

No. 322. THE PRISON DISCIPLINE LAW, 1879.

REGULATIONS MADE UNDER SECTION 6.

WINSTER,

Governor.

In exercise of the powers vested in me by section 6 of the Prison Discipline Law, 1879, I, the Governor, with the advice of the Executive Council, do hereby make the following regulations :—

1. These regulations may be cited as the Prisons (Prison Service) Regulations, 1948. Short title.

2.—(1) The Cyprus Prison Service shall consist of such numbers of the following ranks as the Governor may direct :— Prison Service and interpretation.

- (a) Superintendent ;
- (b) Assistant Superintendents ;
- (c) Inspectors ;
- (d) Senior Warders ;
- (e) Warders ;
- (f) Temporary Warders.

(2) In these regulations " District Superintendent " shall have the same meaning as in the Prison Regulations, 1945.

3.—(1) Temporary Warders will be engaged by the Superintendent : Conditions of engagement of Temporary Warders.
Provided that no person shall be engaged as Temporary Warder who—

- (a) is not a British Subject.
- (b) is under the age of twenty years or such other age as may be fixed by the Superintendent from time to time.
- (c) is not of the required height and chest measurements according to such standard as may be fixed by the Superintendent from time to time.
- (d) is not passed by a Government Medical Officer as fit for service.
- (e) in the opinion of the Superintendent is not of good character.
- (f) does not possess the required educational qualifications according to such standard as may be laid down by the Superintendent from time to time.

(2) Every Temporary Warder shall, on first engagement take and subscribe the Oath of Allegiance as set out in the Schedule hereto, before the Superintendent or such other Officer as may be authorized by him and in the presence of a witness.

4.—(1) Employment of every Temporary Warder shall be on a temporary basis, from month to month on a salary at an annual rate payable in arrear at the end of each month of service. Terms of service of Temporary Warders.

(2) A Temporary Warder shall conform with, and be subject in all respects to, the Cyprus General Orders in force for the time being, in so far as the same are applicable.

5. The duties of a Temporary Warder shall be the same as those laid down for Warders in the Prison Regulations, 1945, or any amendment thereof. Duties of Temporary Warders.

6. If a Temporary Warder at any time neglects or refuses or from any cause whatsoever (excepting ill-health not caused by his own misconduct) becomes unable to perform any of his duties or fails to comply with any order of the Superintendent or of any other member of the permanent staff of the Prison Service acting under the directions of the Superintendent or with any condition hereof, or shall disclose any information respecting any matter relating to the prisons or committed to his care to any unauthorized person or shall in any manner misconduct himself, he may be dismissed forthwith without any notice. Dismissal of Temporary Warders without notice.

Termination of engagement of Temporary Warders.

7.—(1) The engagement of a Temporary Warder may be determined at any time by the Superintendent without assigning any reason upon his giving one month's notice therefor in writing or on paying one month's salary in lieu of notice.

(2) A Temporary Warder may at any time determine his engagement by giving to the Superintendent one month's notice therefor in writing.

Prison Officers not to resign without permission.

8. No Senior Warder or Warder shall be at liberty to resign from the service unless expressly permitted to do so by the Governor.

Arms accoutrements, etc., to be handed over on ceasing to belong to the service.

9. When any member of the Prison Service ceases for any reason to belong to the Prison Service, he shall deliver over his arms, accoutrements, clothing and any other property in his possession belonging to the government, at such time and place and to such person as shall be directed by the Superintendent and if he fails so to deliver over or cannot account satisfactorily for the absence of such articles he shall be liable to pay for the value of the above-mentioned articles.

Power to arrest in certain cases.

10. Any Senior Warder, Warder or Temporary Warder who commits any offence contrary to or 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.

Offences by members of the Prison Service and punishments therefor.

11.—(1) When any Senior Warder, Warder or Temporary Warder is charged with any offence mentioned in these regulations, the Superintendent or District Superintendent, as the case may be, may inquire into the truth of the charge and—

(A) if the accused is found guilty of any of the following offences, that is to say—

- (a) withdrawing himself from the Prison Service, unless he shall have given the required notice in writing to the Superintendent and duly 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 any other member of the Prison Service 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 Officer;

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

- (i) confinement to barracks when off duty for a period not exceeding twelve days;
 - (ii) fine not exceeding ten pounds;
 - (iii) reduction to a lower rank or class;
 - (iv) deprivation of good conduct pay or merit allowance;
- and the Superintendent of Prisons shall have power to award and enforce any such punishment:

Provided that whenever a Senior Warder, Warder or Temporary Warder shall have been awarded a punishment of a fine exceeding two pounds or of reduction in rank, a report thereof with the minutes of the proceedings in relation thereto shall be forthwith sent by the Superintendent to His Excellency the Governor who shall have power to confirm, vary, remit or annul the punishment.

