

CHAPTER 11:01

PRISON ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

PART I

PRELIMINARY

2. Interpretation.

PART II

CONSTITUTION AND ADMINISTRATION OF PRISONS
AND LOCK-UPS

3. Declaration of a prison or lock-up.
4. Administration and control.

PART III

APPOINTMENT, ADMINISTRATION AND POWERS OF
PRISON STAFF

5. Guyana Prison Service.
6. Appointment of prison staff.
7. Duties of Deputy Director.
8. Designation of District Commissioner as Senior Superintendent.
9. Medical officer.
10. Powers of Senior Superintendent etc.
11. Standing Orders.
12. Resignation.
13. Offences of prison officers, etc.

SECTION

14. Powers of prison officers.
15. Use of weapons.
16. Inspection and annual report.
17. Prison Fines Fund.

PART IV

CUSTODY AND REMOVAL OF PRISONERS AND
PERSONS DETAINED IN ANY LOCK-UPS

18. Persons sentenced, etc., to be committed to prison.
19. Prisoners, etc., deemed in legal custody.
20. Detention of persons committed to prison and lock-ups.
21. Delivery of person on remand.
22. Power of detention.
23. Release of prisoners, etc.
24. Production of persons confined in prisons, etc., before the court.
25. Persons taken out of prison under order deemed in legal custody.
26. Prisoner of unsound mind.
27. Prisoners, etc., suffering from communicable disease.
28. Removal of disabled prisoner to institution.
29. Serious illness of prisoner.
30. Custody of prisoner, etc., in hospital.
31. Transfer of prisoners.
32. Separation of prisoners.
33. Transfer of young prisoners.
34. Persons sentenced for offences against military law.

PART V

DISCIPLINE AND CONTROL OF PRISONERS

SECTION

35. Employment of prisoners outside prison.
36. Prisoner subject to Act and Rules.
37. Punishment for major prison offences.
38. Other offences.
39. Powers of person in charge of a prison to award punishment for major and other prison offences.
40. Appointment of Senior Superintendent etc. to enquire into prison offence.
41. Prisoner to be heard on his own behalf.
42. Entry of punishment in register.
43. Appeal by prisoner.
44. Detention after date of discharge.
45. Supervision of prisoner under sentence of death.
46. Access to prisoners under sentence of death.

PART VI

GENERAL

47. Visiting justices.
 48. Powers and duties of visiting justice.
 49. Power to require released prisoner to notify address.
 50. Coroner to hold inquest on death of prisoner.
 51. Prisoner not to be punished twice.
 52. Escape.
 53. Escape punishable before magistrate.
 54. Prohibited articles.
 55. Communicating with prisoners.
 56. Assaulting, etc., prison officer.
 57. Making of Rules. Powers of Minister.
-

CHAPTER 11:01

PRISON ACT

22 of 1957 **An Act to make better provision for the Regulation of Prisons.**

[17TH SEPTEMBER, 1957]

Short title. **1.** This Act may be cited as the Prison Act.

PART I

PRELIMINARY

Interpretation.
[26 of 1975] **2.** In this Act—

“criminal prisoner” means a prisoner duly committed to custody under any writ, warrant, or order, of any court or authority exercising criminal jurisdiction or by order of a court martial;

“Director” and “Deputy Director” mean the Director of Prisons and the Deputy Director of Prisons, respectively;

“first offender” means any person who has been committed to prison for the first time;

“lock-up” means any house, building, enclosure or place declared to be a lock-up under section 3;

“medical officer” means the medical officer assigned to duties in any prison under section 9;

“member of the subordinate staff” means any prison officer below the rank of Assistant Superintendent whether permanent, temporary or acting whose duties are to instruct, supervise and employ prisoners, or to perform work in connection with the prisons;

“prison” means any house, building, enclosure or place declared to be a prison under section 3;

“prison offence” means any offence committed by a prisoner under this Act or as specified in any Prison Rules, or Prison Standing Orders;

