

## CHAPTER 168

### PRISONS

1945-1

This Act came into operation on 1st March, 1964.

#### Amended by:

<i>1961-66</i>	<i>1967/168</i>	<i>2002-18</i>
<i>1969-5</i>	<i>1982-50</i>	<i>2005-7</i>
<i>1971-18</i>	<i>1996-1</i>	<i>2007-34</i>

#### Law Revision Orders

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1997	2002	2007
------	------	------

#### Notes:

*Note. Although the Habitual Prisoners (Detention) Act, (“the 1911 Act”) was repealed by the Prisons Act, 1961, persons who on 1st March, 1964 were detained under a sentence of preventive detention, or were on discharge on licence while undergoing preventive detention, under the 1911 Act remained subject to the 1911 Act until the sentence expired.*

---

#### Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 168

### PRISONS 1945-1

#### *Arrangement of Sections*

1. Short title

#### PART I

#### PRELIMINARY

2. Interpretation

#### PART II

#### BARBADOS PRISON SERVICE

3. Establishment of the Barbados Prison Service
4. Members of the Service
5. Administration of Service and control and supervision of prisoners
6. Standing Orders and administrative directions by Superintendent
7. Annual report

#### PART III

#### ADVISORY BOARD AND VISITING JUSTICE

8. Advisory Board

- 8A.** Functions of Board
- 8B.** Remuneration of Board
- 9.** Visiting Justice

#### PART IV

#### PRISON OFFICERS

- 10.** Officer-in-Charge and medical officer
- 11.** Powers of prison officers
- 12.** Duties of officers may be specified by rules or orders
- 13.** Prison officers may be transferred from one prison to another
- 14.** Appointment of prison chaplains
- 15.** Religious denomination of prisoners to be recorded
- 16.** Duties of medical officer
- 17.** General powers and duties of prison officers
- 18.** Responsibility of Officer-in-Charge for stores, etc.
- 19.** Power to examine persons or vehicles for prohibited articles
- 20.** Use of Force
- 21.** Protection of persons acting in obedience to judicial writ
- 22.** Prison officers not to leave Service without permission

- 23. Assault etc., by prison officer on another prison officer
- 24. Miscellaneous offences by prison officers

#### PART IVA

##### ESTABLISHMENT OF PRISON OFFICERS ASSOCIATION

- 24A. Constitution of Prison Officers Association
- 24B. Rules
- 24C. Unauthorised associations

#### PART V

##### OFFENCES IN RELATION TO PRISONERS

- 25. Persons unlawfully conveying prohibited articles, etc., to or from prison
- 26. Trespassing
- 27. Persons inciting or abetting desertion inciting and sedition
- 28. Harboursing prisoners
- 29. General penalty

#### PART VI

##### ESTABLISHMENT AND CONTROL OF PRISONS

- 30. Declaration of prisons
- 31. Temporary prisons

- 32. Officer-in-Charge of prison to control prison
- 33. Women prison officers

#### PART VII

#### CONFINEMENT AND TREATMENT OF PRISONERS

- 34. Place of confinement of prisoner
- 34A. Transfer of prisoners confined
- 35. Legal custody of prisoners
- 36. Accommodation for prisoners
- 37. Separation of male and female prisoners
- 38. Measuring, photographing and fingerprinting of prisoners
- 39. Painful tests prohibited
- 40. Corporal punishment in prisons
- 41. Duty of Superintendent to deliver calendar of prisoners
- 42. Removal of prisoners for judicial and other purposes
- 43. Prisoners to be subject to prison discipline
- 44. Prisoners may be removed to any prison
- 45. Removal of sick prisoners to hospital
- 46. Measures for further security of prisoners in hospital

- 
47. Prison officer not liable for escape of prisoners in hospital etc.
  48. Subject to approval of the Superintendent, person sentenced to short term may opt for penal labour in lieu of imprisonment
  49. Employment of unconvicted prisoners
  50. Release of prisoners

#### PART VIII

##### LENGTH OF SENTENCE, RELEASE ON SUPERVISION ORDER AND TEMPORARY DISCHARGE AND ORDERS TO BE AT LARGE

51. Calculation of term of sentence
52. Remission for good conduct and release of persons sentenced to terms of imprisonment
53. Release on supervision of persons serving imprisonment for life
54. Release of prisoner on payment of portion of fine
55. Time for receiving fines or part-payments
56. Power of Minister to discharge prisoners temporarily on account of ill-health
57. Expenses of return from prison of discharged prisoner
58. Order to prisoners to be at large
59. Legal effect of an order to be at large
60. Form and conditions of an order to be at large

- 61.** Penalty for failure to comply with conditions of an order to be at large
- 62.** Forfeiture of order to be at large and completion of original sentence
- 63.** Loss of order
- 64.** Procedure when an order is revoked or forfeited
- 65.** Exercise of Minister's functions

#### PART IX

#### RULES FOR THE MANAGEMENT OF PRISONS AND OTHER INSTITUTIONS

- 66.** Power to make rules
- 67.** Saving of existing rules

#### PART X

#### MISCELLANEOUS

- 68.** Persons unlawfully at large
- 69.** Governor-General may authorise destruction of certain warrants

