
**P R I S O N (G E N E R A L) (A M E N D M E N T)
R E G U L A T I O N S 2 0 1 4**

The Administrator makes the following Regulations in exercise of the powers in section 9(1) of the Prisons Ordinance 1971(a).

Citation and commencement

1. These Regulations may be cited as the Prison (General) (Amendment) Regulations 2014 and come into force on the day after publication in the Gazette.

Amendment of the Prison (General) Regulations 2005

2. The Prison (General) Regulations 2005(b) are amended in accordance with regulations 3 to 7.

Amendment to regulation 2 (interpretation)

3. In regulation 2, omit the definition of “imprisonment for life”.

Insertion of regulations 71A and 71B

4. After regulation 71 insert—

“Eligibility for temporary release

71A.—(1) For the purpose of regulation 71B, an eligible prisoner is a prisoner who—

- (a) has served at least one third of a term of imprisonment exceeding 3 months, subject to having served a minimum period of 3 months;
- (b) has demonstrated good conduct for 3 months before the grant of temporary release; and
- (c) is not disqualified from obtaining temporary release.

(2) In determining the proportion of the sentence which a prisoner has served, the term of imprisonment must be reduced by remission which may be granted under regulation 90.

(3) For the purpose for paragraph (1)(c), a prisoner is disqualified from obtaining temporary release if the prisoner—

- (a) is serving a term imprisonment for life, whether or not the court has recommended a minimum term; or
- (b) in accordance with the laws of the Republic, does not have the right or permission to be in the Republic.

(a) Ordinance 11/71; section 9 was amended by Ordinances 14/2005 and x/2014.
(b) P.I. 47/2005; amended by P.I. 32/2009, 25/2011 and 14/2013.

Grant of temporary release

71B.—(1) The Chief Officer may grant temporary release to an eligible prisoner for a purpose specified in paragraph (2), if the Chief Officer considers it is appropriate to do so.

(2) Temporary release may be granted to enable an eligible prisoner to—

- (a) engage in employment or voluntary work;
- (b) receive education, instruction or training which cannot be provided in the prison;
- (c) assist the prisoner in maintaining family ties or in the transition from prison to release.

(3) The period of temporary release may not exceed 120 hours at one time.

(4) In considering whether it is appropriate to grant temporary release to an eligible prisoner, the Chief Officer must assess the risk that the prisoner may—

- (a) abscond; or
- (b) pose a danger, or cause harm, to the public.

(5) On a grant of temporary release the Chief Officer may impose such conditions as the Chief Officer considers appropriate having regard to the individual circumstances of the eligible prisoner.

(6) An eligible prisoner granted temporary release under this regulation may be recalled by the Chief Officer at any time, whether or not the prisoner has broken the conditions of the temporary release.”.

Amendment to regulation 85 (inquiry into a charge)

5. In regulation 85(6)(a), for “27B” substitute “2A”.

Amendment to regulation 86 (disciplinary sentences imposed by the Superintendent)

6. Regulation 86(e) is revoked.

Revocation of regulation 112

7. Regulation 112 (delegation of powers) is revoked.

Dated this 2 day of May 2014

R.J. Cripwell,
Administrator,
Sovereign Base Areas.

(a) Regulation 85(5) and (6) was inserted by P.I. 14/2013. Paragraph (6) refers to the definition of “live link” in section 27B of the Courts (Constitution and Jurisdiction) Ordinance 2007 (Ordinance 5/2007). Section 27B was repealed and re-enacted with amendment in a new section 2A inserted by Ordinance 2/2014.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Introduction

1. This explanatory note relates to the Prison (General) (Amendment) Regulations 2014 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.

Particular Points

2. The purpose of the Regulations is to amend provisions in the Prison (General) Regulations 2005 (the “principal Regulations”).
3. Regulation 3 omits a definition in regulation 2 of the principal Regulations which is not used.
4. Regulation 4 inserts new regulations 71A and 71B in the principal Regulations. The Regulations provide for a power for the Chief Officer to grant temporary release to a prisoner for the purpose of employment, education or to maintain family links and assist rehabilitation. A grant of temporary release is for a maximum period of 120 hours at any one time. To be eligible for consideration for a grant of temporary release, a prisoner must have at least a third of the sentence (subject to a minimum of 3 months), demonstrated good conduct and have the right to be in the Republic. When considering whether to grant temporary release, the Chief Officer must have regard to the risk of the prisoner absconding and possible harm or danger to the public which may be posed by the prisoner. A grant of temporary release is subject to such conditions as the Chief Officer may impose, and a prisoner may be recalled at any time. There is no automatic right to a grant of temporary release.
5. Regulation 5 updates the reference to the definition of “live link” in regulation 85 of the principal Regulations. Regulation 85 makes provision for an inquiry by an adjudicator into charges of serious offences against prison discipline. Such an inquiry may be heard by live link.
6. Regulation 6 revokes the sentence of suspension of visits as a disciplinary sentence, which may be imposed by the Superintendent, for an offence against prison discipline.
7. Regulation 7 revokes regulation 112 of the principal Regulations. The effect of the revocation is that the Superintendent no longer requires the leave of the Chief Officer to delegate functions to other prison officers.

SBA/AG/2/CR/188/1

Published by the Sovereign Base Areas Administration
The Sovereign Base Areas Gazette may be viewed on the official Sovereign Base Area
Administration web site:
The <http://sbaadministration.org/>