

PRISONS ORDINANCE 1950-1960.*

An Ordinance relating to Prisons.

PART I.—PRELIMINARY.

Short title
and citation.
Short title
amended :
No. 17, 1938,
s. 4.
Commencement.

1. This Ordinance may be cited as the *Prisons Ordinance* 1950-1960.*

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Repeal.

3.—(1.) The Prison Act, 1869 the Police Prisons Act, 1905 and section four of Act number 15 of 1842 of the State of South Australia, shall cease to apply to the Territory.

(2.) The Ordinances specified in the Schedule to this Ordinance are repealed.

Parts.

4. This Ordinance is divided into parts as follows:—

Part I.—Preliminary (Sections 1-5).

Part II.—Administration (Sections 6-11).

Part III.—Prisons (Sections 12-13).

Part IV.—Visiting Justices (Sections 14-15).

Part V.—Custody and Removal of Prisoners (Sections 16-29).

Part VI.—Prison offences (Sections 30-34).

Part VII.—Miscellaneous (Sections 35-41).

Definitions.

5. In this Ordinance, unless the contrary intention appears—

“Comptroller” means the Comptroller of Prisons appointed under this Ordinance;

“Officer” means any prison officer appointed under this Ordinance;

“Regulations” means regulations made under this Ordinance.

* The *Prisons Ordinance* 1950-1960 comprises the *Prisons Ordinance* 1950 as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date of Assent by Administrator.	Date of Commencement.
<i>Prisons Ordinance</i> 1950 ..	No. 12, 1950	22nd August, 1950 ..	1st January, 1954
<i>Prisons Ordinance</i> 1952 ..	No. 3, 1952	23rd January, 1952 ..	1st January, 1954
<i>Prisons Ordinance</i> 1953 ..	No. 2, 1953	20th February, 1953	1st January, 1954
<i>Prisons Ordinance</i> 1960 ..	No. 3, 1960	2nd September, 1960 ..	2nd September, 1960

† The date fixed was 1st January, 1954—see table above.

PART II.—ADMINISTRATION.

6—(1.) The Administrator may appoint an officer of the Public Service of the Commonwealth or of the Public Service of the Territory to be Comptroller of Prisons.

Comptroller of Prisons.

(2.) Subject to this Ordinance and to the control of the Administrator, the Comptroller shall have the control of all officers and prisons in the Territory.

7.—(1.) The Administrator may from time to time appoint such prison officers as he thinks fit.

Prison officers.

(2.) All appointments of gaolers, chief guards, senior guards or guards made prior to the commencement of this Ordinance shall be deemed to have been appointments of officers made under this Ordinance.

8 Every officer while acting as such, shall by virtue of his appointment be deemed to be a constable and to have all powers and privileges of a constable for the purposes of the performance of his duties as an officer.

Powers of Officers.

9.—(1.) Any officer who is an officer or temporary employee of the Public Service of the Territory and who commits any breach of the provisions of this Ordinance or the Regulations shall be deemed to have committed a breach of the provisions of the *Public Service Ordinance* 1928-1948 and shall be liable to be dealt with and punished in accordance with the provisions of Part IV. of that Ordinance.

Conditions of service of certain officers.

(2.) The provisions of the *Public Service Ordinance* 1928-1948, shall, in relation to the payment of salaries and allowances and the grant of leave and furlough, apply to officers who are officers or temporary employees of the Public Service of the Territory.

10.—(1.) Forthwith after ceasing to hold office, an officer shall deliver to such person, at such time and place, as the Comptroller directs, possession of any house, room, accommodation, equipment or other article which he has held by virtue of his office.

Surrender of premises and equipment.

(2.) A Justice of the Peace, upon information on oath before him, may issue his warrant to a constable to take possession on behalf of the Crown of any house, room, accommodation, or to search for and seize any equipment or article which has not been delivered as directed.