#### SCHEDULE

**BARBADOS****PRISONS  
1945-1**

*An Act to establish a Prison Service for Barbados, to make provision for the establishment and control of prisons and for the treatment of prisoners therein and for matters connected therewith or incidental thereto.*

[Commencement: 1st March, 1964]

**Short title**

1. This Act may be cited as the *Prisons Act*.

**PART I  
PRELIMINARY****Interpretation**

2. For the purposes of this Act, the expression  
“medical officer” means a person appointed medical officer of a prison under the  
*Civil Establishment Act, Cap. 21*;

“Officer-in-Charge” means the Superintendent or the prison officer appointed by the Superintendent to be officer in charge of any prison;

“prison” means any building or place designated as such under section 30;

“prisoner” means any prisoner charged with or convicted of any criminal offence or any person ordered to be detained by any court, Judge, magistrate, Justice or other lawful authority having power and jurisdiction to order imprisonment;

“prison officer” means any member of the Barbados Prison Service of whatever rank;

“restricted diet” means such diet as may be prescribed in rules made under section 66;

“Superintendent” means the Superintendent of Prisons;

“the Service” means the Barbados Prison Service established by section 3.

## PART II

### BARBADOS PRISON SERVICE

#### **Establishment of the Barbados Prison Service**

**3.** There is hereby established a Prison Service for Barbados to be designated “the Barbados Prison Service”.

#### **Members of the Service**

**4.(1)** The Service shall consist of a Superintendent and such other prison officers as may, subject to this Act, be authorised and provided by any order having effect by virtue of the *Civil Establishment Act*, Cap. 21.

(2) Prison officers appointed by virtue of any order made under the *Civil Establishment Act* and holding office at the 1st March, 1964 shall continue in service as prison officers of the Service and shall be subject to this Act.

(3) Notwithstanding subsection (1), where, pursuant to directions issued by the Governor-General under section 9(2) of the *Defence Act*, Cap. 159 or section 4B of the *Regional Security System Act*, Cap. 174B or to any other law, any officer has been assigned to assist the Superintendent in relation to the management or operation of a prison for any period, that officer may perform the functions of a prison officer during that period under and in accordance with the directions of the Superintendent.

[2005-7]

(4) In subsection (3), “officer” means any of the following:

- (a) an officer or soldier of the Barbados Defence Force;
- (b) a member of the service personnel of the Regional Security System;
- (c) a member of a disciplined force of a State that is not a Member State of the Regional Security System present in Barbados under any arrangements made with that State under any law of Barbados.

[2005-7]

(5) In paragraph (c) of subsection (4), the expression “disciplined force” means

- (a) a naval, military or air force;
- (b) a police force; or
- (c) a prison service.

[2005-7]

(6) Where at the request of the Superintendent the Commissioner of Police assigns a police officer to assist the Superintendent in relation to the management or operation of a prison for any period, that officer may perform the functions of a prison officer during that period under and in accordance with the directions of the Superintendent.

[2005-7]

**Administration of Service and control and supervision of prisoners**

**5.** The administration of the Service and the control and supervision of all prisoners shall be vested in the Superintendent, subject to the directions of the Minister.

**Standing Orders and administrative directions by Superintendent**

**6.(1)** The Superintendent may, subject to this Act and any rules, from time to time make Standing Orders and give administrative directions for the observance of all prison officers in carrying out their duties.

**(2)** The Superintendent may delegate to the Assistant Superintendent (if any) or to any other suitable prison officer such duties from time to time as he thinks fit.

**Annual report**

**7.** The Superintendent shall, after consultation with the Board, submit to the Minister an annual report on all prisons and a copy of the report shall be printed and laid on the table of both Houses of Parliament.

---

[1996-1]

**PART III****ADVISORY BOARD AND VISITING JUSTICE****Advisory Board**

**8.(1)** The Minister shall appoint an Advisory Board, in this Act referred to as the “Board” at least one member of which shall be a magistrate.

**(2)** The Board shall be appointed at such time, in such manner and for such periods as may be determined by the Minister.

**(3)** The constitution of the Board shall be such as the Minister prescribes.

(4) The Permanent Secretary in the Ministry responsible for Prisons shall assign such public officers to the Board as may be necessary to assist the Board in performing its functions.

---

[1996-1]

### **Functions of Board**

- 8A.(1)** The Board shall advise the Minister on all matters relating to
- (a) the welfare of prisoners, including their conduct, standards of discipline and safety;
  - (b) the conditions of work of the Superintendent and prison officers;
  - (c) the conduct and standards of discipline of the Superintendent and prison officers; and
  - (d) any other matter on which the Minister seeks the Board's advice.
- (2) The Board shall advise the Superintendent on
- (a) the management and supervision of prisons;
  - (b) the welfare, discipline and conduct of prison officers;
  - (c) the education, recreation, employment, discipline and welfare of prisoners; and
  - (d) any other matter referred to the Board by the Superintendent.
- (3) The Board shall immediately notify the Minister of all abuses in connection with prisons that comes to the knowledge of the Board.

---

[1996-1]

**Remuneration of Board**

**8B.** The members of the Board shall be paid such remuneration as the Minister determines.

---

[1996-1]

**Visiting Justice**

**9.(1)** The Magistrate appointed pursuant to section 8 shall, *ex officio*, be the Visiting Justice of Prisons.

(2) Where a vacancy occurs at any time in the office of the Visiting Justice, the Minister may appoint a suitable person to fill the vacancy.