“Prison Officer” means any person holding an office or performing a duty in or in connection with a prison, but does not include any person appointed to perform clerical duties only;

“prisoner” means any person whether convicted or not, under detention in any prison;

“Prison Rules” means any rules under section 57;

“Prison Service” means the Guyana Prison Service established under section 5;

“prohibited article” means—

- (a) any intoxicating liquor, drug, tobacco, money, clothing, provisions, letter, tool or any article whatever likely to be prejudicial to good order and prison discipline;
- (b) any article, the introduction or removal of which into or out of prison or any part thereof, is prohibited by Prison Rules or Standing Orders; or
- (c) any other article not expressly authorised to be brought into prison by the Superintendent;

“Superintendent” means Superintendent of Prisons;

“young prisoner” means any prisoner under the age of 21 years.

PART II

CONSTITUTION AND ADMINISTRATION OF PRISONS AND LOCK-UPS

3. (1) The Minister may by order—

- (a) declare any house, building, enclosure or place or any

Declaration of
a prison or
lock-up.

LAWS OF GUYANA

8

Cap. 11:01

Prison

part thereof, to be a prison or lock-up and may in such order declare the name by which such prison or lock-up shall be known;

(b) declare that any prison or lock-up shall cease to be a prison or lock-up and as from the date of the publication of such order or such other date as may be specified therein, such prison or lock-up shall cease to be a prison or lock-up.

Cap. 83
1953 Ed.

(2) The prisons established under the Prisons Ordinance shall be prisons for the purposes of this Act.

(3) Every place used as a lock-up at the commencement of this Act shall be deemed to be a lock-up for the purposes of this Act, as if such place had been declared to be a lock-up under subsection (1).

Administration
and control.
[26 of 1975]

4. (1) Subject to the orders of the Minister, the general charge and administration of prisons and the control and direction of the prison staff shall be vested in the Director who may make such transfers, and direct the employment and distribution of the prison staff as he may think fit.

(2) Subject to the orders of the Director the administration of each prison and the control and direction of the prison staff attached thereto shall be vested in the Senior Superintendent, the Superintendent or the Assistant Superintendent in charge of such prison.

PART III

APPOINTMENT, ADMINISTRATION AND POWERS OF PRISON STAFF

Guyana Prison
Service.
[26 of 1975]

5. There is established a Prison Service to be known as the Guyana Prison Service.

Appointment
of prison staff.
[26 of 1975]

6. (1) There shall be a Director of Prisons and a Deputy Director of Prisons.

(2) There shall be—

- (a) so many Senior Superintendents of Prisons, Superintendents of Prisons and Assistant Superintendents of Prisons;
- (b) so many prison officers and clerks,

as may be necessary for carrying into effect the provisions of this Act.

(3) All members of the prison staff serving in the Prison Service on the coming into operation of this Act, shall be deemed to have been appointed under this section.

7. The Deputy Director shall act as principal assistant to the Director in the performance of his duties and shall have power, during the absence or incapacity of the Director, or when so authorised by him to do or suffer any act or thing which may by law be done or suffered by the Director.

Duties of Deputy Director.
[26 of 1975]

8. The Minister may designate a District Commissioner to be a Senior Superintendent of any prison within his district, and such District Commissioner shall, in respect of such prison have all the powers and carry out all the duties of a Senior Superintendent.

Designation of District Commissioner as Senior Superintendent.

9. The Chief Medical Officer shall assign in respect of each prison, a government medical officer who shall have control generally of the health and medical welfare of the prisoners and the sanitation of the prison and such medical officer shall perform such other duties as may be directed by this Act or by Prison Rules.

Medical Officer.

10. Subject to the orders of the Director, every Senior Superintendent, Superintendent and Assistant Superintendent shall have, in relation to the prison of which he has charge, all the powers, duties, rights and privileges of the Director.

Powers of Senior Superintendent etc.
[26 of 1975]

11. The Director may issue Standing Orders not inconsistent with this Act or Prison Rules for the governance of the members of the Prison Service and prisoners.