11.—(1.) The Administrator may, by notice in the *Gazette*, appoint a person who is a registered medical practitioner within the meaning of the *Medical Practitioners Registration Ordinance* 1935-1945 to be a visiting medical officer to any prison.

Visiting medical officers. Sub-section (1.) amended by No. 3, 1952, s. 2.

(2.) A visiting medical officer shall have such duties as are prescribed.

Prison Officers
Arbital
Tribunal.
Inserted by
No. 3, 1960,
s. 2.

11A.—(1.) There shall be a Prison Officers Arbitral Tribunal which shall have jurisdiction to hear and determine the conditions of service of prison officers, other than gaolers and chief guards, with respect to—

- (a) salaries;
- (b) cost of living and district allowances;
- (c) hours of duty, including the provision of breaks for meals, and days off duty;
- (d) payment for overtime worked at the direction of the Comptroller or a prison officer authorized for that purpose by the Comptroller;
- (e) allowances to be paid to an officer—
 - (i) whilst travelling on duty;
 - (ii) whilst engaged on special duties;
 - (iii) for performing duties higher than those of the office which an officer holds;
 - (iv) in lieu of the provision of living quarters; and
 - (v) in lieu of the provision of uniforms;
- (f) recreation leave, travelling time and the payment of fares of an officer and of his dependants for purpose of proceeding on and returning from recreation leave;
- (g) long service leave;
- (h) sick leave;
- (i) leave in special circumstances;
- (j) the notification of vacancies and the time within which vacancies shall be filled;
- (k) the payment of the reasonable expenses incurred by an officer in the course of his being transferred from one prison to another;
- (l) the payment of fares of an officer and of his dependants from the Territory to a place within the Commonwealth upon retirement due to age, ill health or physical incapacity; and
- (m) such other matters as the Administrator from time to time refers to the Tribunal.

(2.) The Tribunal shall be constituted by the Judge of the Northern Territory, who shall be Chairman of the Tribunal, and two other persons appointed by the Administrator.

(3.) The members of the Tribunal appointed in pursuance of sub-section (2.) of this section shall be—

- (a) a person nominated by the Administrator; and
- (b) a person elected by the members of the Northern Territory Prison Officers Association and nominated in writing under the hand of the person for the time being performing the duties and functions of Secretary of that Association.

(4.) An appointed member of the Tribunal shall, subject to this Ordinance, hold office for such a term as is specified in the instrument of appointment, not being more than three years, and, on the expiration of his term of office, each person so appointed shall be eligible for re-appointment.

(5.) Upon the publication in the *Gazette* of a notice by—

- (a) the Administrator in the case of an appointed member of the Tribunal nominated by him; or
- (b) a person for the time being performing the duties and functions of the Secretary of the Northern Territory Prison Officers Association, acting pursuant to a resolution passed at a general meeting of the Association, in the case of an appointed member of the Tribunal nominated on behalf of the Association,

that the office of an appointed member of the Tribunal is vacant, such office shall thereupon become vacant accordingly.

(6.) The office of an appointed member of the Tribunal shall also become vacant upon—

- (a) the death of the member;
- (b) the resignation of the member; or
- (c) the absence of the member without leave of the Tribunal from any meeting of the Tribunal.

(7.) Whenever the office of an appointed member of the Tribunal becomes vacant the vacancy shall be filled by the appointment by the Administrator of a person nominated in the same manner as the member whose office becomes vacant.

(8.) There shall be a Secretary to the Tribunal who shall be appointed by the Administrator.

11b.—(1.) The Tribunal shall, at the request of an appointed member of the Tribunal or upon the motion of the Chairman, be summoned by the Chairman by notice sent by post to each appointed member of the Tribunal.

Meetings of
the Tribunal.
Inserted by
No. 3, 1960,
s. 2.

(2.) The notice shall specify the time and place of the meeting of the Tribunal and the matters to be dealt with by the Tribunal at the meeting.