(3) All appointments made under this section shall be published in the *Official Gazette*.

---

[1996-1]

**PART IV****PRISON OFFICERS****Officer-in-Charge and medical officer**

**10.** Every prison shall have an Officer-in-Charge, a medical officer and such other officers as may be necessary.

---

[1969-5]

**Powers of prison officers**

**11.** Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a police constable.

**Duties of officers may be specified by rules or orders**

**12.** The duties of prison officers shall be as specified in rules made under section 66, or in any order made under the *Civil Establishment Act*, Cap. 21.

**Prison officers may be transferred from one prison to another**

**13.(1)** It shall be lawful for the Superintendent at any time to assign any one or more prison officers to any of the prisons.

(2) No prison officer shall on transfer from one prison to another, except as provided by any rules made under section 66, be subjected to any diminution of salary on account of such transfer.

**Appointment of prison chaplains**

**14.(1)** Where in any prison the number of prisoners who belong to a religious denomination is such as in the opinion of the Governor-General to require the appointment of a chaplain of that denomination, the Governor-General may appoint such a chaplain to that prison.

(2) A chaplain appointed under subsection (1) shall be paid such remuneration and allowances as the Minister may determine.

(3) The Officer-in-Charge may allow a chaplain of any denomination to visit prisoners of his denomination in a prison to which no chaplain of that denomination has been appointed under this section.

[1969-5]

(4) No prisoner shall be visited against his will by such a chaplain as is mentioned in subsection (3).

(5) Every prisoner shall be allowed, in accordance with the arrangements in force in the prison in which he is confined, to attend chapel or to be visited by a chaplain of his choice who is willing to make the visit.

---

[1969-5]

**Religious denomination of prisoners to be recorded**

**15.** The Officer-in-Charge shall on the reception of each prisoner cause to be recorded the religious denomination to which the prisoner declares himself to belong and shall give to any chaplain who is appointed to the prison or permitted to visit prisoners therein a list of the prisoners who have declared themselves to belong to his denomination; and the chaplain shall not be permitted to visit any other prisoners.

**Duties of medical officer**

**16.(1)** It shall be the duty of the medical officer to visit every prison daily and to record in a book to be kept for that purpose the hour of his visit and the number of sick he may find in the prison each day, and the Officer-in-Charge shall inspect such record daily.

(2) At least once a month the medical officer shall inspect the whole prison with particular attention to the cooking and sanitary equipment in the prison.

**General powers and duties of prison officers**

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

**Responsibility of Officer-in-Charge for stores, etc.**

**18.** Every Officer-in-Charge shall be charged with the arms, accoutrements, ammunition, clothing and all public stores and foodstuffs issued and delivered for the use of the prison and prison officers under his control, and with all public money for which he may be held accountable and also, subject to this Act, with all valuables, money, articles of clothing and other property entrusted to his 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 or robbery or actual service.

**Power to examine persons or vehicles for prohibited articles**

**19.(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 prison or prisoners, if he has reason to suspect that such person or vehicle is carrying a prohibited article or any property belonging to the Crown in use in a prison.

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

(3) The Officer-in-Charge may order any person within a prison who refuses to be searched to leave the prison and, if such person refuses to leave, may order his removal.

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

**Use of Force**

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

(2) A prison officer who strikes or uses force against a prisoner shall have the prisoner as soon as possible examined by the medical officer and shall immediately report the incident to the Officer-in-Charge.

(3) A prison officer may use firearms against a prisoner if

- (a) he is escaping or attempting to escape and refuses when called upon to return;

- (b) he is engaged with other persons in breaking out or attempting to break out of any part of a prison and when called upon continues to break out or attempt to break out;
- (c) he is engaged with others in riotous behaviour in a prison and refuses to desist when called upon; or
- (d) he is endangering the life or is likely to inflict grave injury to the prison officer or any other prison officer or person and the use of firearms is the only practicable way of controlling the prisoner.

### **Protection of persons acting in obedience to judicial writ**

**21.** When any action is brought against the Superintendent or against any person acting by his order and in his aid for any act done in obedience to the writ or warrant of any Judge or magistrate, the jury or the court which tries the issue shall find a verdict for such Superintendent or other person on his producing such writ or warrant and proving that

- (a) the signature thereto is the handwriting of the person whose name appears subscribed thereto; and
- (b) such a person is reputed to be or acts as a Judge or magistrate, as the case may be; and
- (c) the act complained of was done in obedience to such writ or warrant,

notwithstanding any irregularity in the issuing of such writ or warrant or any want of jurisdiction in such Judge or magistrate issuing the same; and the Superintendent or other person shall recover his costs of suit, if on discovery of any irregularity by the Superintendent he has reported the same immediately to the Minister.

### **Prison officers not to leave Service without permission**

**22.(1)** No prison officer shall leave the Service, withdraw himself from duty or be absent without leave unless expressly permitted to do so by the

Superintendent or by some other prison officer authorised to grant such permission.

(2) Any prison officer who contravenes subsection (1) shall be guilty of an offence and shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$2 500 or to imprisonment for a term of 12 months or to both such fine and imprisonment.

