

No. 421. THE PRISON DISCIPLINE LAW, 1879.

REGULATIONS MADE UNDER SECTION 6.

W. D. BATTERSHILL,
Governor.

In exercise of the powers vested in him by section 6 of the Prison Discipline Law, 1879, His Excellency the Governor, with the advice of the Executive Council, has been pleased to make and hereby makes the following regulations :—

1. These regulations may be cited as the Prisons (Prison Officers Discipline) Regulations, 1939. Short title.

2. Any Sergeant-Major Warder, Sergeant Warder or Prison Warder who commits any offence contrary to and prejudicial to the good order and discipline of the Prison Service may, subject to any regulations in that behalf for the time being in force, be arrested by any officer of higher rank than himself and pending investigation be detained in the main gate guard room of any prison. Power to arrest in certain cases.

3. When any Sergeant-Major Warder, Sergeant Warder or Prison Warder is charged with any offence mentioned in these regulations, the Inspector of Prisons or the Resident Superintendent, Central Prison, or the Governor of a prison may inquire into the truth of the charge. and— Offences by members of the Prison Service and punishments therefor.

(1) if the accused is found guilty of any of the following offences :—

- (a) withdrawing himself from the Prison Service, unless he shall have given three months' notice in writing to the Inspector of Prisons and obtained written consent to do so, or so withdrawing prior to the expiration of any such notice ;
- (b) inciting or joining any mutiny or knowing of any mutiny or intended mutiny and failing to report the same immediately to his superior officer ;
- (c) failing to use his utmost endeavours to suppress any mutiny or disorderly conduct ;
- (d) exhibiting cowardice or inducing or influencing another to exhibit cowardice while in the execution of his duty ;
- (e) directly or indirectly accepting or giving any bribe or gratuity for the performance of or the omission to perform any part of his duties ;
- (f) by negligence or wilfully allowing any prisoner entrusted to his charge to escape, or conniving at the escape of any prisoner or at the attempt of any prisoner to escape ;
- (g) striking, threatening or offering any violence to his superior officer ;
- (h) using abusive, insulting or threatening language or gestures to his superior officer ;
- (i) wilfully or by negligence destroying, damaging, pawning, selling, losing or permitting to be destroyed, damaged, pawned, sold or lost any arms, ammunition, clothing, accoutrements, appointments, stores or other Government property entrusted to his care ;
- (j) taking and converting to his own use any of the necessaries belonging to his comrades without their consent ;
- (k) using any harsh or unnecessary violence to any prisoner ;

- (l) introducing or attempting to introduce into the prison any spirituous or fermented liquor or tobacco contrary to Prison Regulations for the time being in force ;
- (m) conveying or attempting to convey any letter or document or any article whatever contrary to any Prison Regulations for the time being in force ;
- (n) knowingly corresponding with or holding any intercourse with any ex-prisoner or with the friends or relatives of any prisoner or ex-prisoners without the sanction and knowledge of his superior officers,

he shall be liable to one or more of the following punishments :—

- (i) Summary dismissal ;
- (ii) Imprisonment for a term not exceeding six months ;
- (iii) Fine not exceeding ten pounds ;
- (iv) Reduction to a lower rank or class ;
- (v) Deprivation of good conduct pay or merit allowance,

and the Inspector of Prisons shall have power to order and enforce any such punishment :

Provided that whenever a Sergeant-Major Warder, Sergeant-Warder or Prison Warder shall have been awarded a punishment of a fine exceeding two pounds or of reduction in rank or of summary dismissal, a report thereof with the minutes of the proceedings in relation thereto shall be forthwith sent by the Inspector of Prisons to His Excellency the Governor who shall have power to confirm, vary, remit or annul the punishment, or

- (2) if the accused is found guilty of any of the following offences—
 - (a) behaving in an improper, disorderly or tyrannical manner while in the execution of his duty ;
 - (b) absence without leave ;
 - (c) drunkenness on or off duty ;
 - (d) wilful disobedience of lawful orders ;
 - (e) wilful neglect of duty ;
 - (f) malingering or attempting to evade the performance of duty by a false plea of sickness ;
 - (g) withholding from his superior officer any complaint or information which it is his duty to disclose ;
 - (h) knowingly making any return or statement or signing any false certificate or being privy thereto ;
 - (i) wilfully omitting to make any entry in any official book or diary as to the performance of any duty, matter, thing or occurrence which it is his duty to enter ;
 - (j) divulging matter which it is his duty to keep secret ;
 - (k) making use of mutinous or insubordinate words or actions ;
 - (l) writing or making any anonymous letter or complaint to the Government or to his superior officer ;
 - (m) gambling or betting ;
 - (n) smoking or chewing tobacco while on duty, or having in his possession tobacco while inside the inner gate of the prison ;
 - (o) sleeping, sitting down or lounging while on sentinel or patrol duty ;
 - (p) failing to exercise proper vigilance or discipline over prisoners or failing to perform any duty prescribed by the Prison Regulations for the time being in force or wilfully, or carelessly disobeying, neglecting, evading or permitting to be disobeyed, neglected or

evaded any rule, regulation, or order lawfully made and provided in respect of any prison ;