11c. The Chairman and other members of the Tribunal and the Secretary to the Tribunal shall receive such fees and allowances as are fixed by the Administrator.

Fees and
Allowances.
Inserted by
No. 3, 1960,
s. 2.

Agreements.
Inserted by
No. 3, 1960,
s. 2.

11D.—(1.) The Northern Territory Prisons Officers Association may make an agreement with the Administrator relating to the conditions of service of prison officers other than gaolers and chief guards with respect to the matters mentioned in sub-section (1.) of section eleven A of this Ordinance.

(2.) Every agreement made in pursuance of this section shall be in writing and for a term to be specified therein and not exceeding five years from the date of the making thereof.

(3.) The Chairman of the Tribunal shall certify the agreement, unless he is of the opinion that it is not in the public interest that it should be certified.

(4.) The agreement when so certified shall be filed with the Secretary to the Tribunal and shall, thereupon, be of full force and effect according to its terms.

(5.) Every such agreement shall during its continuance be binding on—

(a) the Administrator; and

(b) all prison officers other than gaolers and chief guards.

Continuance of
agreement.
Inserted by
No. 3, 1960,
s. 2.

11E. In default of any express provision to the contrary therein contained, an agreement shall, unless rescinded, and subject to any variation, continue in force after the expiration of the term specified therein, until the expiration of one month after either party thereto has given written notice to the Secretary to the Tribunal and the other party of his desire to terminate it.

Notification of
determination
of Tribunal.
Inserted by
No. 3, 1960,
s. 2.

11F.—(1.) Any determination made by the Tribunal in pursuance of this Ordinance shall be notified in the *Gazette* by a notice that such determination has been made and specifying the place where copies of the determination can be purchased or obtained.

(2.) A determination shall, except to the extent to which it is expressed to come into operation on an earlier or later date, but subject to sub-section (5.) of this section, come into operation on the date of its notification in the *Gazette*.

(3.) When the Tribunal makes a determination under this Ordinance, the Chairman shall forthwith send a copy of the determination to the Administrator.

(4.) The Administrator shall, on the first sitting day of the Legislative Council after he receives a copy of the determination, cause that copy to be laid before the Council.

(5.) If the Legislative Council passes a resolution (of which notice has been given at the meeting of the Council, comprised of one sitting day or a series of sitting days, on one of the sitting days of which a copy of the determination was laid before the Council) disallowing the determination, that determination shall cease to have effect.

(6.) Where a determination is disallowed under this section, the disallowance of the determination shall have the same effect as does the repeal of a regulation.

11G. Any determination made by the Tribunal in pursuance of this Ordinance shall be binding on the Administrator and the prison officers to whom it is expressed to relate and the Administrator and such prison officers shall comply with the provisions of any such determination.

On whom
determination
is binding.
Inserted by
No. 3, 1960,
s. 2.

11H. Until other provision is made by way of agreement or determination under this Ordinance the remuneration or terms and conditions of service of prison officers prescribed from time to time under the provisions of the *Public Service Ordinance 1928-1959* shall continue in force.

Interim
conditions.
Inserted by
No. 3, 1960,
s. 2.

11J.—(1.) Notwithstanding anything contained in this Ordinance, the Tribunal may, on its own motion or on the submission of any person or organization interested in any determination, give an interpretation of any term of an existing determination, and the provisions of this Ordinance shall apply to any such interpretation in like manner as they apply to a determination.

Interpretation
of
determination.
Inserted by
No. 3, 1960,
s. 2.

(2.) Before giving any such interpretation on its own motion the Tribunal shall hear argument on behalf of any person or organization who or which is interested in the determination and is desirous of being heard.

11K.—(1.) For the purpose of this Ordinance, the Tribunal may, by writing under the hand of the Chairman, summon any person to attend the Tribunal at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which the Chairman deems relevant to any proceedings before the Tribunal and which he is required by the summons to produce.