---

[1996-1]

### **Assault etc., by prison officer on another prison officer**

**23.** Any prison officer who assaults, threatens or insults another prison officer, when such officer is on duty or when such assault, threat or insult relates to or be consequent upon the discharge of duty by the officer so assaulted, threatened or insulted, shall be guilty of an offence and shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$200 or to a term of imprisonment of 6 months or to both such fine and imprisonment.

### **Miscellaneous offences by prison officers**

**24.** Any prison officer who without lawful authority

- (a) knowingly suffers any intoxicating liquor, tobacco, 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; or
- (b) lends or gives to any prisoner any intoxicating liquor, tobacco, hemp, drug, opiate, money, clothing, provisions, letter, document or other article; or
- (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 Superintendent, 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,

shall be guilty of an offence and shall be liable, on conviction by a court of summary jurisdiction, to a fine \$2 500 or to a term of imprisonment of 12 months or to both such fine and imprisonment.

---

[1996-1]

## PART IVA

### ESTABLISHMENT OF PRISON OFFICERS ASSOCIATION

#### **Constitution of Prison Officers Association**

**24A.(1)** There shall be established an Association to be known as “the Prison Officers Association”.

(2) The purpose of the Association is to enable prison officers to bring to the attention of the Superintendent, the Board and the Minister matters affecting the welfare and efficiency of prison officers.

(3) No representation may be made by the Prison Officers Association in relation to any question of discipline, promotion, transfer, posting, leave or other matter that affects an individual member of the Association.

(4) The Prison Officers Association shall be independent of, and unassociated with, any association outside the Service, other than similar Associations in and for Anguilla, Antigua, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, Saint Christopher and Nevis, Saint Lucia, Saint Vincent or Trinidad and Tobago.

---

[1982-50; 1996-1]

#### **Rules**

**24B.** The Superintendent, after consultation with the Prison Officers Association, may, with the approval of the Minister, make rules relating to the constitution, management and procedure of the Association.

---

[1982-50; 1996-1]

**Unauthorised associations**

**24C.**(1) No member of the Service shall be a member of an unauthorised association.

(2) No unauthorised association shall offer to any member of the Service any benefit, whether financial or otherwise; neither shall any member accept any such benefit if offered.

(3) A member of the Service who contravenes subsection (1) is liable to be dismissed from the Service and to forfeit all rights to any pension or gratuity or other allowance.

(4) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

[1996-1]

(5) In this section, “unauthorised association” means

- (a) a trade union as defined in section 2 of the *Trade Unions Act*, Cap. 361;
- (b) an association whose objects are the promotion of feelings of ill-will and hostility between different classes or races; or
- (c) any association
  - (i) whose objects are for the purpose of subverting the good discipline of members of the Service; and
  - (ii) that the Superintendent, with the approval of the Minister, in writing addressed to the head of the Association declares to be an unauthorised association.

[1996-1]

---

[1982-50]

PART V  
OFFENCES IN RELATION TO PRISONERS

**Persons unlawfully conveying prohibited articles, etc., to or from prison**

**25.(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 shall be guilty of an offence and shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$2 500 or to a term of imprisonment of 12 months or to both such fine and imprisonment.

(2) For the purposes of this section and of section 19, a prohibited article is any article contained in a list fixed in a conspicuous place near the entrance gate to every prison which is signed by the Superintendent and contains a list of articles which the Superintendent has decided shall be prohibited.

---

[1996-1]

**Trespassing**

**26.(1)** Any person who without lawful authority enters or remains within

- (a) such boundaries of a prison or as the Minister may by order declare;  
or
- (b) any place where prisoners are working

shall be guilty of an offence and, if he 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) shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$1 500 or to imprisonment for a term of 6 months or to both such fine and imprisonment.

*[1996-1]*

---

*[2005-7]*

### **Persons inciting or abetting desertion inciting and sedition**

**27.** Any person who, directly or indirectly, instigates, commands, counsels or solicits any meeting, 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 allegiance or duty, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of one year.

### **Harbouring prisoners**

**28.** Any person who knowingly harbours in or about his house, lands or otherwise, or who knowingly employs any person under sentence of imprisonment and illegally at large, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of 2 years.

### **General penalty**

**29.** Any person who is guilty of an offence under this Act or any rules shall, if no penalty is specially provided, be liable, on conviction by a court of summary jurisdiction, to a fine of \$1 500 or to imprisonment for 12 months or to both such fine and imprisonment.

---

*[1996-1]*

## PART VI

## ESTABLISHMENT AND CONTROL OF PRISONS

**Declaration of prisons**

**30.** The following places shall be prisons for the purposes of this Act, namely:

- (a) any part of a police station used for the imprisonment or detention of persons in custody;
- (b) Dodds Prison
  - (i) having the boundaries in the *Schedule* to this Act more particularly described in *Prison (Dodds Prison) (Boundaries) Order, 2007*; and  
[2007/109]
  - (ii) including the grounds and buildings within the prison enclosure and any grounds or buildings outside the enclosure that are used by prisoners or the staff of the prison.

---

[2007-34]

**Temporary prisons**

**31.** Whenever

- (a) it appears to the Superintendent that the number of prisoners in any prison is greater than can be conveniently kept therein 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 any prison or for any other reason, it is desirable to provide for temporary shelter and safe custody of any prisoners,

provision shall be made as the Superintendent, 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.