Standing Orders.
[26 of 1975]

LAWS OF GUYANA

10

Cap. 11:01

Prison

Resignation.
[6 of 1997]

12. (1) No member of the subordinate staff shall, without the written permission of the Director, resign or withdraw from prison duties unless he has first given to the Director not less than one month's notice in writing expiring on the last day of the succeeding month of his intention so to do.

(2) Any member of the subordinate staff who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of six thousand five hundred dollars or to imprisonment for two months.

Offences of
prison officers,
etc.
[6 of 1997]

13. Every member of the prison staff, or any person who is employed in a prison in any capacity whatever who—

(a) has either directly or indirectly, any pecuniary interest whatsoever in, or derives any benefit or advantage from, the sale or purchase of any prison supplies or of any article to or for the use of any prisoner or of any prison; or

(b) has any dealing, whereby he obtains or might expect to obtain at any time either immediately or in the future any benefit of any nature whatsoever with any prisoner or with any person on behalf of any prisoner; or

(c) assaults, threatens or insults any member of the prison staff, who is senior to him when such senior member is on duty, or as a result of anything done by such senior member in the course of his duty,

shall be liable on summary conviction to a fine of nineteen thousand five hundred dollars or to imprisonment for three months.

Powers of
prison officers.
[11 of 1959]
c. 16:01

14. Every prison officer while acting as such shall have by virtue of his office all the powers, authorities, immunities and privileges of a constable appointed under the Police Act for purposes of his duty as such prison officer.

Use of
weapons.

15. (1) Every prison officer may use weapons against any prisoner escaping or attempting to escape:

Provided that resort shall not be had to the use of any such weapons unless such officer has reasonable grounds for believing that he cannot otherwise prevent the escape.

(2) Every prison officer may use weapons against any prisoner engaged in any combined outbreak, 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 such weapons so long as such combined outbreak or attempt is being actually prosecuted.

(3) Every prison officer may use weapons against any prisoner using violence to any person if such officer has reasonable grounds for believing that such person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(4) Before using firearms against a prisoner under the authority contained in subsection (1), the prison officer shall, if possible, give a warning to the prisoner that he is about to fire on him.

(5) No member of the subordinate staff shall, in the presence of his superior officer, use firearms of any sort against a prisoner in the case of an attempt to escape or of an outbreak except under the orders of such superior officer.

(6) The use of firearms under this section shall be as far as possible to disable and not to kill.

(7) Every member of the Police Force who is for the time being serving in the capacity of an escort, or of a guard in or around any prison or lock-up, for the purpose of ensuring the safe custody of any prisoners or persons detained in a prison or lock-up, shall be deemed to have all the powers and privileges granted to prison officers under this section for the purpose of his duties in relation to such prisoners or persons.

LAWS OF GUYANA

12

Cap. 11:01

Prison

Inspection and annual report.

16. The Director shall as often as may be necessary, visit and inspect all prisons and shall make an annual report to the Minister on the administration and condition of the prisons, the conduct and treatment of prisoners and such other matters relating to the prisons or to prisoners as he may think fit.

Prison Fines Fund.

17. (1) All pay which is forfeited by, and fines inflicted upon, members of the subordinate staff under this Act shall be paid into a fund to be called "The Prison Fines Fund", and this fund shall be administered by the Director in accordance with Prison Rules.

1953 Ed.
Vol. VIII
p. 955

(2) There shall be paid into the Prison Fines Fund all moneys standing to the credit of the Prison Officers Fine Fund established by the Fine Fund Regulations made on the 12th July, 1934 under the Prisons Ordinance, 1892.

PART IV

CUSTODY AND REMOVAL OF PRISONERS AND PERSONS
DETAINED IN ANY LOCK-UPS

Persons sentenced, etc., to be committed to prison.

18. (1) Every person sentenced to imprisonment shall be committed to and detained in a prison.

(2) Every person awaiting trial or remanded in custody may be committed to and detained in either a prison or lock-up.