Power to send
for witnesses
and documents.
Inserted by
No. 3, 1960,
s. 2.

(2.) The Tribunal may, in its discretion, on the application of any party to any proceedings before it, by writing under the hand of the Chairman, summon any person to appear as witness before the Tribunal.

Power to
examine upon
oath.

Inserted by
No. 3, 1960,
s. 2.

11L. Any member may administer an oath to any person appearing as a witness before the Tribunal, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath.

Affirmation in
lieu of
oath.

Inserted by
No. 3, 1960,
s. 2.

11M.—(1.) Where any witness to be examined before the Tribunal conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities as an oath.

Penalty for
failing to
attend or
produce
documents.

Inserted by
No. 3, 1960,
s. 2.

11N. If any person served with a summons to attend the Tribunal, when the summons is served personally, fails without reasonable excuse to attend the Tribunal, or to produce any documents, books or writings in his custody or control, which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: Fifty pounds.

Penalty for
refusing to
be sworn or
to give evidence.

Inserted by
No. 3, 1960,
s. 2.

11P. If any person appearing as a witness before the Tribunal refuses to be sworn or to make an affirmation or to answer any question relevant to the proceedings before the Tribunal put to him by any member of the Tribunal, he shall be guilty of an offence.

Penalty: Fifty pounds.

Giving false
testimony.

Inserted by
No. 3, 1960,
s. 2.

11Q. Any witness before the Tribunal who knowingly gives false testimony touching any matter, material to any proceedings before the Tribunal, shall be guilty of an offence.

Penalty: Imprisonment for one year.

Protection of
members of
the Tribunal.

Inserted by
No. 3, 1960,
s. 2.

11R. A member of the Tribunal shall not be personally liable for any act or default of the Tribunal done or omitted to be done in good faith in administering this Ordinance.

PART III.—PRISONS.

12.—(1.) All buildings and premises which are or have been before the commencement of this Ordinance used or appointed under any law in the Territory as public gaols, prisons, houses of correction, labour prisons or penal establishments, and all buildings and premises which after the commencement of this Ordinance are declared to be prisons by the Administrator by notice in the *Gazette*, shall be prisons under this Ordinance. Prisons.

(2.) All prisons shall be used for the reception and safe-keeping of prisoners convicted and sentenced for offences, and for persons imprisoned under, or by virtue of, any order of a court of justice, or otherwise detained by legal authority.

(3.) A prison shall, upon publication in the *Gazette* of a declaration by the Administrator that it is closed, cease to be a prison within the meaning of this Ordinance.

13.—(1.) The Administrator may, by notice in the *Gazette*, appoint any police station premises to be a police prison. Police prisons.

(2.) Subject to this Ordinance and to the control of the Administrator the Comptroller shall have the care, direction and control of all police prisons in the Territory.

(3.) For the purposes of this Ordinance the police officer for the time being in charge of any police station premises shall be deemed to be an officer within the meaning of this Ordinance.

PART IV.—VISITING JUSTICES.

14.—(1.) The Administrator may appoint any Justice of the Peace to be a visiting justice of any prison. Visiting justices.

(2.) The visiting justice shall visit the prison at least once in every month and on such other occasions as the Administrator directs.

(3.) The visiting justice shall—

- (a) inquire into conduct of officers and the treatment and conduct of the prisoners;
- (b) inquire into any abuse or irregularity within the prison;
- (c) hear any complaints which are made to him by any prisoner;

(d) inquire into any matter he thinks fit or as the Administrator directs; and

(e) perform such other duties as are prescribed.

(4.) Within seven days or such further time as the Administrator allows after making his visit, the justice shall forward to the Administrator his report concerning the matters specified in paragraphs (a) to (d) inclusive of the preceding sub-section.

Inability of
visiting justice
to act.

