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**DEFENCE (IMPRISONMENT AND DETENTION)  
REGULATIONS**

SI 56/1984

(SECTIONS 113, 117, 118, 119, 120, 121, 134 and 148)

*[Commencement 20th September, 1984]***PART I  
PRELIMINARY**

1. These Regulations may be cited as the Defence (Imprisonment and Detention) Regulations. Citation

2. In these Regulations, unless the context otherwise requires — Interpretation

“civil prison” means a civil prison in The Bahamas;

“confirming authority” means in relation to a person under a sentence of imprisonment or detention passed by court-martial, the authority by whom that sentence was confirmed;

“court-martial” means court-martial under the Act;

“legal adviser” means in relation to a person under sentence —

- (i) a person who is qualified as a counsel and attorney according to the law of The Bahamas,
- (ii) a clerk in the full-time employment of such person as aforesaid authorised by that person to interview a person under sentence,
- (iii) any officer representing or assisting a person under sentence for the purpose of his defence or in connection with a petition or appeal;

“officer” means any member of the Defence Force of or above the rank of midshipman;

“officer in charge” means the commanding officer of the unit to which unit detention quarters belong or, where unit detention quarters have been designated a sub-unit by Commander Defence Force, the officer commanding that sub-unit;

“overseas establishment” means an establishment under the control of the authorities of a country or territory outside The Bahamas in which service sentences of imprisonment or detention may be served wholly or partly in accordance with arrangements made with those authorities;

“person under sentence” means any officer, warrant officer or marine who has been sentenced by court-martial or, as the case may be, his commanding officer —

- (i) to suffer death or to undergo imprisonment; or
- (ii) to undergo detention.

“reconsidering authority” means the authority specified in section 113 of the Act;

“reviewing authority” is the authority specified in section 112 of the Act;

“room” means any cell or room or any other place of confinement within any premises, vessel, hut or tent, or any part of a hut or tent;

“unit” has the meaning ascribed to it by regulation 3 of the Defence (Rank, Command and the Precedence) Regulations; and

“warrant officer” has the same meaning as in the Defence (Regular Force Enlistment and Service) Regulations, and the Defence (Reserve) Regulations.

Scope of these regulations

**3.** These Regulations shall apply to persons under sentence and shall not apply to persons in arrest or custody awaiting trial or punishment under service law.

## PART II GENERAL PROVISIONS

### *Places where Sentences Served*

Places in which persons may be required to serve service sentences of imprisonment or detention

**4.** Subject to, and in accordance with the provisions of these regulations, the places in which persons may be required to serve the whole or any part of service sentences of imprisonment or detention passed upon them shall be unit detention quarters, civil prisons and overseas establishments.

- 5.** Unit detention quarters may be provided by the commanding officer of any unit being an officer not below the rank of commander or corresponding rank, and shall be provided by the commanding officer of any unit, whatever his rank, if required to do so by higher authority.
- Provision of unit detention quarters.
- 6.** Except as provided in regulation 10, a person under sentence passed in The Bahamas shall be required to serve that sentence in The Bahamas.
- Persons sentenced in The Bahamas
- 7.** A person under sentence passed outside The Bahamas shall be required to serve that sentence in The Bahamas:
- Persons sentenced outside The Bahamas.
- Provided that he shall be required to serve outside The Bahamas that part of his sentence which he is required to serve in pursuance of a direction given by the confirming or renewing authority under section 120 of the Act.
- 8.** The whole or part of a service sentence of imprisonment or detention which a person is required to serve in The Bahamas shall be served in a civil prison unless it is a sentence of detention of sixty days or less, in which case it may be served in unit detention quarters.
- Places in which sentences shall be served.
- 9.** A person shall serve the whole or any part of a service sentence of imprisonment or detention which he is required to serve outside The Bahamas in an overseas establishment.
- Places in which service sentences of imprisonment or detention may be served outside The Bahamas.
- 10.** A person who is serving a service sentence of imprisonment or detention in The Bahamas may, by order of the confirming authority, reviewing authority or reconsidering authority, be removed out of The Bahamas to any place outside The Bahamas where the unit or any part thereof to which for the time being he belongs, is serving or is under orders to serve, but not to any other place.
- Removal from The Bahamas of persons serving sentences there.
- 11.** Notwithstanding anything hereinbefore contained and subject to section 119 of the Act, where a person on whom a service sentence of imprisonment or detention has been passed —
- Temporary custody of persons under sentence.
- (i) is awaiting admission to any prison or other establishment or is the transit from one prison or establishment to another; or

- (ii) is being removed from one country or place to another; or
- (iii) has appealed against his conviction to the Court of Appeal and is entitled or ordered to be present at any place for the purposes of Part VI of the Act; or
- (iv) is required or entitled to be present at any civil court, court-martial, or inquiry; or
- (v) is, for any other reason connected with service duty, required to be removed temporarily from the prison or other establishment where he is for the time being serving his sentence to some other place,

he may be detained temporarily under the following circumstances —

- (a) on the written order of his commanding officer, in civil custody for a period not exceeding seven days in accordance with subsection (2) of section 121 of the Act; or
- (b) on the written order of his commanding officer or the superintendent or other person in charge of the establishment or prison where he is for the time being —
  - (i) in unit detention quarters, or
  - (ii) in such other form of service custody as may be determined by his commanding officer or the superintendent or other person in charge of the said establishment or prison.