Prisoners, etc., deemed in legal custody.

19. (1) Every prisoner whenever he is confined in any prison in which he may lawfully be confined, or whenever he is being taken to or from such prison, or is working in the custody or under the control of any member of the prison staff or police constable assigned for that duty beyond the limits of any such prison, shall be deemed to be in the custody of the person in charge of such prison.

(2) Every person whenever he is confined in any lock-up in which he may lawfully be confined, or whenever he is being taken to or from such lock-up, or is working in the custody or under the control of any person in charge of any lock-up beyond the limits of such lock-up shall be deemed to be in legal custody of the person in charge of the lock-up.

LAWS OF GUYANA

Prison

Cap. 11:01

13

20. The persons in charge of prisons and lock-ups are hereby authorised and required to keep and detail all persons duly committed to their custody by any court, judge, magistrate, coroner or other public officer lawfully exercising civil or criminal jurisdiction according to the terms of any writ, warrant, or order by which such person has been committed, or until such person is discharged by due course of law.

Detention of persons committed to prison and lock-ups.

21. Every person charged with any offence and remanded in custody to any prison or lock-up by any court, judge, magistrate or coroner shall be delivered to the person in charge of such prison or lock-up, as the case may be, together with the warrant of commitment, and the person in charge of such prison or lock-up shall detain such person according to the terms of such warrant, and shall cause such person to be delivered to such court, judge, magistrate or coroner or shall discharge such person at the time named in and according to the terms of such warrant.

Delivery of person on remand.

22. Every person arrested under any writ, warrant or order of any court having civil jurisdiction shall be brought without delay before the court by which the writ, warrant or order was issued or made, and if such court is not then sitting such person shall be kept in custody in a prison or lock-up until the next sitting of the court and shall be then brought before such court in order that such person may be dealt with according to law.

Power of detention.

23. Every prisoner and person detained in a lock-up shall be released immediately upon his becoming entitled to release, whether by the expiration of his term of sentence, or by pardon, by commutation, or by remission of sentence, or by other lawful means.

Release of prisoners, etc.

24. (1) Whenever the presence of any person confined in a prison or lock-up is required in any court of civil or criminal jurisdiction, such court may issue an order addressed to the person in charge of the prison or lock-up, as the case may be, requiring the production before the court of such person in proper custody at the time and place named in such order, and the person in charge of such prison or lock-up shall cause the person named in such order to be brought up as directed and shall provide for his safe custody during his absence from the prison or

Production of persons confined in prisons, etc., before the court.
[25 of 1965]

lock-up; and every such court may by endorsement on such order require the person named therein to be again brought up at any time to which the matter wherein such person is required may be adjourned.

(2) The Permanent Secretary of the Ministry responsible for prisons or in his absence, the Principal Assistant Secretary of that Ministry, on being satisfied that the presence of any prisoner or person detained in a prison or lock-up is required at any place in the interests of justice, or for the purpose of any public enquiry, may by writing under his hand order that such prisoner or person be taken to the place at the time stated in such order, and the person in charge of such prison or lock-up, as the case may be, shall cause the person named in such order to be taken as directed and shall provide for his safe custody during his absence from the prison or lock-up.

Persons taken out of prison under order deemed in legal custody.

25. Any person taken from a prison or lock-up under any order made under section 24 shall whilst outside that prison or lock-up taken out of be deemed to be in legal custody.

Prisoner of unsound mind. [11 of 1959]

26. (1) Whenever a prisoner or person detained in a prison or lock-up appears to the Minister on the certificate of a government medical officer to be of unsound mind, the Minister may direct his removal to the Mental Hospital, there to be kept and treated as if such person had been detained in the Mental Hospital under the Mental Hospital Ordinance until the Medical Superintendent of the Mental Hospital certifies that such prisoner or person has ceased to require treatment in that institution.

Cap. 140 1953 Ed.