15. If for any reason a visiting justice is unable to make any visit required of him by the preceding section he shall forthwith notify the Administrator in writing of his inability and the reason for it, and the Administrator may appoint another Justice of the Peace to act temporarily as a visiting justice of that prison.

PART V.—CUSTODY AND REMOVAL OF PRISONERS.

Place of
serving
sentence.

16. Every sentence of imprisonment shall, subject to this Ordinance, be served in the prison nearest to the place at which the sentence was imposed or in such other prison as the court which imposes the sentence directs.

Sentence in
Police Prison.

17. When any court imposes a sentence of imprisonment for any term not exceeding seven days, such sentence shall, if the court so directs, be served in the police prison specified in the direction.

Detention in
Police Prison.

18.—(1.) Any person committed for trial or sentence before the Supreme Court may, if the court committing that person thinks fit, be committed to a police prison for such time not exceeding seven days as that court orders.

(2.) If at the end of seven days or such shorter time as the court orders, that person has not been tried, sentenced or otherwise dealt with according to law, the Comptroller shall, as soon as practicable, cause him to be conveyed to a prison and there detained until discharged by law.

Custody of
prisoners.

19. Every prisoner who is—

- (a) confined in a prison or police prison;
- (b) being taken to or from a prison or police prison; or
- (c) working outside or otherwise beyond the precincts of any prison or police prison under the control of an officer or other person thereto authorized by an officer,

shall be deemed to be in the custody of the Comptroller.

Removal of
prisoner for
trial, &c.

20. A prisoner awaiting trial or sentence for an indictable offence or whose presence is required in or before any court or at any inquiry, examination or investigation to answer any

charge, or as a witness or otherwise may, on the order of the Judge of the Supreme Court or the written direction of the Comptroller or officer in charge of a prison or police prison, be removed from one prison or police prison to another prison or police prison or be brought to the court or place where his attendance is required at such time and place as is necessary.

21.—(1.) In the case of illness, a prisoner may be removed from any prison or police prison to any hospital by order of a visiting justice, a visiting medical officer or the officer in charge of a prison or police prison.

Removal of sick prisoners.

(2.) Any prisoner so removed shall, during his treatment in the hospital, be deemed to be in the lawful custody of the person for the time being in charge of the hospital, and the officer for the time being in charge of the prison or police prison from which the prisoner was removed may, if he thinks fit, appoint any officer to take charge of any prisoner while he is under treatment in hospital.

(3.) If upon discharge from hospital, the sentence of imprisonment against him has not expired, the prisoner shall be returned to the prison or police prison to undergo the remainder of the sentence.

22. The Administrator may, in writing to the Comptroller, direct the removal of all or any of the prisoners confined in a prison or police prison to any other prison or police prison, and the Comptroller shall cause the prisoners to be removed accordingly.

Removal of prisoners by Administrator.

23. The officer in charge of a prison or police prison may authorize the temporary removal of a prisoner under sentence of hard labour to any place outside the prison for the purpose of carrying out labour at that place.

Removal of prisoners for employment.

24.—(1.) Any person who, being a prisoner in lawful custody, escapes or attempts to escape from custody, shall be guilty of felony and shall, on conviction, be liable to be imprisoned with or without hard labour for any term not exceeding five years, with or without solitary confinement not exceeding one week at any one time and not exceeding six weeks in any one year, in addition to any term he may be serving at the time of the offence.

Escape of prisoners.

(1A.) Any person who, being a prisoner lawfully imprisoned under any sentence, escapes from lawful custody, shall, upon recapture, in addition to any punishment which may be

Inserted by No. 3, 1960, s. 3.

awarded for the escape, undergo the punishment for which he was imprisoned at the time of the escape for a term equal to the portion of that punishment which was unexpired at the time of his escape.

(2.) A person for the time being in charge of a prisoner shall not, through negligence, permit the prisoner to escape from custody.

(3.) A person shall not, in any manner, aid or attempt to aid a prisoner to escape from custody.

Harbouring
escaped
prisoners.