**Officer-in-Charge of prison to control prison**

- 32.** Every Officer-in-Charge shall
- (a) supervise and control all matters in connection with the prison to which he is appointed; and
  - (b) keep or cause to be kept such records as the Superintendent may from time to time direct; and
  - (c) be responsible to the Superintendent for the conduct and treatment of prison officers and prisoners under his control, and for the due observance by prison officers and prisoners of this Act and of all rules, directions and orders made thereunder.

**Women prison officers**

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

PART VII

CONFINEMENT AND TREATMENT OF PRISONERS

**Place of confinement of prisoner**

**34.(1)** A prisoner, whether sentenced to imprisonment or committed to prison on remand or pending trial or otherwise, may be lawfully confined in any prison.

(2) Prisoners shall be committed to such prisons as the Minister may from time to time direct and may by direction of the Minister be removed during the term

of their imprisonment from the prison in which they are confined to any other prison in or outside of Barbados.

[1967/168; 2002-18]

(3) A writ, warrant or other legal instrument addressed to the Superintendent and identifying a prison by situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.

### **Transfer of prisoners confined**

**34A.** The Minister may direct that a prisoner be committed during his term of imprisonment to a prison outside Barbados in accordance with the provisions of the *Repatriation of Prisoners Act*, Cap. 168B.

---

[2002-18]

### **Legal custody of prisoners**

**35.(1)** Every prisoner shall be deemed to be in the legal custody of the Superintendent.

(2) A prisoner shall be deemed to be in legal custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of any prison officer.

### **Accommodation for prisoners**

**36.(1)** The Minister shall satisfy himself from time to time that in every prison sufficient accommodation is provided for all prisoners.

(2) No cell shall be used for the confinement of a prisoner unless it is certified by the Officer-in-Charge and the medical officer that its size, lighting, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.

---

[1967/168]

**Separation of male and female prisoners**

37. In a prison used for both men and women, separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent the one from seeing or communicating with the other.

**Measuring, photographing and fingerprinting of prisoners**

38. The Minister may make rules as to the measuring, photographing and taking of finger-prints of all prisoners who may for the time being be confined in any prison, and also as to the transfer of any prisoner from the prison in which he is confined to any other place for the purpose of such measuring, photographing or taking of finger-prints.

**Painful tests prohibited**

39. The Medical Officer shall not apply any painful tests to a prisoner for the purpose of detecting malingering or for any other purpose except with the permission of the Minister.

---

[1967/168]

**Corporal punishment in prisons**

40.(1) Except as provided by this section, corporal punishment shall not be inflicted in any prison.

(2) Rules made under section 66 may authorise the infliction of corporal punishment for mutiny, incitement to mutiny or gross personal violence to a prison officer when committed by a male person serving a sentence for imprisonment.

(3) The rules shall not authorise the infliction of corporal punishment except by order of the Visiting Justice; and no such order shall be made except after an enquiry in which the evidence is given on oath.

(4) The Minister may, if he thinks fit in any particular case, direct that the functions exercisable under subsection (3) by the Visiting Justice shall be exercised by a magistrate appointed in that behalf.

*[1996-1]*

(5) The punishment which may be awarded under such an order under subsection (3) shall not exceed

(a) in the case of a person appearing to the Visiting Justice or magistrate to be not less than 21 years of age, 24 strokes of a birch rod; or

(b) in the case of a person appearing to him to be under that age, 12 strokes of a birch rod,

and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.

(6) Where an order for the infliction of corporal punishment has been made under this section, a copy of the notes of the evidence given at the enquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Minister; and the order shall be carried into effect only after confirmation by the Minister and, if the Minister confirms the order with modifications, in accordance with the modifications.

*[1996-1]*

(7) A refusal by the Minister to confirm such an order shall not prejudice any power to impose another punishment for the offence for which the order was made.

*[1996-1]*

### **Duty of Superintendent to deliver calendar of prisoners**

**41.** The Superintendent shall deliver to the Registrar of the Supreme Court a calendar of prisoners committed for trial before the High Court.

**Removal of prisoners for judicial and other purposes**

**42.(1)** Rules made under section 66 may provide in what manner an appellant, when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he is entitled to be present for the purposes of an appeal.

(2) The Superintendent shall, if he is informed by any court that the attendance at any place in Barbados of a person detained in a prison is desirable in the interests of justice or for the purposes of enquiry, direct him to be taken to that place.

*[1967/168]*

(3) The Superintendent may, if he is satisfied on the advice of the medical officer that a person detained in a prison requires medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purpose of the treatment.

(4) Where any person is directed under this section to be taken to any place he shall, unless the Superintendent otherwise directs, be kept in custody while being so taken, while at that place and while being taken back to the prison in which he is required in accordance with law to be detained.

*[1967/168]*

**Prisoners to be subject to prison discipline**

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

**Prisoners may be removed to any prison**

**44.** Subject to sections 34 and 34A, prisoners on being sentenced or during confinement may be removed to any prison at the Superintendent's discretion.

*[2002-18]*

**Removal of sick prisoners to hospital**

**45.(1)** In the case of illness of a prisoner confined in a prison in which there is not suitable accommodation for such prisoner, the Officer-in-Charge on the advice of the medical officer may make an order for his removal to a hospital; and in cases of emergency such removal may be ordered by the Officer-in-Charge without the advice of the medical officer.

