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CHAPTER 20

PRISONS (ADMINISTRATION)

JR 6 of 1945
JR 6 of 1953
JR 20 of 1963
JR 18 of 1966
JR 28 of 1966
JR 12 of 1972
Order 6 of 1983

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PRISONS (ADMINISTRATION)

To provide for the establishment, maintenance and administration of prisons.

1. Interpretation
In this Act "Minister" means the Minister responsible for prisons.

2. Establishment of prisons
The following are declared to be prisons in which persons undergoing sentences of imprisonment or while in legal custody may be confined –

(a) the prison adjoining the ex-British paddock, Port Vila;

(b) the prison in Teouma Road, Port Vila;

(c) the prison in Luganville on the island of Espiritu Santo;

(d) the prison in Lakatoro on the island of Malekula;

(e) the prison in Isangel on the island of Tanna;

(f) the second quarter of the Government house numbered 139 and situated at Rue Colardeau, Port Vila, for the confinement of women.

This list may be altered or added to by Order of the Minister.

3. Minister to maintain and administer prisons
The Minister shall maintain and administer the prisons in the manner set out in this Act and any rules made thereunder. There shall be appointed such prison officers as shall be necessary for their proper administration, who shall be public officers.

4. Prison officers
Prison officers shall include the Superintendent, any members of the Police Force charged with prison duties as wardens, and any other persons appointed to perform prison duties.

5. Superintendent of prisons
There shall be appointed an officer to be the Superintendent of prisons. There shall also be appointed officers to be assistant superintendents.

6. Inspection of prisons
Any prison may be inspected by the Minister or by any other person appointed for this purpose by him.

7. Prison Visiting Commission
(1) The Minister may by Order each year appoint such persons as he thinks fit to constitute a Prison Visiting Commission. The said Order shall nominate the officers of the said Commission.

(2) Each prison shall be visited at least once a year by a Committee consisting of at least three members of the said Commission for the purpose of–

(a) inspecting the fabric, fittings and furnishings of the prison;

(b) ascertaining the physical and mental condition of the prisoners therein;

(c) ascertaining the living conditions of the said prisoners;

(d) ascertaining what and under what conditions work is performed by the said prisoners;

(e) receiving and recording any complaints as to the conditions of the said prison as may be made by any prisoner therein;

(f) ensuring generally that the provisions of this Act are being complied with.

(3) Without prejudice to the provisions of subsection (2) any member of the Prison Visiting Commission may at any time visit any prison or any part thereof for the purposes of subsection (2).

(4) The Visiting Commission shall submit to the Minister a report annually on prisons and may, and any member may, submit such other report as the Visiting Commission or such member may deem necessary.

(5) There shall be kept at every prison a Prison Visitor's Book in which at the conclusion of any visit the Visiting Committee or any member thereof (as the case may be) shall record the visit and such recommendations (if any) as the said Committee or such member may wish to make.

DUTIES OF PRISON OFFICERS

8. Books to be kept

The Superintendent shall keep or cause to be kept the following books–

(a) a prison register in which shall be entered each prisoner's name, the particulars of his imprisonment or sentence, the date of commencement and expiration thereof and the date of his discharge;

(b) a prisoner's property book in which shall be entered all clothing and property, including money, taken from prisoners and how it is disposed of;

(c) a punishment book for the entry of all punishments inflicted upon prisoners.

In addition he shall forward monthly to the Minister a list of offences committed by and punishments inflicted upon prisoners and wardens, with details of the offences committed.

9. Responsibility for the discharge of prisoners

The Superintendent shall be responsible for the discharge of all prisoners in his charge on the correct dates.

10. Treatment of prisoners

It is the duty of all prison officers to treat prisoners with humanity and impartiality, to maintain order and discipline, and to enforce observance of the rules and regulations in regard thereto.

11. Punishment of prisoners

No prisoner shall be punished by any prison officer except on the authority of the Superintendent, and no punishment shall be inflicted except for a prison offence as defined by this Act.

12. Striking of prisoners prohibited

No prison officer shall strike a prisoner except in self-defence or in case of violence or attempted escape on the part of the prisoner.

13. Prisoner may be kept in handcuffs
When necessary for the preservation of order any warder temporarily in charge of a prison may keep in handcuffs any refractory or insubordinate prisoner until he can be brought before the officer in charge of the prison.

14. Prison officers not to employ prisoners as domestic servants
Prison officers shall not employ prisoners as domestic servants or otherwise than in conformity with this Act or the instructions of their official superiors.

ADMISSION AND DISCHARGE OF PRISONERS

15. Prisoners to be searched on admission
Prisoners on admission shall be searched and all prohibited articles (as hereafter defined) shall be taken from them. Their names, descriptions, and particulars of their sentence or imprisonment shall be recorded in the register book.

16. Prisoner's property to be returned on discharge
On the discharge of a prisoner his clothes and other property handed in by him and appearing against his name in the prisoner's property book shall be returned to him, and entry made accordingly.

17. Prisoners to be repatriated at expense of government
Every prisoner shall be discharged after the midday meal on the day on which his term of imprisonment ceases, and shall be repatriated at the expense of the Government–

Provided that while awaiting transport discharged prisoners may be rationed and lodged at the expense of the Government.

FOOD, CLOTHING AND RATIONS

18. Scale of rations
Rations will be supplied to prisoners according to a scale approved by the Minister.

19. Meals
The following meals shall be supplied to prisoners - breakfast, dinner and supper - and the hours shall be at the discretion of the Superintendent.

20. Prison dress
Every prisoner may be required to wear a prison dress and shall not have in his possession any other article of clothing unless the same has been supplied to him by direction of the Superintendent.