25. A person shall not knowingly harbour or employ any prisoner who has escaped from custody.

Loitering in
vicinity of
prisons.

26. A person shall not loiter about any prison or police prison after he has been requested to leave that vicinity by an officer or constable.

Delivering
articles to
prisoners.

27.—(1.) Except as allowed by the Regulations, a person shall not deliver or cause to be delivered any article to any prisoner.

(2.) A person shall not attempt to do anything in contravention of the provisions of the last preceding sub-section.

(3.) An officer or constable may arrest without warrant any offender contravening any provision of the last two preceding sub-sections and may keep that offender in custody until he can be admitted to bail or taken before a court to be dealt with according to law.

Assaults by
prisoners.

28. Any person who, being a prisoner in lawful custody, assaults a person authorized by any law or Regulation to visit the prison or police prison or any constable or officer or person lawfully placed in charge of prisoners or any servant employed in the prison or police prison, shall be guilty of a misdemeanour and shall be liable on conviction to be imprisoned for any term not exceeding two years in addition to any term he may be serving at the time of the offence.

Communicating
with prisoners.

29. A person, not being an officer, constable or other person duly authorized, shall not communicate or attempt to communicate with any prisoner.

PART VI.—PRISON OFFENCES.

Punishment
of prison
offences.

30. The Comptroller or a visiting justice may take evidence and examine any prisoner touching anything committed, or done or not done by him, which is declared by the Regulations to be a prison or police prison offence and, if satisfied that the prisoner is guilty of the offence, may sentence him to be punished by being closely or otherwise confined in a dark or light cell, or by being fed on bread and water only, or by both

such punishments for any term not exceeding seven days, or by imprisonment for any term not exceeding one month in addition to any term he may be serving at the time of the offence.

31.—(1.) If, in the opinion of the officer in charge of a prison or police prison, a prisoner has been guilty of a prison or police prison offence attended with circumstances of aggravation owing to its repetition or otherwise, the officer shall forthwith charge the prisoner with that offence and report the charge to a Stipendiary or Special Magistrate who shall, as soon as practicable and in any case within seven days, inquire into the charge and may, if he finds the prisoner guilty, sentence the prisoner—

Aggravated
prison offences.

- (a) to any punishment authorized by section twenty-eight of this Ordinance; or
- (b) to be imprisoned with or without hard labour for any period not exceeding six months, in addition to any term the prisoner may be serving at the time of the commission of the offence; or
- (c) to be once privately whipped; or
- (d) to be kept in solitary confinement for any term not exceeding three months, in periods none of which shall exceed one week and which shall be at intervals of at least one week.

(2.) If, on inquiry under this section, the Stipendiary or Special Magistrate is of opinion that no circumstances of aggravation have been shown to exist he may so find and sentence the prisoner for a prison or police prison offence.

(3.) The number of strokes which may be ordered under paragraph (c) of sub-section (1.) of this section shall not exceed ten and that sentence shall be inflicted with a cane or birch rod.

(4.) A sentence of whipping or of solitary confinement imposed under this section shall not be carried into execution unless confirmed by the Administrator.

(5.) Where a sentence of whipping or solitary confinement under this section is not confirmed, the Stipendiary or Special Magistrate may order, in lieu of the whipping or solitary confinement, such other punishment or imprisonment as may be lawfully imposed for the offence.

32.—(1.) In every inquiry into a charge of a prison or police prison offence, the witnesses called shall be sworn or affirmed in the manner usual in courts of justice.

Trial of
prison offences.

(2.) The Comptroller or the visiting justice shall make, in a book to be kept for that purpose at the prison, a note of the charge and the result of the inquiry.

(3.) If, on the hearing of the inquiry, the Comptroller or visiting justice is of opinion that the evidence discloses the commission of a prison or police prison offence attended with circumstances of aggravation by reason of its repetition or otherwise, the prisoner shall forthwith be charged accordingly and the charge reported forthwith to a Stipendiary or Special Magistrate who shall hear it as soon as practicable and in any case within seven days.