(2) 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 was so removed.

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

(4) Every reasonable precaution shall be taken by the medical officer in charge of a hospital and the other officers and employees thereof to prevent the escape of any prisoner who may be under treatment therein, and it shall be lawful for such officers and employees to take such measures for the preventing of the escape of any such prisoner as are necessary.

**Measures for further security of prisoners in hospital**

**46.(1)** 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 such prisoner while under treatment in hospital, it shall be lawful for him to give such prisoner into the charge of fit and proper persons not being less than 2 in number, one of whom shall always be with such prisoner by day and by night.

(2) Such persons shall be vested with full power and authority to do all things necessary to prevent such prisoner from escaping and shall be answerable for his safe custody until such time as he is handed over to the Officer-in-Charge on his

discharge from hospital or until such time as his sentence expires, whichever first occurs.

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

47. Where any prisoner escapes during such time as he is in hospital, no prison officer shall be held answerable therefor unless such prisoner was in the personal custody of such prison officer; and no medical officer or other person shall be held answerable therefor unless it can be shown that he has helped such prisoner to escape or wilfully neglected to take reasonable precautions to prevent his escape.

**Subject to approval of the Superintendent, person sentenced to short term may opt for penal labour in lieu of imprisonment**

48.(1) Notwithstanding any law to the contrary, a person who, being under the age of 21 years, has been sentenced by a court to imprisonment for a term not exceeding 3 months or who has been committed to prison for non-payment of any sum not exceeding 24 dollars may, subject to this section, in the discretion of the Superintendent and with his own consent, in lieu of imprisonment, be employed on public work outside the prison.

(2) Every such person shall be employed on such work for such time daily, not exceeding 6 hours, as the Superintendent shall direct and while not so employed shall not be subject to any prison rules.

(3) Every person employed on such labour shall be required to report daily during the term of his sentence to the Superintendent and at such time and place as he shall direct.

(4) Where any such person fails to present himself at the appointed time and place or absents himself from his task without permission or works or conducts himself in a manner which the Superintendent considers unsatisfactory, the Superintendent may forthwith order that such person shall suffer the imprisonment to which he is liable, subject nevertheless to a deduction of a

number of days on which he has completed his daily task and he shall thereupon be committed to prison accordingly.

---

[1945-1]

### **Employment of unconvicted prisoners**

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

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

### **Release of prisoners**

**50.(1)** The Officer-in-Charge shall be responsible for the due discharge of 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 own request until, in the opinion of the medical officer, such discharge can be effected without danger to the health of such prisoner.

## **PART VIII**

### **LENGTH OF SENTENCE, RELEASE ON SUPERVISION ORDER AND TEMPORARY DISCHARGE AND ORDERS TO BE AT LARGE**

#### **Calculation of term of sentence**

**51.(1)** In any sentence of imprisonment the word “month” shall, unless the contrary is expressed, be construed as meaning calendar month.

(2) A prisoner who, but for this subsection, would be discharged on a Sunday, Christmas Day, or Good Friday, shall be discharged on the day next preceding.

**Remission for good conduct and release of persons sentenced to terms of imprisonment**

**52.(1)** Rules made under section 66 may make provision whereby, in such circumstances as may be prescribed by such rules, a person serving a sentence of imprisonment for such a term as may be so prescribed may be granted remission of such part of that sentence as may be prescribed on the ground of his industry and good conduct, and on the discharge of a person from prison in pursuance of any such remission his sentence shall expire.

(2) Where it appears to the Minister that a person serving a sentence of imprisonment was under the age of 21 years at the commencement of his sentence he may direct that instead of being granted remission of his sentence under such rules he shall, at any time on or after the day on which he could have been discharged if the remission had been granted, be released on a supervision order under this section.

*[1996-1]*

(3) A person released on a supervision order under this section shall, until the expiration of his sentence, be under the supervision of such society or person as may be specified in the order and shall comply with such other requirements as may be so specified: but the Minister may at any time modify or cancel any such requirements.

*[1996-1]*

(4) Where before the expiration of his sentence the Minister is satisfied that a person released on a supervision order has failed to comply with any requirement for the time being specified in the order, he may by order recall him to prison; and thereupon that person shall be liable to be detained in prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.

*[1996-1]*

(5) The Minister may release on a supervision order a person detained in a prison under subsection (4) at any time before the expiration of his sentence; and

subsections (3) and (4) shall apply in the case of a person released under this subsection as they apply in the case of a person released under subsection (2).

[1996-1]

(6) Where the unexpired part of the sentence of a person released under subsection (2) is less than 6 months, subsections (3) to (5) shall apply to him subject to the following modifications

- (a) the period for which he is under supervision under subsection (3) and is liable to recall under subsection (4) shall be a period of 6 months from the date of his release under subsection (2);
- (b) if he is recalled under subsection (4) the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say
  - (i) the remainder of the said period of 6 months; or
  - (ii) the part of his sentence which was unexpired on the date of his release under subsection (2), reduced by any time during which he had been so detained since that date,

and he may be released on a supervision order under subsection (5) at any time before the expiration of that period.

(7) For the purposes of this section, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.