(2) Where the Medical Superintendent of the Mental Hospital has certified as set out in subsection (1) then if the person in respect of whom the certificate is given is—

(a) a prisoner whose sentence has expired, the Minister shall direct that such prisoner be discharged; or

(b) a prisoner whose sentence has not expired, the Minister shall direct that either he be returned to the prison whence he was removed there to serve the remainder of any term to which he is liable or that he be discharged; or

(c) a person awaiting trial or remanded in custody, the Minister shall direct that such person be returned to the prison or lock-up whence he was removed until he is dealt with according to law.

27. (1) Whenever a prisoner or a person detained in a prison or lock-up appears to the Minister on the certificate of a government medical officer to be suffering from any communicable disease, the Minister may direct his removal to such hospital as may be specified in the direction there to be kept and treated until the government medical officer in charge of such hospital certifies that such prisoner or person has ceased to require treatment in that institution.

Prisoners, etc.,
suffering from
communicable
disease.
[11 of 1959]

(2) Where a certificate to the effect that a prisoner or person detained has ceased to require institutional treatment has been given under subsection (1) then if any prisoner or person in respect of whom the certificate is given is—

(a) a prisoner and the term of his sentence has expired, the Minister shall direct that such prisoner be discharged; or

(b) a prisoner and the term of his sentence has not expired, the Minister shall direct either that he be returned to the prison whence he was removed there to serve the remainder of any term to which he is liable or that he be discharged; or

(c) a person awaiting trial or remanded in custody, the Minister shall direct that such person shall be returned to the prison or lock-up whence he was removed until he is dealt with according to law.

28. Where the Minister is satisfied that any prisoner is suffering from any permanent physical infirmity or disability and that it is necessary for the purpose of ensuring the proper care of such prisoner that he should be detained in any institution outside of the prison, he may direct that such prisoner be removed to such institution as may be named in the direction and there detained for the remainder of the term to which he is liable unless sooner discharged according to law.

Removal of
disabled
prisoner to
institution.
[11 of 1959]

LAWS OF GUYANA

16

Cap. 11:01

Prison

Serious illness
of prisoner.

29. (1) In case of the serious illness, other than unsoundness of mind, or any communicable disease, of a prisoner or person detained in a prison or lock-up, there being no suitable accommodation for such prisoner or person in such prison or lock-up, the Director or the person in charge of the prison or lock-up (as the case may be) may, on the certificate of a government medical officer or in the case of urgent necessity on the certificate of any registered medical practitioner or if such practitioner is not available, on the certificate of a registered sicknurse and dispenser, make an order for his removal to a public hospital.

(2) So long as any prisoner or person detained who has been removed to a public hospital under the provisions of subsection (1) remains therein, the government medical officer in charge of such hospital shall, at the end of every month, transmit to the Director or person in charge of the lock-up a certificate signed by him that it is in his opinion necessary that such prisoner or person detained should remain in the hospital.

(3) So soon as, in the opinion of the government medical officer in charge of a public hospital, it is no longer necessary that any prisoner or person detained who has been removed to such hospital should remain therein, he shall transmit to the Director or person in charge of the lock-up a certificate, stating that such necessity has ceased and thereupon the Director or person in charge of the lock-up, as the case may be, shall forthwith cause such prisoner or person detained to be brought back to the prison or lock-up if he is still liable to be confined therein.

(4) Subsections (2) and (3) of this section shall cease to apply to a prisoner or person detained as from the date on which he would be entitled to be released from the prison or lock-up.

Custody of
prisoner, etc.,
in hospital.

30. Where any prisoner or person detained in a lock-up is by of virtue of section 29 removed from any prison or lock-up to any public hospital, the government medical officer in charge of such hospital shall take all practical steps to prevent the escape of such prisoner or person detained and while such prisoner or person detained remains in such hospital he shall be deemed to be in legal custody:

Provided that where any such prisoner or person detained would, but for the fact that he is in such hospital, be entitled to be released from the prison or lock-up, then from the date on which he would be so entitled to be released, he shall no longer be deemed to be in legal custody and no steps shall be taken to prevent his escape merely by reason of the fact that he had been a prisoner or person detained.