(4.) A Stipendiary or Special Magistrate shall on every inquiry held by him under this Part take down or cause to be taken down in full the evidence given at the inquiry and, unless the evidence has been so taken down, the prisoner may not be found guilty of an offence attended with circumstances of aggravation but may be found guilty of and sentenced for the commission of a prison or police prison offence.

No appeal.

33. There shall be no appeal from any finding, sentence or extension of sentence made or imposed under this Part.

Prisoner
disabling
himself.

34.—(1.) If any prisoner, under sentence of hard labour, in order to evade labour, wilfully disables himself or designedly prevents, or protracts, the cure of any disease or complaint which he has contracted, he shall, upon conviction before the Comptroller or a visiting justice, in addition to being liable to punishment for a prison or police prison offence, have the period of his sentence extended for such further time as, in the opinion of the Comptroller or visiting justice, he has evaded labour.

(2.) In any inquiry under this section, the Comptroller or visiting justice shall take the evidence of any visiting medical officer who is or has been in attendance on the prisoner.

PART VII.—MISCELLANEOUS.

Commencement
and term of
imprisonment.

35.—(1.) Every term of imprisonment shall commence on the day on which it is imposed unless the court otherwise orders or unless the offender was at large on that day in which case the term shall commence on the day of his arrest for the purpose of serving that term.

(2.) Every term of imprisonment expiring on any Sunday, Christmas Day or Good Friday, or exceeding three months and expiring between Christmas Day and the day after New Year's Day, shall be deemed to have expired at noon on the day before every such Sunday, Christmas Day or Good Friday.

Light labour.

36. A prisoner serving a term of imprisonment without hard labour shall perform such moderate work as the officer in charge of the prison or police prison directs.

37.—(1.) An inquest shall be held into the cause of death of any prisoner dying in any prison or police prison. Death of prisoner.

(2.) The inquest shall be held in open court and, whenever possible, shall commence not earlier than two days nor later than seven days after the day of the death.

38. Writs, warrants, orders or other legal instruments describing a prison or police prison by its situation or other definite description, shall be valid by whatever title the prison or police prison is usually known. Validity of instruments.

39. Unless otherwise directed at the time of imposition, any sentence imposed under this Ordinance or the Regulations upon a prisoner shall be cumulative upon any sentence which the prisoner may then be serving and upon any previous uncompleted sentence to which the prisoner has been sentenced under this Ordinance or the Regulations. Punishments cumulative.

40. A person who contravenes or fails to comply with any provision of this Ordinance shall be guilty of an offence against this Ordinance, and may be prosecuted before any court of competent jurisdiction, and that court may, in respect of any such offence for which no other penalty is expressly provided, impose a penalty not exceeding one hundred pounds or imprisonment for six months. Penalty for offence.

41. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular— Regulations. Amended by No. 2, 1953, s. 2.

- (a) for prescribing penalties not exceeding Fifty pounds or imprisonment for three months for offences against the regulations;
- (b) for prescribing the duties of officers;
- (c) for providing for the proper management and control of prisons and police prisons;
- (d) for prescribing the diet, hours of labour and mode of employment of prisoners;
- (e) for providing for the discipline, management and safe custody of prisoners;
- (f) for providing for the classification of offences against the regulations;
- (g) for providing for the allotment to prisoners of marks for good conduct;
- (h) for prescribing the terms and conditions under which a prisoner may earn a partial remission of his sentence; and

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- (i) for providing for the payment to a prisoner, on his discharge from a prison or a police prison, of the sum of Three pence for every good conduct mark earned by him during his term of imprisonment.

THE SCHEDULE.

The Prison Ordinance 1928.
The Prison Ordinance 1929.
The Prison Ordinance 1932.
The Prison Ordinance 1935.