- (g) doing any act, or causing any disorder or neglect to the prejudice of good order and discipline of the Prison Service not specified in these regulations,

he shall be liable to one or more of the following punishments :—

- (i) Fine not exceeding two pounds ;
- (ii) Severe reprimand ;
- (iii) Reprimand ;
- (iv) Confinement to barracks when off duty for a period not exceeding 7 days,

and the Resident Superintendent or Governor of a prison shall have power to order and enforce any such punishments :

Provided that where the Resident Superintendent or Governor of a prison considers that the accused deserves a higher punishment than he can inflict, he may refer the case to the Inspector of Prisons, who may inflict any of the punishments mentioned in paragraph (1) of this regulation :

Provided further that—

- (i) an appeal shall lie from any sentence of the Resident Superintendent or Governor of a prison to the Inspector of Prisons who shall have power either to allow or dismiss the appeal or increase or decrease the punishment, and
- (ii) that if the sentence is of a fine exceeding five shillings or a severe reprimand such punishment shall be subject to the confirmation of the Inspector of Prisons.

4. Absence without leave shall entail loss of pay for the period of the absence in addition to such other punishment as may be awarded. For the purpose of computing the number of days of absence without leave, any part of a day shall count as a whole day. Loss of pay for absence without leave.

5. Any punishment awarded under these regulations shall not be in lieu of or in substitution for any punishment to which the person would be liable in any civil or criminal Court. Civil or criminal responsibility saved.

6. All fines imposed under these regulations shall be formed into a fund to be disposed of for such purpose beneficial to the Prison Service and in such manner as may be directed by orders from time to time issued in this behalf by His Excellency the Governor. Disposal of fines.

7. Subject to any Prison Regulations for the time being in force, Sergeant-Major Warders, Sergeant Warders and Prison Warders may be discharged from the Prison Service by the Inspector of Prisons at any time, the sanction of His Excellency the Governor being first obtained— Power to Inspector of Prisons to effect discharges in certain cases.

(a) when pronounced by a Medical Board, comprising not less than two duly registered medical practitioners appointed in that behalf by the Director of Medical Services at the request of the Inspector of Prisons to enquire into the state of the health of such officer, to be mentally or physically unfit for further service ;

(b) when sentenced to be dismissed from the Prison Service for misconduct ;

(c) upon conviction for any offence involving fraud or dishonesty or which in the opinion of the Inspector of Prisons otherwise renders the person convicted unfit to continue to belong to the Prison Service ;

(d) on grounds of inefficiency :

Provided that the Inspector of Prisons may discharge any Prison Warder at any time during the probationary period of his service if the Inspector of Prisons considers that he is not likely to become an efficient Prison Officer.

Arms, accoutrements, etc., to be delivered over on dismissal or discharge.

8. When any member of the Prison Service ceases to belong to the service either by being dismissed therefrom or by being discharged on any grounds, he shall deliver over his arms, accoutrements, clothing and other property in his possession belonging to the Government at such time and place and to such person as shall be directed by the Inspector of Prisons. If he fails to produce or to account satisfactorily for the absence of such articles he shall be liable on summary conviction to pay the value of the same, or in default of payment to be imprisoned for a term not exceeding one month, if such failure to produce or to account satisfactorily be in the opinion of the Court wilful, the defaulter shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months.

Revocation.

9. The Regulations made by the Governor in Council dated the 25th day of August, 1894, and published under Notification No. 2597 in the *Gazette* of the 14th day of September, 1894, are hereby revoked.

Made in Council, this 27th day of December, 1939.

(M.P. 3791/07/2.)

N. D. WATSON,
Clerk of the Executive Council.

No. 422. THE LAND ACQUISITION LAWS, 1899 TO 1936.

NOTIFICATION UNDER SECTIONS 2, 3 AND 4.

W. D. BATTERSHILL,
Governor.

Whereas it has been represented to me that it is desirable in the public interest to erect stables for use by the Cyprus Police Force at the village of Lefka in the District of Nicosia :

Now, therefore, I, William Denis Battershill, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Cyprus, by virtue of the powers vested in me by sections 2, 3 and 4 of the Land Acquisition Laws, 1899 to 1936, do hereby declare the acquisition of land at the village of Lefka in the District of Nicosia and the erection thereon of such stables to be an undertaking of public utility, and do hereby authorize the carrying out of the said undertaking and do hereby entrust to the Director of Public Works the supervision and effectuation of the said undertaking.

Given under my hand and seal this 20th day of December, 1939.

(M.P. 618/31.)