31. The Director may order the removal of all or any prisoners confined in any prison to another prison in Guyana and it shall not be necessary for the purposes of such order to designate any prisoner by name, but it shall be sufficient to describe such prisoner or prisoners by reference to their sentence or by some other like general description.

Transfer of prisoners.

32. (1) No male prisoner shall be detained in the same part of any prison as any female prisoner.

Separation of prisoners.

(2) No civil prisoner (so far as possible) shall be detained in the same part of any prison as any criminal prisoner.

(3) No young prisoner shall be detained (so far as possible) in the same part of any prison as any other prisoner.

(4) No person awaiting trial or remanded shall (so far as possible) be detained in the same part of any prison as any other prisoner.

33. Where any person apparently under the age of sixteen years has been committed to any prison, the Minister may order such prisoner to be transferred to an approved school for the purposes of any Act under which a child or young person may be committed to an approved school, there to be kept as if he had been committed to such school by the court under such Act.

Transfer of young prisoners.

34. Any person sentenced to be detained or imprisoned under any law relating to the discipline of the Guyana Defence Force may be committed to prison and shall be received therein; and a certificate of the sentence of any such person or an order or warrant for his imprisonment in writing signed by the officer for the time being commanding the unit to which the person belongs shall be sufficient

Persons sentenced for offences against military law.

authority for the Director to receive and detain him; and the Director shall keep such offender according to the terms of such sentence, order or warrant and during the term specified therein, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for the purpose.

PART V

DISCIPLINE AND CONTROL OF PRISONERS

Employment of prisoners outside prison.

35. All prisoners may with the approval of the Director be taken beyond the limits of a prison and put to such labour as may be prescribed by Prison Rules.

Prisoner subject to Act and Rules.

36. Every prisoner shall be subject to this Act and Prison Rules, and shall also be subject to prison discipline during the whole of his imprisonment, whether he is or is not within the limits of any prison.

Punishment for major prison offences.

37. Where any prisoner commits any of the following major prison offences, that is to say—

- (a) mutiny or incitement to mutiny;
- (b) escape or attempt to escape;
- (c) taking part in any assault or attack on any member of the prison staff or medical officer;
- (d) aggravated or repeated assault on any other prisoner,

then, on such prisoner being found guilty thereof, on an enquiry before the Director, the Director may impose any or all of the following punishments:

- (i) in the case of an offence specified in paragraphs (a), (c) or (d), whipping or flogging:

Provided that no sentence of whipping or flogging shall be imposed except with the approval of the Minister;

- (ii) reduction of diet to No. I punishment diet for any period not exceeding fourteen consecutive days;

(iii) reduction of diet to No. II punishment diet for any period not exceeding twenty-one consecutive days;

(iv) suspension or postponement of any or all privileges for any period not exceeding ninety days;

(v) forfeiture of remission for any period not exceeding ninety days, and in the case of an offence in paragraph (b), the forfeiture of all remission earned up to the date of such offence.

38. Where any prisoner commits any of the following offences, that is to say—

Other offences.

(a) wilful destruction of property;

(b) wilfully causing to himself any illness, injury or disability;

(c) wilfully making any false or groundless accusation or complaint against any member of the prison staff, medical officer or prisoner;

(d) persistent repetition of any minor prison offence;

(e) any act of misconduct or insubordination;

(f) abetting the commission of any major prison offences;

(g) malingering or feigning illness;

(h) disobeying any order of the Director or any other officer or any Prison Rules or Standing Orders;

(i) acting in any way prejudicial to good order and discipline,

then on such prisoner being found guilty thereof on any enquiry by the Director, the Director may impose any or all of the following punishments:

(i) reduction of diet to No. I punishment diet for any period not exceeding fourteen consecutive days;

(ii) reduction of diet to No. II punishment diet for any period not exceeding twenty-one consecutive days;

(iii) suspension or postponement of any privileges for any period not exceeding ninety days;

(iv) forfeiture of remission for any period not exceeding ninety days.