### **Release on supervision of persons serving imprisonment for life**

**53.(1)** The Minister may, at any time if he thinks fit, release on a supervision order a person serving a term of imprisonment for life subject to compliance with such conditions, if any, as the Minister may from time to time determine.

(2) The Minister may at any time by order recall to prison a person released on a supervision order under this section, but without prejudice to the power of the Minister to release him on supervision again.

(3) Where any person is recalled under subsection (2), his order shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

---

[1996-1]

#### **Release of prisoner on payment of portion of fine**

**54.** Where a person is committed to prison for non-payment of any sum adjudged to be paid by the conviction or order of any Judge or magistrate or for want of sufficient distress to satisfy such sum, then, on payment to the Officer-in-Charge of part of the sum, the period of detention shall be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid bears to so much of the said sum and the costs and charges of any distress levied to satisfy that sum, as was due at the time the period of detention was imposed.

#### **Time for receiving fines or part-payments**

**55.** There shall be no obligation on the part of the Officer-in-Charge to receive upon a Sunday, Christmas Day, or Good Friday any penalty, fine or payment tendered to obtain the release or reduction of the terms of imprisonment of any prisoner, and fines or part-payment thereof will only be received between the hours of 10.00 a.m. and 4.00 p.m.

#### **Power of Minister to discharge prisoners temporarily on account of ill-health**

**56.(1)** Where the Minister is satisfied that, by reason of the condition of a prisoner's health, it is undesirable to detain him in prison but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Minister may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.

(2) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.

(3) Any prisoner discharged under this section shall comply with any conditions stated in the order of temporary discharge and shall return to prison at the expiration of the period stated in the order or of such extended period as may be fixed by any subsequent order of the Minister and a prisoner who fails so to comply or return may be arrested without warrant and taken back to prison.

*[1996-1]*

(4) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.

(5) Nothing in this section shall affect the duties of the medical officer in respect of a prisoner whom the Minister does not think fit to discharge under this section.

*[1996-1]*

---

*[1996-1]*

### **Expenses of return from prison of discharged prisoner**

**57.** When a prisoner is discharged from prison, the Officer-in-Charge may provide him with the means of returning to his home either by paying his fare or in any other convenient manner.

### **Order to prisoners to be at large**

**58.(1)** The Minister may grant to any prisoner under sentence of imprisonment for a term of 5 years or upwards who has completed two-thirds of any such sentence and has been of good behaviour while undergoing such

sentence an order to be at large in Barbados or in such part thereof as in such order shall be specified, and it shall be lawful for the Minister to revoke or alter such order at his pleasure: but no such order shall be granted to any prisoner sentenced to imprisonment for life.

[1996-1]

(2) Any order granted under this section shall, unless revoked or forfeited, continue in force for the period of 12 months from the date of the prisoner's release.

[1996-1]

### **Legal effect of an order to be at large**

**59.** So long as an order to be at large continues in force, such prisoner shall not be liable to imprisonment by reason of his sentence but shall be allowed to go and remain at large according to the terms of such order.

### **Form and conditions of an order to be at large**

**60.** Every order to be at large shall be in such form as may be prescribed by the Minister and shall be granted subject to the following conditions

- (a) the finger-prints of the holder of the order shall be impressed thereon and a photograph of his front and side face shall be affixed thereto;
- (b) the holder of such order shall possess his order and shall at all times produce it on demand, when called upon to do so by a magistrate or police constable or person under whose supervision he has been placed;
- (c) the holder of such order shall abstain from any violation of the law;
- (d) the holder of such order shall not habitually associate with notoriously bad characters such as reputed thieves, housebreakers, receivers of stolen property and the like;
- (e) the holder of such order shall, at the time of his discharge from prison, inform the Officer-in-Charge of the district where he intends to reside

and shall with all convenient speed proceed to such district and report himself personally to the person under whose supervision he has been placed within 48 hours of arrival or so soon thereafter as is practicable;

- (f) the holder of such order shall notify such person of any change of address and shall also inform him if he intends to leave the district, and on arrival in any new district he shall report himself personally to the person to whom he has been told to report by the person under whose supervision he has been placed within 48 hours of arrival or so soon thereafter as is practicable;
- (g) any conditions which the Minister may impose.  
*[1996-1]*

---

*[1996-1]*

#### **Penalty for failure to comply with conditions of an order to be at large**

**61.(1)** The holder of an order to be at large granted under this Act who fails to comply with any of the conditions of such order shall be guilty of an offence and, in addition to any other penalty which he may have incurred in respect of the act constituting such breach, shall, on conviction by a court of summary jurisdiction, be liable to imprisonment for a period of 3 months and the magistrate by whom such person is convicted may instruct that the order be forfeited.

(2) Any police constable may arrest without warrant any person whom he reasonably suspects to have committed an offence contrary to this section.

#### **Forfeiture of order to be at large and completion of original sentence**

**62.** Where any order to be at large is forfeited or revoked under this Part, the person whose order is forfeited or revoked shall, unless the Minister specially determines otherwise, after undergoing any other punishment (if any) to which he may be sentenced for the offence in consequence of which his order is forfeited or revoked, further undergo a term of imprisonment equal to the portion of the

term that remained unexpired at the time he failed to comply with the conditions of such order.

---

[1996-1]

### **Loss of order**

**63.** The holder of an order to be at large granted under this Act who proves to the satisfaction of the Superintendent or the person under whose supervision he has been placed that he has lost his order shall be entitled to a duplicate of such order.