Committal to or removal from prisons and other establishments

First Schedule

**12.** Subject to the provisions of sections 118 and 119 of the Act, no person under service sentence of imprisonment or detention shall be committed to a civil prison or overseas establishment, or to unit detention quarters or form of custody, or removed from one country or place to another, or from one prison or establishment or form of custody to another, except in accordance with an order made on one of the forms specified in Part I of the First Schedule as is appropriate to the case; and every such order shall be properly completed in accordance with instructions for that form in the said Part I and signed by an officer of such rank and appointment as is specified in it.

**13.** Except as provided for in regulations 14 and 15, no person under service sentence of imprisonment or detention shall be released from unit detention quarters, an overseas establishment or service custody otherwise than —

Release from service sentences of imprisonment or detention.

- (a) by an order of the Court of Appeal or other civil court of competent jurisdiction;
- (b) by an order made in the form specified in Part II of the First Schedule and signed by an officer of such rank and appointment as is specified in it; or
- (c) on the expiration of his sentence, less any remission allowed by these Regulations:

First Schedule.

Provided that where a sentence is due to expire on a Sunday, or a public holiday, the person shall be released on the previous weekday, and any uncompleted days shall be considered as having been remitted.

**14.** A person under sentence may be released from imprisonment or detention in unit detention quarters for the purpose of medical examination, or observation or treatment, for such period and under such conditions as the officer in charge acting on the advice of a medical practitioner, may determine.

Release for medical reasons.

**15.** (1) The officer in charge may authorise the temporary release from unit detention quarters on compassionate grounds of a person in the cases and under the conditions set out in this regulation.

Temporary release.

(2) The cases in which a person under sentence may be released temporarily under paragraph (1) of this regulation are —

- (a) where the death or dangerous illness of a near relative occurs and the officer in charge is satisfied that the presence of the person under sentence is desirable;
- (b) where damage has been suffered by any premises occupied by the person's family or near relative and the officer in charge is satisfied that the presence of the person under sentence is desirable;

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- (c) where the person under sentence could not make arrangements before or after the birth of a child, and the officer in charge is satisfied that the presence of the person is desirable for that purpose;
  - (d) the person under sentence has requested facilities to enable him to marry a woman who is expecting a child; or
  - (e) where there are domestic difficulties concerning the person under sentence or his family, and the officer in charge is satisfied that the personal attendance of the person is desirable.
- (3) The conditions under which the officer in charge may authorise the temporary release of a person under sentence are —
- (a) that the person under sentence shall comply with any conditions laid down by the officer in charge which apply during the period of his temporary release, including any conditions as to custody and as to places where the person may not go during that period;
  - (b) but if the person under sentence fails to comply with any condition under which he was temporarily released, such release shall immediately be terminated, and it shall be the duty of the person under sentence to return forthwith to the service establishment.
- (4) The period of temporary release shall not count as part of the sentence served by the person under sentence.
- (5) The cases and conditions under which a person under sentence may be temporarily released from a civil prison shall be those laid down by law for civil prisons.
- (6) The cases and conditions under which a person under sentence may be temporarily released from an overseas establishment shall be those laid down in any agreement with the authorities of the country or territory concerned.

*Remission and Duration of Sentences of Detention*

Remission of  
sentence

**16.** (1) Subject to any of these Regulations which provides for or authorises forfeiture of remission, a person under sentence of detention shall be entitled to have part of his sentence remitted as follows —

- (a) if his sentence does not exceed 24 days — no remission;
- (b) if his sentence exceeds 24 days but does not exceed 28 days — period equal to the number of days by which the sentence exceeds 24 days; and
- (c) if his sentence exceeds 28 days — one third of the period of less sentence, except where this would result in the person under sentence serving less than 24 days, when the period of remission will be such as to require him to serve 24 days.

(2) For the purpose of calculating remission according to paragraph (1) of this regulation, fractions of a day shall be ignored.

**17.** (1) Commander Defence Force, or an officer authorised by him, shall maintain a record of the remission to which a person is entitled under regulation 16, and of any remission forfeited under any of these Regulations.

Records of  
Remission

(2) Commander Defence Force, or an officer authorised by him, shall verify the records maintained under this regulation at frequent intervals.

(3) The records maintained under this regulation shall be made available to a board of inspectors, the officer in charge and any authorised officer to whom the officer in charge has delegated jurisdiction under these Regulations, on each occasion when a person under sentence has been tried on a charge for an offence against these Regulations.