LAWS OF GUYANA

20

Cap. 11:01

Prison

Powers of person in charge of a prison to award punishment for major and other prison offences.

39. Where any prisoner commits any prison offence then on such prisoner being found guilty thereof, on an enquiry before the person in charge of the prison, the person in charge of the prison may impose any or all of the following punishments:

- (a) reduction of diet to No. I punishment diet for any period not exceeding seven consecutive days;
- (b) reduction of diet to No. II punishment diet for any period not exceeding fourteen consecutive days;
- (c) suspension or postponement of any or all privileges for any period not exceeding twenty-eight consecutive days;
- (d) forfeiture of remission for any period not exceeding thirty days.

Appointment of Senior Superintendent etc. to enquire into prison offence. [26 of 1975]

40. Notwithstanding anything to the contrary contained in this Act where a prisoner commits any prison offence the Director may appoint a Senior Superintendent, a Superintendent or an Assistant Superintendent to enquire into the offence and if the prisoner is found guilty of the offence the person so appointed may impose any or all of the punishments specified in section 39.

Prisoner to be heard on his own behalf.

41. No prisoner shall be punished until he has had an opportunity of hearing the charge against him and making his defence.

Entry of punishment in register.

42. Where any punishment is imposed upon any prisoner then the Director or the person in charge of the prison, as the case may be, shall cause to be entered in a register to be kept for such purpose, a record of the punishment showing in respect of each prisoner punished, the name of the prisoner, the nature of his offence and the extent of his punishment.

Appeal by prisoner.

43. Any prisoner may, within forty-eight hours of the imposition of any punishment under section 39 appeal in writing to the Director who may allow the appeal, or reduce, confirm or increase such punishment as he may see fit.

44. Any punishment lawfully imposed on a prisoner under this Act or any Prison Rules may be carried into effect notwithstanding that the carrying into effect thereof may necessitate the detention of a prisoner beyond the date at which he would otherwise be entitled to be discharged from prison:

Detention after date of discharge.

Provided that the period of such detention shall not exceed forty-eight hours, such period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged.

45. Every prisoner under sentence of death shall be confined apart from other prisoners in a special cell, and shall be under constant supervision by day and by night.

Supervision of prisoner under sentence of death.

46. Except with the written permission of the Director, no person other than a member of the prison staff, the medical officer and a minister of the religious denomination to which the prisoner belongs, shall have access to any prisoner under the sentence of death.

Access to prisoners under sentence of death.

PART VI

GENERAL

47. (1) There shall be in respect of each prison in Guyana a Board of Visiting Justices, and the Minister may appoint for such time as may be specified in the appointment such and so many justices to be members of such Board.

Visiting justices.

(2) All judges of the High Court and magistrates shall be *ex-officio* visiting justices for each of the prisons of Guyana.

48. (1) A visiting justice may at any time visit any prison in respect of which he is a visiting justice, and may inspect any part of such prison, may enquire into and examine the food, diet, clothing, treatment and conduct of prisoners, may question any member of the prison staff or prisoner, may hear complaints from any prisoner, may enquire into any abuses and irregularities in any prison and shall

Powers and duties of visiting justice.

LAWS OF GUYANA

22

Cap. 11:01

Prison

ascertain as far as possible whether the provisions of this Act and the Prison Rules are being complied with, and may make a report upon any such matters to the Minister.

(2) A court composed of two visiting justices appointed under section 47(1) or of one *ex-officio* visiting justice, sitting in prison shall have all the powers of the Director in relation to the trial of any major or other prison offence or in relation to any appeal under section 43.

Power to
require
released
prisoner to
notify address.
[11 of 1959]

49. (1) The Minister may direct a convicted prisoner who has been released from prison to notify to the person in charge of a police station in the district in which the prisoner resides—

- (a) his address within one week of such release;
- (b) any change in his address which may have taken place during such period, in no case exceeding five years after such release, as may be specified in the direction within one week of such change.

