the prescribed punishment diet for a term not exceeding such period as may be prescribed;
- (b) forfeiture of remission not exceeding such amount as may be prescribed;
- (c) reduction in stage or forfeiture of privileges or postponement of promotion in stage or forfeiture of all or part of earnings, or removal from the earnings scheme or reduction in earnings grade for such period as may be prescribed.

(2) An officer in charge, if a junior prison officer, may punish any prisoner found after due inquiry by him or her to be guilty of a minor prison offence by awarding him or her one or more of the following punishments—

- (a) confinement in a separate cell on the prescribed punishment diet for a term not exceeding such period as may be prescribed;
- (b) reduction in stage or forfeiture of all privileges or postponement of promotion in stage or forfeiture of all or part of earnings, or removal from the earnings scheme or reduction in earnings grade for such period as may be prescribed.

(3) An officer in charge, if a senior prison officer or any police officer designated as officer in charge, may punish any prisoner found after due inquiry by him or her to be guilty of an aggravated prison offence by

awarding him or her one or more of the following punishments—

- (a) corporal punishment with a cane not exceeding such amount as may be prescribed;
- (b) confinement in a separate cell on the prescribed punishment diet for a term not exceeding such period as may be prescribed;
- (c) forfeiture of remission not exceeding such amount as may be prescribed;
- (d) reduction in stage or forfeiture of privileges or postponement of promotion in stage or forfeiture of all or part of earnings or removal from the earnings scheme or reduction in earnings grade for such period as may be prescribed.

53. Punishment of prisoners by the commissioner.

(1) The commissioner may punish any prisoner found after due inquiry by him or her to be guilty of a prison offence.

(2) An officer in charge on finding a prisoner guilty of an aggravated prison offence may, if he or she is of the opinion that in the circumstances of the case or because of the prisoner's character the powers of punishment he or she possesses are inadequate, transfer the case to the commissioner for punishment.

(3) An officer in charge if he or she transfers a case to the commissioner under subsection (2) shall forward to the commissioner—

- (a) a copy of the charge;
- (b) the record of all the evidence he or she has taken, including the evidence of the prisoner;
- (c) the reasons why he or she has found the prisoner guilty; and
- (d) any representations the prisoner wishes to make to the commissioner in regard to punishment.

(4) The commissioner on receipt of a record forwarded to him or her under subsection (3) may—

- (a) punish the prisoner;
- (b) reverse the findings of the officer in charge and find the prisoner not guilty;
- (c) require the officer in charge to take further evidence and submit it to him or her prior to his or her making a decision.

(5) The commissioner may award a prisoner one or more of the

following punishments—

- (a) corporal punishment not exceeding such amount as may be prescribed;
- (b) confinement in a separate cell on the prescribed diet for such period as may be prescribed;
- (c) forfeiture of remission not exceeding such amount as may be prescribed;
- (d) reduction in stage or forfeiture of privileges or postponement of promotion in stage or forfeiture of all or part of earnings or removal from the earnings scheme or reduction in earnings grade for such period as may be prescribed.

(6) In this section and in section 52, “reduction in stage” means the removal of a prisoner to a lower stage in the prescribed progressive stage system.

54. Punishment of prison offences by magistrates.

Any prisoner may be charged before a magistrate with any offence against prison discipline, and the magistrate may on convicting the prisoner award any of the punishments mentioned in section 53 and, in addition or in lieu of those punishments, may award imprisonment for a period not exceeding six months to run consecutively with the sentence then being served; except that no proceedings shall be taken against any prisoner in respect of any matter for which he or she has been punished under this Act.

55. Prisoner’s defence.

No prisoner shall be punished for a prison offence until he or she has had an opportunity of hearing the charge against him or her and making his or her defence.

56. Medical examination before punishment.

(1) No prisoner shall be subjected to a punishment diet or corporal punishment until certified as medically fit to undergo it by a medical officer or other person appointed for such purpose by the medical officer.

(2) A punishment diet shall not be combined with labour.

57. Corporal punishment.

(1) Where corporal punishment is awarded the number of strokes shall not exceed such amount as may be prescribed and shall be inflicted with such type of cane as may be prescribed.

(2) Every sentence of corporal punishment imposed upon a prisoner by an officer in charge shall be subject to confirmation by the commissioner who may increase or reduce the number of strokes ordered to be inflicted or may substitute any other punishment or punishments as he or she is authorised by this Act to award.

(3) No sentence of corporal punishment shall be carried out until twenty-four hours have elapsed from the time of the order of the sentence nor until a medical officer has certified that the offender is physically fit to undergo the punishment.

(4) A medical officer may give such orders for the prevention of injury to the health of the offender ordered to receive corporal punishment as he or she may deem necessary.

(5) The orders given under subsection (4) shall be carried out before the punishment is inflicted; and if, during the course of the infliction of the punishment, the medical officer shall order it to be discontinued, it shall be discontinued accordingly.

(6) Corporal punishment shall not be inflicted upon any female prisoner, or upon male prisoners under sentence of death or over the age of forty-five years, or upon any civil prisoner or on any prisoner imprisoned as a vagrant.

