

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P75

PRISON ACT

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2011, in force 3 October 2012

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA



ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P75

PRISON ACT

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2011, in force 3 October 2012

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

PRISON ACT

TABLE OF CONTENTS

SECTION

1. Interpretation

PROVISION, MAINTENANCE AND CLOSING OF PRISONS

2. Anguilla to provide and maintain prison
3. Power to alter prisons and build new ones
4. Closing of prisons

VISITING COMMITTEE

5. Visiting Committee

PRISON OFFICERS

6. Prison officers
7. Powers of prison officers

CONFINEMENT AND TREATMENT OF PRISONERS

8. Place of confinement of prisoners
9. Legal custody of prisoner
10. Duty of Superintendent to deliver calendar of prisoners
11. Removal of prisoners for judicial and other purposes
12. Calculation of term of sentence
13. Remission for good conduct and award of gratuities

OFFENCES

14. Assaulting or resisting prison officers
15. Unlawful conveyance of spirits or tobacco into prison, etc.
16. Unlawful introduction of other articles
17. Display of notice of penalties

REGULATIONS AND CITATION

18. Power to make regulations
19. Citation

PRISON ACT

Interpretation

1. In this Act—

"prison" means gaol, and includes the airing ground or other ground or buildings occupied by prison officers and contiguous thereto and any other place which the Governor shall by regulation declare to be a prison;

"prisoner" means any person lawfully sentenced or ordered to be imprisoned or detained in prison;

"Superintendent" means the Superintendent of Prisons appointed under section 6(1).

PROVISION, MAINTENANCE AND CLOSING OF PRISONS

Anguilla to provide and maintain prison

2. There shall be provided and maintained at the expense of Anguilla, adequate accommodation for its prisoners in a prison.

Power to alter prisons and build new ones

3. The Governor may with the approval of the House of Assembly alter, enlarge or rebuild any prison in Anguilla or may, if necessary, build new prisons *in lieu* of or in addition to any existing prisons.

Closing of prisons

4. (1) The Governor may at any time by regulation declare any prison in Anguilla to be closed; and every prison which the Governor shall so declare to be closed shall, as from the date of the regulation, cease to be used as a prison accordingly.

(2) Persons committed to any prison closed under this section shall, upon the closing of such prison, be deemed to be committed to the prison nearest thereto, or to such other prison as the Governor may appoint or determine.

VISITING COMMITTEE

Visiting Committee

5. (1) Regulations made under section 18 shall provide for the constitution by the Governor of a visiting committee of a prison consisting of justices of the peace of Anguilla appointed at such times, in such manner and for such periods as may be prescribed by the regulations.

(2) Regulations made as aforesaid shall prescribe the functions of the visiting committee and shall among other things require members to pay frequent visits to a prison and hear any complaints which may be made by the prisoners, to consider periodically the character, conduct and prospects of each prisoner and report to the Governor any matter which they consider it expedient to report; and

any visiting committee may at any time enter the prison and shall have free access to every part of it and to every prisoner.

PRISON OFFICERS

Prison officers

6. (1) The Governor shall appoint a Superintendent of Prisons who shall be in charge of the prisons in Anguilla and shall superintend and manage the same.

(2) In addition to the Superintendent, the Governor shall appoint such other officers including an honorary chaplain, as may be necessary, for the efficient management of the prison.

(3) The duties of the officers appointed by virtue of subsections (1) and (2) shall be such as may be prescribed by regulations made under section 18.

Powers of prison officers

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

CONFINEMENT AND TREATMENT OF PRISONERS

Place of confinement of prisoners

8. (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 Governor may from time to time direct; and may by direction of the Governor be removed during the term of their imprisonment from the prison in which they are confined to any other prison in Anguilla.

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

Legal custody of prisoner

9. (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 an officer of the prison.

Duty of Superintendent to deliver calendar of prisoners

10. The Superintendent shall deliver to the High Court a calendar of persons confined in prison who are committed for trial before the High Court.

Removal of prisoners for judicial and other purposes

11. (1) Regulations made under section 18 may provide in what manner an appellant within the meaning of such regulations as may from time to time be in force and apply to Anguilla in relation to appeals to the Court of Appeal, 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 those regulations, or any place to which the Court of Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that Court.

(2) The Governor may—

(a) if he is satisfied that the attendance at any place in Anguilla of a person detained in a prison in Anguilla is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place; or

(b) if he is satisfied that a person so detained 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;

and, where any person is directed under this subsection to be taken to any place, he shall, unless the Governor 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.

(3) It shall be lawful for the Magistrate, in any case where he may see fit to do so, upon application, to issue a warrant or order under his hand for any prisoner to be taken from the prison to his Court for the purpose of answering any charge that may be preferred against him.

Calculation of term of sentence

12. (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 award of gratuities

13. (1) Regulations made under section 18 may make provision whereby, in such circumstances as may be prescribed by the regulations, 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 so 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 as aforesaid his sentence shall expire.

(2) Regulations made as aforesaid may also provide for the award of gratuities on their discharge to prisoners who have been sentenced to imprisonment for a term of 12 or more months.

(Act 8/2011, s. 23)

OFFENCES

Assaulting or resisting prison officers

14. Any person who assaults or resists any prison officer in the execution of his duty, or aids or incites any person so to assault or resist any such officer, is liable on summary conviction to a penalty of $4,000, or to imprisonment for any term of 2 months; or, if the offender is a prisoner, he is liable, on conviction on indictment, to be imprisoned for a term of one year.

Unlawful conveyance of spirits or tobacco into prison, etc.

15. Any person who contrary to the regulations of a prison brings or attempts to bring into the prison or to a prisoner any spirituous or fermented liquor or tobacco, or places any such liquor or any tobacco anywhere outside the prison with intent that it shall come into the possession of a prisoner, and any officer who contrary to those regulations allows any such liquor or any tobacco to be sold or used in the prison, is liable on summary conviction to imprisonment for a term of 6 months or a fine of $4,000.

Unlawful introduction of other articles

16. Any person who contrary to the regulations of a prison conveys or attempts to convey any letter or any other thing into or out of the prison or to a prisoner or places it anywhere outside the prison with intent that it shall come into the possession of a prisoner is liable, where he is not thereby guilty of an offence under either section 128 of the Criminal Code[1] or section 15 of this Act, on summary conviction to a fine of $2,000.

(Am. in L.R. 15/12/2014)

Display of notice of penalties

17. The Superintendent shall cause to be affixed in a conspicuous place outside each prison a notice of the penalties to which persons committing offences under sections 15 and 16 of this Act and section 128 of the Criminal Code[2] are liable.

(Am. in L.R. 15/12/2014)

REGULATIONS AND CITATION

Power to make regulations

18. (1) The Governor in Council may make regulations for the regulation and management of prisons, the conduct, discipline and duties of the officers employed therein, and the classification, treatment, employment, discipline and control of prisoners.

(2) Regulations made under this section shall make provision for ensuring that a person who is charged with any offence under the regulations shall be given a proper opportunity of presenting his case.

Citation

19. This Act may be cited as the Prison Act, Revised Statutes of Anguilla, Chapter P75.

———————

[1] This section has been corrected to reflect the renumbering of the Criminal Code, R.S.A. c. C140 *(15/12/2014).*
[2] This section has been corrected to reflect the renumbering of the Criminal Code, R.S.A. c. C140 *(15/12/2014).*