(2) Any direction given under this section shall be served on the prisoner prior to his release from prison.

(3) Any prisoner who contravenes the provisions of any direction given under this section or who knowingly or recklessly notifies any false or incorrect address shall be guilty of an offence against this Act and liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for two months.

Coroner to
hold inquest
on death of
prisoner.

50. It shall be the duty of the coroner having jurisdiction in the place where any prison is situate to hold an inquest upon the body of any prisoner on whom sentence of death is executed or who may die in such prison.

Prisoner not to
be punished
twice.

51. Nothing in this Act or in Prison Rules shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary court of law, but no prisoner shall be punished twice for the same offence:

Provided that nothing in this section shall be construed as derogating from the powers contained in sections 37 and 38 in relation to the infliction of all or any of the punishments therein set out.

52. Where any prisoner under sentence of imprisonment escapes, then the currency of the sentence which he is then undergoing shall be suspended from the day on which he escapes to the day on which he is recaptured so that he shall not be deemed to have served any part of his sentence during the period between the day on which he escaped and the day on which he was recaptured.

Escape.

53. Any prisoner who escapes or attempts to escape from lawful custody shall be liable on summary conviction to imprisonment for twelve months, and all remission earned by such prisoner up to the date of such offence shall be forfeited.

Escape punishable before magistrate.

54. (1) Any person who without lawful authority—

Prohibited articles.
[6 of 1997]

(a) brings, throws, conveys or causes to be conveyed or supplied to any prisoner or introduce by any means into any prison, or hides or places for any prisoner or prisoners any prohibited article; or

(b) brings or throws or conveys or attempts to bring out of any prison or conveys from any prison any prohibited article,

shall be liable on summary conviction to a fine of twenty-six thousand dollars or to imprisonment for three months.

(2) The offender may be apprehended by anyone and taken before a magistrate to be dealt with according to law.

(3) Any prison or police officer who is convicted under this section shall in addition to any other punishment, be liable to forfeit his office and any arrears of salary due him and also any pension to which he may be entitled.

LAWS OF GUYANA

24

Cap. 11:01

Prison

Communicat-
ing with
prisoners.
[6 of 1997]

55. Any person, who without leave or lawful excuse interrupts or speaks to or in any way communicates with any prisoner while at work without the walls of a prison or while going to or returning from that work shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months.

Assaulting,
etc., prison
officer.
[6 of 1997]

56. Any person who assaults, obstructs, or resists or aids or incites any other person to assault, obstruct or resist any prison officer in the execution of his duty, shall be liable on summary conviction to a fine of forty-eight thousand seven hundred and fifty dollars or to imprisonment for twelve months, and if the offender is a convicted prisoner, he shall be liable, upon conviction on indictment to imprisonment for two years.

Making of
Rules. Powers
of Minister.
[4 of 1972]

57. The Minister may make rules generally for the good management and governance of prisons and prisoners and for carrying out the objects of this Act and without prejudice to the generality of such powers may make rules in relation to—

- (a) the conditions of service and the powers, conduct, and duties of prison officers and members of the subordinate staff;
- (b) the employment, classification, safe custody, separation, treatment and discipline of prisoners;
- (c) the medical examination, measuring, photographing, taking of finger prints, and other records of prisoners;
- (d) the remission of sentences to be allowed to prisoners and the manner and conditions under which such remissions are to be granted;
- (e) the supply of money, food or clothing, or the means of travelling to prisoners on their discharge;
- (f) the administration of the Prison Fines Fund;
- (g) the proceedings, visits, duties and powers of visiting justices;
- (h) the appointment, duties and powers of Visiting Committees;
- (i) the conditions under which, and the manner in which, the sentence of death shall be executed;

(j) the conditions under which and the manner in which corporal punishment shall be inflicted;

(k) the means and methods of restraining refractory prisoners.