(B) If the accused is found guilty of any of the following offences, that is to say—

- (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 a priory 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 whilst 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 ;
- (q) 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 seven days,
- and the Superintendent or a District Superintendent shall have power to award and enforce any such punishment :

Provided that where the District Superintendent of a prison considers that the accused deserves a higher punishment than he can award, he may refer the case to the Superintendent of Prisons, who shall always have power to award any punishment mentioned in paragraph (1) of this regulation :

Provided further that—

- (i) an appeal shall lie from any sentence of the District Superintendent to the Superintendent who shall have power either to allow or dismiss the appeal or decrease the punishment ;
- (ii) if the sentence is of a fine exceeding five shillings or a severe reprimand such punishment shall be always subject to the confirmation of the Superintendent.

(2) At every inquiry under this regulation the provisions of regulation 157 of the Prison Regulations, 1945 and 1946, shall apply *mutatis mutandis*.

(3) Nothing in this regulation contained shall affect :—

- (a) the liability, trial or punishment of any Senior Warder, Warder or Temporary Warder for an act or omission which, though an offence under these regulations, is also punishable as an offence under any law in force for the time being ;
- (b) the liability of any Senior Warder or Warder to be dealt with under the Colonial Regulations in force for the time being ; or
- (c) the power of the Superintendent to terminate the engagement of any Temporary Warder, under the provisions of these regulations :

Provided that no Senior Warder, Warder or Temporary Warder shall be dealt with both under these regulations and also under the savings hereinbefore mentioned.

12. No member of the Prison Service shall, without the authority of the Superintendent, carry out any pecuniary or business transaction with or on behalf of any prisoner.

13. No member of the Prison Service shall receive an unauthorized fee, gratuity or other consideration in connection with his duties in the Prison Service.

14. No member of the Prison Service shall directly or indirectly have any interest in any contract in connection with the prison; nor shall he receive, directly or indirectly, under any pretence whatsoever, any fee, gratuity, or other consideration from any contractor, or from any person tendering or any other person whatever in connection with any such contract.

Gazettes :
Supplement
No. 3 :

5. 7.1945
31.10.1946

Business
transaction
with
prisoners.

Unautho-
rized fees.

No interest
in prison
contracts.

15. No member of the Prison Service shall—
- (a) allow any familiarity between a prisoner and himself or any other member of the Prison Service; nor shall he discuss his duties, or any matters of discipline or prison arrangement, within the hearing of a prisoner;
 - (b) by word, gesture, or demeanour, do anything which may tend to irritate any prisoner.
16. The Superintendent or a District Superintendent may search or cause to be searched any other member of the Prison Service.
17. No member of the Prison Service shall—
- (a) directly or indirectly make any unauthorized communication to representatives of the Press or any other persons in reference to matters which have become known to him in the course of his official duties;
 - (b) without authority publish any matter or make any public pronouncement relating to prisons or prisoners or the administration of the Prison Department.
18. 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.
19. 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.
- 20.—(1) All fines imposed under these regulations shall be formed into a Prison Fund to be disposed of for such purpose beneficial to the Prison Service as the Superintendent with the approval of the Governor may determine.
- (2) All the fines shall be paid to the Treasurer in the first instance and shall be credited to the Prison Fund.
- (3) The Superintendent of Prisons may pay rewards from the Prison Fund to members of the Cyprus Prison Service—
- (a) for special acts of bravery;
 - (b) for valuable intelligence acquired by personal risk, hardship or unusual skill;
 - (c) for other special or meritorious services:
- Provided that no single payment above the sum of ten pounds shall be made without the prior authority of the Governor, and provided further that no payment shall be made to any one member of the Cyprus Prison Service amounting in the aggregate in any one financial year to more than ten pounds without the prior authority of the Governor.
- (4) The Superintendent of Prisons may make grants or contributions from the Prison Fund for the purpose of equipment for recreation rooms, for sports, and for such other purpose for the good or well-being of the Cyprus Prison Service as to him may seem fit:
- Provided that no single contribution above the sum of ten pounds shall be made without the prior authority of the Governor.
- (5) A record of all receipts and payments of the Prison Fund shall be kept in the office of the Superintendent of Prisons, and all accounts, vouchers, receipts and entries shall be subject to audit by the Auditor, in the same way as all other Prison accounts are audited by him.
- (6) Expenditure from the Prison Fund shall be made only under the personal authorization of the Superintendent of Prisons.

No familiarity with prisoners or conduct tending to irritate them.

Submitting to be searched in the prison.

Unauthorized communications to the Press.

Loss of pay for absence without leave.

Civil or criminal responsibility saved.

Disposal of fines.

Trade
Unions
forbidden.

21. It shall not be lawful for any member of the service to be or to become a member of any Trade Union.

Liability
for main-
tenance of
wife and
children.

22.—(1) Every Senior Warder, Warder or Temporary Warder shall be liable to contribute to the maintenance of any illegitimate children of whom he is proved to be or admits he is the father to the same extent as if he were not a member of the service.

(2) If any such Senior Warder, Warder or Temporary Warder fails to contribute a sufficient amount for the maintenance of his wife and children, it shall be lawful for the Superintendent to deduct such amount from the pay of the Warder concerned, not exceeding one-third thereof, as may be necessary and to apply such amount towards the maintenance of the wife and children of such Warder in such manner as the Superintendent may think fit.