58. Segregation of a prisoner.

Whenever it appears to the officer in charge that it is desirable for the good order and discipline of the prison for a prisoner to be segregated and not to work or be located in association with other prisoners, the officer may order the segregation of the prisoner for such period as may be considered necessary.

59. Register of punishments.

The officer in charge shall cause to be entered in a register to be open to the inspection of the visiting justices a record of all punishments imposed upon prisoners showing in respect of each prisoner punished, his or her name, the nature of his or her offence and the extent of his or her punishment.

60. Prisoner may be detained in order to complete punishment.

Any punishment lawfully imposed on a prisoner under this Act or any rules made under this Act may be carried into effect notwithstanding that the carrying into effect of the punishment may necessitate the detention of the prisoner beyond the date at which he or she would have otherwise been entitled to be discharged from prison; except that the period of detention shall not exceed forty-eight hours, the period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged.

PART IX—OFFENCES IN RELATION TO PRISONERS.

61. Trafficking.

Any person without lawful authority who—

- (a) conveys, supplies or causes to be supplied or conveyed to any prisoner whether within or without a prison or hides or places for his or her use any letter or document or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions or any other article whatsoever;
- (b) brings or attempts to bring by any means whatever into any prison, or places or attempts to place where prisoners labour any letter or document, or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing or provisions;
- (c) brings or attempts to bring out of any prison or conveys from any prison any letter or document; or
- (d) communicates with any prisoner without lawful authority, commits an offence and is liable on conviction to imprisonment for a period not exceeding one year or to a fine not exceeding two thousand shillings or to both such imprisonment and fine.

62. Prohibited articles.

(1) Any person who without lawful authority brings or introduces in any manner into a prison a prohibited article or who without lawful authority takes out or removes from a prison a prohibited article commits an offence and is liable on conviction to imprisonment for six months or to a fine of one thousand shillings or to both such imprisonment and fine.

(2) For the purposes of this section, a prohibited article shall be any article contained in a list fixed in a conspicuous place outside every prison which shall be signed by the commissioner or by the officer in charge on his or her behalf and which shall contain a list of articles which the commissioner has decided shall be prohibited.

(3) The list referred to in subsection (2) shall be written in English, Swahili and the language which the officer in charge considers to be the local vernacular.

63. Seizure of prohibited articles, etc.

Whether or not any criminal or disciplinary proceedings are commenced against any person, any prison officer may seize any article found to be unlawfully in a prison, and the commissioner may order its confiscation and forfeiture.

64. Trespassing.

(1) Any person who without lawful authority enters or remains within the boundaries of a prison or any place where prisoners are working commits an offence and if he or she refuses to leave when requested to do so may be arrested by a prison officer or a police officer.

(2) Any person convicted of an offence under subsection (1) is liable to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

65. Unlawful possession of prison articles.

Any person who is found in possession of any article which has been supplied to any prison officer for use on duty, or of other prison property and who fails to account satisfactorily for the possession of it, or who without due

authority purchases or receives any such article or property from any prison officer or who aids or abets any prison officer to sell or dispose of any such article or property, commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

66. Incitement and abetting of desertion, mutiny and sedition.

(1) Any person who by any means directly or indirectly procures or persuades, or attempts to procure or persuade, any prison officer to desert, or who aids, abets or is accessory to the desertion of any prison officer or who, having reason to believe that any person is a deserter, harbours the deserter, or aids him or her in concealing himself or herself, or assists in his or her rescue, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand shillings or to both such imprisonment and fine.

(2) Any person who, directly or indirectly, instigates, commands, counsels, or solicits any mutiny, sedition or disobedience to any lawful command of a prison officer to any other prison officer, or maliciously endeavours to seduce any prison officer from his or her allegiance or duty, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

67. Harbouuring prisoners.

Any person who knowingly harbours in or about his or her house, lands or otherwise, or who knowingly employs any person under sentence of imprisonment and illegally at large commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

68. General penalty.

Any person who contravenes this Act or any rules made under it commits an offence and, if no penalty is specially provided, is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both.

69. Power to prosecute under other law not affected.

Nothing in this Act shall exempt any prisoner or other person from being

prosecuted under any other Act or law for the time being in force for any offence made punishable by this Act, or from being liable under any other Act or law to any other or higher penalty or punishment than is provided for the offence by this Act; except that no person shall be tried twice for the same offence.

PART X—MISCELLANEOUS.

70. Disposal of deceased's estate.

(1) The commissioner shall cause to be kept a personal record of every prison officer and every prisoner, and shall cause to be recorded in that record the name or names of the person or persons to whom in the event of the death of the prison officer or prisoner without having made a valid will, any money or other personal property should be paid or delivered.

(2) If any prison officer dies while in the service or a prisoner dies while in custody, a report of the death shall be made to the district commissioner of the area in which any person entitled to any part of that money or property resides, and the district commissioner shall cause the money or property to be paid or delivered to the person or persons nominated by the prison officer or prisoner under subsection (1); but in any case where the commissioner considers that the money and other personal property could be handled more conveniently by the Administrator General, the commissioner shall deliver the money and property to the Administrator General, who shall likewise cause the money or property to be paid or delivered to the person or persons nominated by the prison officer or prisoner under subsection (1).