### **Procedure when an order is revoked or forfeited**

**64.(1)** Whenever an order to be at large is revoked by the Minister, any magistrate shall, on the production to him of a certificate of such revocation, issue a warrant, which may be executed in any part of Barbados, for the apprehension of the person to whom such order was granted.

(2) Such person being apprehended shall be brought before the magistrate, who shall make out his warrant for the recommitment of such person to prison to undergo the imprisonment for a period of 6 months or the outstanding period of the supervision order, whichever is the shorter.

(3) Whenever an order is forfeited by the instruction of a magistrate under subsection (1) of section 61, such magistrate shall make out a warrant for the recommitment of such person to undergo the imprisonment for a period of 6 months or the outstanding period of the supervision order, whichever is the shorter.

---

[1996-1]

**Exercise of Minister's functions**

**65.** The Minister in the exercise of any function conferred upon him by section 52, 53, 56, 58, 60, 62 or 68 shall act in accordance with the advice of the Board.

---

[1996-1]

**PART IX****RULES FOR THE MANAGEMENT OF PRISONS AND OTHER INSTITUTIONS****Power to make rules**

**66.(1)** 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 the Board;  
[1996-1]
- (d) the duties and powers of Visiting Justices;
- (e) the duties of the medical officers, the medical inspection of prisons and prisoners and the prevention of contagious diseases in prisons;
- (f) the safe custody, management, organisation, hours, mode and kind of labour and employment, clothing, maintenance, instruction, discipline, treatment, restraint, correction and discharge of prisoners;

- 
- (g) the provision of a suitable diet and dietary scales, including restricted diets, for prisoners and prescribing conditions under which such diet and scale may be varied;
  - (h) the construction, description, equipment and supervision of cells and wards;
  - (i) the payment of prisoners for work done while in prison;
  - (j) the establishment of a prison officers' rewards and fines fund and the method of administration by the Superintendent;
  - (k) the establishment of after-care associations and societies in connection with discharged prisoners and the appointment of officers responsible for the welfare of prisoners and their after-care;
  - (l) the medical examination or other records of prisoners confined in any prison or otherwise detained in custody, including detailed personal statistics and histories;
  - (m) the execution of condemned prisoners;
  - (n) the disposal of the products of prison labour;
  - (o) the disposal of prisoners' property left unclaimed for a prescribed period;
  - (p) the manner in which remission of sentence shall be calculated;
  - (q) the treatment of the undermentioned persons while required to be detained in a prison
    - (i) any appellant pending the determination of his appeal;
    - (ii) any other person detained in a prison who is not a person serving a sentence or a person imprisoned in default of payment of a sum adjudged to be paid by him on his conviction;
  - (r) the temporary release of persons serving a sentence of imprisonment or other form of training;

- (s) anything which by this Act may be or is to be prescribed, and generally for the effective administration of this Act, for the good management and government of prisons and the prisoners therein, whether in, about or beyond the limits of such prisons.
- (2) Rules made under subsection (1) shall be subject to negative resolution and shall be judicially noticed in all courts of Barbados.

### **Saving of existing rules**

**67.** All rules in force in any prison, which are not inconsistent with the provisions of this Act, shall continue in force until amended or rescinded.

## PART X MISCELLANEOUS

### **Persons unlawfully at large**

**68.(1)** Any person who, having been sentenced to imprisonment or having been committed to a prison, is unlawfully at large may be arrested by a police constable without warrant and taken to the place in which he is required in accordance with law to be detained.

(2) Where any person sentenced to imprisonment is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence or order, then, unless the Minister otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of any time during which he is absent from the prison: but this subsection shall not apply to any period during which any such person is detained in pursuance of a sentence or order or in pursuance of any other sentence of any court in a prison.

*[1996-1]*

(3) Subsection (2) shall apply to a person who is detained in custody in default of payment of any sum as if he were sentenced to imprisonment.

(4) For the purpose of this section, a person who, after being temporarily released in pursuance of rules made under section 66, is at large at any time during the period for which he is liable to be detained in pursuance of his sentence shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made by the Minister in pursuance of the rules.

*[1996-1]*

**Governor-General may authorise destruction of certain warrants**

**69.(1)** The Governor-General may from time to time by an order in writing authorise the Superintendent to destroy such warrants of commitment to prison bearing a date 5 years at least from such order as have been duly served, and the contents of which have been recorded in the register kept at the prison.

(2) A certified copy signed by the Superintendent shall in all courts in Barbados be receivable in evidence wherever the original warrant, the destruction of which is by this Act authorised, would have been receivable in evidence.

**SCHEDULE***(Section 30(b))*

ALL THAT land situate at Dodds Plantation in the parish of Saint Philip in this Island containing by admeasurement 23.175 hectares or thereabouts (inclusive of 0.215 hectares in road) Abutting and Bounding on lands now or late of Oughterson Plantation on lands now or late of Richard Maynard on lands of the Crown known as “Dodds Plantation” and on the public road called Highway 4B which leads to Thicketts in one direction and to the St. Philip’s Parish Church in the other direction or however else the same may abut and bound as shown and delineated on a plan certified on the 3rd day of February, 2006 as Plan No. 107/2006.

*[2007-34]*