Good
conduct
badges and
pay.

23.—(1) Subject to the conditions hereinafter set forth, badges and pay for good conduct may be granted by the Superintendent of Prisons to the Senior Warders, Warders and Temporary Warders of the Prison Service as follows:—

- 1st badge after 2 years' uninterrupted good conduct ;
- 2nd badge after 2 further years' uninterrupted good conduct ;
- 3rd badge after 4 further years' uninterrupted good conduct ;
- 4th badge after 4 further years' uninterrupted good conduct.

(2) By "uninterrupted good conduct" is meant that no punishment other than "Confinement to Barracks for not more than seven days" or "a reprimand" has been awarded. When a punishment, other than the punishments aforementioned, is awarded, the period of uninterrupted good conduct shall be deemed to be broken and to start again on the day following that on which the offence was committed.

(3) Each badge will carry a good conduct pay of 2s. 4½p. per month that is to say:—

- A Warder in possession of 1 badge will draw 2s. 4½p. per month ;
- A Warder in possession of 2 badges will draw 5s. per month ;
- A Warder in possession of 3 badges will draw 7s. 4½p. per month ;
- A Warder in possession of 4 badges will draw 10s. per month.

(4) The badges shall be small red and gold chevrons to be worn on the left arm below the elbow.

- One red chevron shall denote one badge.
- Two red chevrons shall denote two badges.
- One gold chevron shall denote three badges.
- One gold and one red chevrons shall denote four badges.

Forfeiture
of badges
and pay.

24.—(1) Where a member of the Prison Service is punished twice within a period of six months with a punishment which is entered in his Defaulter Sheet the last badge earned by such member shall automatically be forfeited and withdrawn.

(2) Where such a member is reduced in grade, judicially punished or sentenced to imprisonment the last two badges earned by such a member shall automatically be forfeited and withdrawn.

(3) Notwithstanding anything in paragraphs (1) and (2) of this regulation contained, in any case where the "good conduct" of a member of the Prison Service is called in question the Superintendent of Prisons may in his discretion and having regard to all the circumstances of the case make such order as to the forfeiture or non-forfeiture of any badge or badges earned by such member as to him may seem fit.

Regaining
of badges.

25. Badges which have been forfeited shall be regained by a period of uninterrupted good conduct equal to half the period by which the badge was originally earned, e.g. a third badge which has been forfeited may be regained by two years' uninterrupted good conduct.

26. The Superintendent and District Superintendents shall take all necessary measures to ensure that the dates of award and forfeiture of good conduct badges and pay are carefully inserted on the Defaulter Sheet of each member of the Prison Service.

Award and forfeiture to be entered on defaulter sheet.

27.—(1) A merit allowance of 7s. 4½p. per month will be awarded to every member of the Prison Service below the rank of Senior Warder, who is in possession of four good conduct badges and who has completed 20 years' service.

Allowance.

(2) A merit allowance shall be liable to forfeiture for any misconduct in the discretion of the Superintendent of Prisons.

(3) The District Superintendents shall—

(a) from time to time forward to the Superintendent of Prisons for approval the names of any members of the Prison Service below the rank of Senior Warder who are eligible for merit allowances;

(b) take all necessary steps to ensure that the dates of award and forfeiture of merit allowances are carefully inserted on the Defaulter Sheet of each member of the Prison Service.

(4) On the award of the merit allowance to any member of the Prison Service, the fourth good conduct badge (red chevron) will be replaced by a gold chevron, i.e. two gold chevrons will be worn by members of the Prison Service drawing merit allowance.

28. An allowance at the rate of six piastres per day shall be paid to every warder employed in the Hospital of the Central Prison.

Allowance to Hospital Warders.

29. The Prison (Prison Officers Discipline) Regulations, 1939, and the Prison Officers (Badges and Allowances) Regulations, 1939, are hereby revoked without prejudice to anything done or left undone thereunder.

Repeal. Gazette: Suppl. No. 3 27.12.39.

SCHEDULE. OATH.

(To be taken by all Temporary Warders on Engagement.)

I, _____, of _____,

do swear that I will be faithful and bear true allegiance to Our Sovereign, Lord the King, His Heirs and Successors, and that I will faithfully serve Our Sovereign Lord the King, His Heirs and Successors, and the Government of Cyprus in the office of Warder, and that, while so serving, I will comply with and hold myself amenable to all present and future laws and regulations relating to the government, discipline and organization of the Cyprus Prison Service and will comply with all standing directions now in force or which may hereafter be made relating to the said service.

And I further swear that I will not withdraw myself from the said service except in accordance with the said laws and regulations.

Witness.

Signed. _____ (Signature)

Sworn at _____ this _____ day of _____, 194 _____,

before me.

I certify that the above Oath was translated by me in Greek/Turkish.

_____ (Signature)

Interpreter.

Date _____

Made in Council, this 23rd day of August, 1948.

M. N. DAVIDSON,

(M.P. 3791/07/3.)

Clerk of the Executive Council.