(3) Any person having in his or her charge or control any pay, gratuity, allowance or other monies or personal property belonging to a prison officer or prisoner who dies while in the service or in custody, as the case may be, shall pay or deliver the same to the district commissioner or the Administrator General, as the case may be, who shall dispose of the same in accordance with subsection (2).

71. Appointment of prison ministers.

(1) The Minister may, from time to time, appoint by statutory instrument ministers or priests of any religious faith to be prison ministers.

(2) The commissioner shall make standing orders for the guidance of the prison ministers who may receive such remuneration or reimbursement of their expenses as may be prescribed.

72. Appointment and powers of visiting justices.

(1) The Minister shall, from time to time, appoint by statutory instrument fit and proper persons to be visiting justices for each prison.

(2) The district commissioner, the chief magistrates and resident magistrates and all administrative officers in any area in which a prison is situate shall be ex officio visiting justices of that prison.

(3) A visiting justice may at any time visit a prison in respect of which he or she is a visiting justice; but a female visiting justice shall not visit that part of a prison set aside for the detention of male prisoners.

(4) A visiting justice may inspect the several wards, cells, yards, punishment cells and other apartments and divisions of the prison, inspect and test the quality and quantity of the prisoner's food, hear the complaints, if any, of the prisoners, and question any prisoner or prison officer, and shall ascertain so far as possible whether this Act and the rules made under it and the prison standing orders are adhered to, and shall call the attention of the officer in charge to any irregularity that may be observed in the working of the prison or in the treatment of any prisoner confined in it, and shall exercise and perform such other duties as may be prescribed.

(5) The visiting justices for any prison may appoint a chairperson and may act as a board of visiting justices and may at the end of each year or at any other convenient time render a report to the commissioner on the state of the prison for which they are visiting justices.

73. Powers of members of Cabinet, judges and magistrates.

(1) A member of the Cabinet or a judge may at any time he or she thinks fit enter into and examine the condition of any prison and of the prisoners in it and may question any prisoner or prison officer, and may enter any observations he or she thinks fit to make in reference to the condition of the prison in a visitor's book to be kept for that purpose by the officer in charge.

(2) The officer in charge shall inform the commissioner of any observations so entered in the visitor's book.

(3) Every magistrate and justice of the peace shall have the same powers as a member of the Cabinet or a judge in respect of any prison within his or her jurisdiction.

74. Rules.

The Minister may make rules for any of the purposes of this Act and may, by rule, provide for—

- (a) the classification of prisons and prisoners into categories, and their separation accordingly;
- (b) the duties and responsibilities of prison officers, including the duties and responsibilities of particular classes of such officers;
- (c) the duties and powers of visiting justices;
- (d) the duties of medical and dental officers, the medical inspection of prisons and prisoners and the prevention of contagious diseases in prisons;
- (e) the safe custody, management, organisation, hours, mode and kind of labour and employment, clothing, maintenance, instruction, discipline, treatment, restraint, correction and discharge of prisoners;
- (f) the provision of a suitable diet and dietary scales, including punishment diets for prisoners and prescribing conditions under which such diet and scale may be varied;
- (g) the construction, description, equipment and supervision of cells and wards;
- (h) the payment of prisoners for work done while in prison;
- (i) the establishment of a prisons rewards and fines fund and the method of administration of the fund by the commissioner;
- (j) the establishment of prisoners aid associations and societies in connection with discharged prisoners and the appointment of officers responsible for the aftercare of prisoners;
- (k) the medical examination, measuring, photographing and taking of fingerprint impressions or other records of prisoners confined in any prison or otherwise detained in custody, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories; and the persons, if any, to whom such measurements, photographs, fingerprint impressions

- or other records are to be sent or supplied;
- (l) the execution of condemned prisoners;
 - (m) the disposal of products of prison labour;
 - (n) the disposal of prisoner's property left unclaimed for a prescribed period, including its sale and the disposal of the proceeds of the sale;
 - (o) the manner in which the remission of sentences shall be calculated;
 - (p) anything which by this Act may or is to be prescribed, and generally for the effective administration of this Act, and for the good management and government of prisons and the prisoners therein whether in, about or beyond the limits of the prisons.

History: Cap. 313; S.I. 135/1968, s. 2; Act 1/1970; Act 13/1970, s. 241; Decree 28/1971; Constitution of 1995.

Cross References

- Constitution of 1995.
 - Criminal Procedure Code Act, Cap. 116.
 - Extradition Act, Cap. 117.
 - Identification of Offenders Act, Cap. 119.
 - Justices of the Peace Act, Cap. 15.
 - Magistrates Courts Act, Cap. 16.
 - Mental Treatment Act, Cap. 279.
 - Penal Code Act, Cap. 120.
 - Trial on Indictments Act, Cap. 23.
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