21. Government to pay for food, clothing, bedding etc.
Rations, clothing, bedding, soap, medicines, medical stores and medical treatment of prisoners shall be paid for by the Government.

LABOUR

22. Duties of prisoners
Every prisoner shall be required to carry out such duties and tasks as the officer in charge of the prison may allot to him in conformity with his physical capacity.

23. No prisoner to work in excess of 10 hours daily

Subject to the provisions of section 33, no prisoner shall be required to work more than 10 hours daily, which period shall include the time spent in, going to or coming from work.

PERSONAL CLEANLINESS AND HEALTH

24. Prisoners to keep themselves clean

Prisoners shall be required to keep themselves clean and decent in their persons and to conform to such directions as to bathing or otherwise as may be given to them. They shall also be required to keep their cells or wards in a state of cleanliness.

25. Exercise

All prisoners not doing hard labour in the open shall be allowed daily not less than 2 hours exercise in the open air, weather permitting.

This will not apply to prisoners undergoing solitary confinement unless at the direction of the officer in charge of the prison concerned.

26. Examination by medical officer

(1) Any prisoner appearing to be suffering from any serious ailment shall, wherever possible be examined with the least possible delay by a medical officer or other doctor approved by the Minister. The instructions of such doctor shall be carried out.

(2) A stock of medicines and dressings shall be kept at each prison for the treatment of minor ailments and for first aid treatment.

VISITS, COMMUNICATIONS AND PRIVILEGES

27. Complaints by prisoners

Subject to their being liable to punishment for the making of false or frivolous complaints, prisoners shall have the right to make complaints to the Superintendent, or any person authorised to inspect the prison in which such prisoners are confined.

28. Prison visits

(1) No visit to or communication with a prisoner, nor communication by a prisoner with any person may be made except with the permission of, and subject to such directions as may be given by the Superintendent or officer in charge of the prisoner concerned.

(2) Any person who contravenes the provision of subsection (1) shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding VT 15,000.

29. Prisoners may work unattended if of good conduct

Prisoners who have completed not less than 6 months of their term of imprisonment and who have had during this period a consistent record of good conduct may, by order of the Superintendent, be allowed to work unattended, and be given during such work an allowance of tobacco as approved by the Superintendent.

RELEASE ON LICENCE

30. Release on licence

(1) The Minister may order the release of any prisoner on licence for the period of the unexpired portion of his sentence subject to such conditions as may be prescribed in the said order.

(2) Where the Minister is satisfied that any prisoner released on licence under the provision of subsection (1) should be recalled to prison he may order such recall.

31. Reports on prisoners

(1) The Superintendent shall furnish reports to the Minister on the work and conduct of every prisoner so that the Minister may consider whether any part of the sentence being served by such prisoner shall be remitted.

(2) Such reports shall be submitted as follows–

(a) in respect of every prisoner serving a term of more than 1 year: on the first of January of each year;

(b) in respect of every prisoner serving a term of less than 1 year and more than 6 months: on completion of half of the sentence.

(3) Notwithstanding the provisions of subsection (2) the Superintendent may at any time submit a report on any prisoner serving a sentence of more than 1 month and recommend to the Minister on the grounds of good work and conduct the remission of part of his sentence.

PRISON OFFENCES

32. Prison offences

The following acts and omissions are declared to be prison offences, namely–

(a) breach of any prison rule or any duty imposed by this Act;

(b) common assault on another prisoner;

(c) profane, indecent, insulting or threatening language or behaviour;

(d) insubordination;

(e) idleness or negligence at work or leaving place of work without authority;

(f) wilful mismanagement of work;

(g) obstructing any prison officer in the execution of his duty;

(h) disobedience to the commands of any prison officer;

(i) disrespectful conduct to any prison or inspecting officer;

(j) committing any nuisance;

(k) having prohibited articles in his possession; prohibited articles shall include alcoholic liquor, money, tobacco, unauthorised clothing or letters, and any other articles which may be prohibited by order of the Minister or Superintendent;

(l) marking, defacing or damaging any part of the prison or any prison property;

(m) gaming, dancing, whistling, singing or making any unnecessary noise;

(n) secreting or purloining anything;

(o) malingering or wilfully disabling himself;

(p) making a false or frivolous complaint, insolence, rudeness or any other misconduct subversive of the peace or good government of the prison;

(q) escaping or attempting to escape;

(r) common assault on a prison or inspecting officer;

(s) false or malicious allegations against a prison officer;

(t) offending against good order and discipline in any other way.

33. Prison offences to be dealt with summarily

The Superintendent shall verify the evidence and examine any prisoner charged with the commission of a prison offence and if satisfied that such prisoner is guilty, may, without prejudice to the institution of judicial proceedings, impose any or all of the following punishments–

(a) solitary confinement with reduced diet not exceeding 14 days or for not more than 4 days in any one week:

Provided that a sentence of solitary confinement shall be subject to the approval of a medical officer as to the health of the offender where such a sentence exceeds 4 days;

(b) extra labour not exceeding 1 hour per day for a period exceeding 14 working days;

(c) cancellation for a period not exceeding 14 days of any privileges to which the prisoner may be entitled by virtue of sections 28 and 29.

34. Means of restraint

Where the officer in charge of a prison is satisfied that a prisoner is likely to attempt to escape or to commit some serious act of violence he may order that such prisoner be restrained by means of leg irons and handcuffs, which shall be of such weight and pattern as the Minister may approve. Any order made under this section, with reasons therefor shall be included in the monthly return of punishments inflicted upon prisoners.