**18.** One day's remission of the sentence in unit detention quarters shall be forfeited for each period of two days and every odd day on which the person under sentence is unable to do the work or training which he would normally be required to do because —

Automatic  
forfeiture of  
remission

- (a) his sickness was caused by his own misconduct; or
- (b) he was undergoing a sentence of a civil court; or
- (c) he was in the lawful custody of any civil authority.

**19.** Remission which has been forfeited under these Regulations may be restored by order of —

Restoration of  
forfeited  
remission

- (a) a reviewing authority;
- (b) the reconsidering authority;
- (c) the officer in charge with the approval of the reviewing or reconsidering authority.

Effect on  
remission of  
subsequent  
sentences

**20.** (1) If a person under sentence of detention in unit detention quarters (referred to in this regulation as “the first sentence”) is awarded a further sentence of detention (referred to in this regulation as “the second sentence”), the remission to which he is entitled shall be calculated as follows.

- (a) where the two sentences are to run consecutively, he shall serve the first sentence (less any remission to which he is entitled on that sentence) and a new record of remission shall be calculated under regulation 16 in respect of the second sentence and applied to it;
- (b) where the two sentences are to run concurrently, a new record of remission shall be prepared in accordance with regulation 16, the earliest possible release dates for each sentence shall be compared and the person under sentence shall be released on whichever is the later date.

(2) In calculating remission for the first sentence under regulation 20(1)(b), a proportional allowance for remission shall be made for that part of the first sentence which was completed before the passing or award of the second sentence; this allowance shall be added to the remission calculated for the second sentence; but if a person under sentence forfeits any remission under these Regulations between the passing by a court-martial of the second sentence and its subsequent promulgation, such forfeiture shall be deducted from the allowance for remission made for the first sentence.

(3) Any reference in this regulation to the date on which a sentence is passed by a court-martial shall include the date on which the Court of Appeal dismisses an application for leave to appeal where the court makes a direction under section 141 of the Act.

Forfeiture and  
restoration of  
remission and  
effect of  
subsequent  
sentences where  
person under  
sentence is in a  
civil prison or  
overseas  
establishment

**21.** The rules for forfeiture and restoration of remission and for calculation of remission where subsequent sentences are imposed shall be —

- (a) in the case of a person under sentence in a civil prison, those which are laid down by law for persons undergoing sentence in civil prisons; and
- (b) in the case of a person under sentence in an overseas establishment, those which may be laid down in any agreement with the authorities of the country or territory concerned.

- 22.** For the purposes of the proviso to section 117(1) of the Act, the following shall be the authorities specified in these regulations —
- Duration of sentences of persons who escape
- (a) in the case of a person on whom a service sentence of imprisonment or detention was passed by a court-martial, the reviewing authority or the reconsidering authority; and
  - (b) in the case of a person to whom a service sentence of imprisonment or detention has been awarded by his commanding officer, that officer.

### PART III UNIT DETENTION QUARTERS

- 23.** The provisions of this Part apply to persons under sentence in unit detention quarters.
- Scope of this part.

#### *Control and Inspection*

- 24.** All unit detention quarters shall be under the control of the Minister.
- Control of unit detention quarters.
- 25.** The Minister may appoint a board of inspectors of unit detention quarters, hereinafter called “the board”, consisting of two or more persons of whom one shall be an officer of the Defence Force not below the rank of lieutenant-commander and another shall be a civilian of equivalent status.
- Inspectors of unit detention quarters.
- 26.** It shall be the duty of the board to inspect unit detention quarters at least once every three months and report to the Minister therein at least once in every year.
- Inspection of unit detention quarters.
- 27.** The board shall —
- General duties of the board.
- (a) enquire into any matter into which the Minister directs them to enquire or into any alleged abuses or shortcomings which may come to their notice;
  - (b) report the results of their inspections to the Minister as required by him and not less than once each year; and
  - (c) record each visit made by them to unit detention quarters in a journal kept by the officer in charge for that purpose, and they may note in the journal any observations they wish to make.

Duties of board  
as to unit  
detention  
quarters

**28.** (1) On an inspection, the board shall satisfy themselves as to the state of the premises of the unit detention quarters, its staff and administration.

(2) Without affecting the generality of paragraph (1) of this regulation, a board shall in particular on each inspection —

- (a) see all persons under sentence and hear, in private if the board think fit, any complaints or requests which any such persons may wish to make to them;
- (b) inspect the food prepared and provided for the persons under sentence; and
- (c) inspect such of the service form and books maintained in connection with these Regulations as they think fit.

Duties of board  
as regards  
persons under  
sentence

**29.** (1) Except under the conditions of paragraph (4) of this regulation, on each visit the board shall see all the persons under sentence either on parade or in their rooms, but persons in close confinement shall be seen in their rooms.

(2) Except under the conditions of paragraph (4) of this regulation, the board shall ask persons under sentence if they have any complaint to bring to their notice; and this question is to be asked by the board, not by any member of the staff on their behalf, the question is not to be qualified in any way nor is the person's right to complain to be made subject to any conditions.

(3) A person under sentence who wishes to complain shall be asked by the board whether he wishes to make his complaint there and then or to see them privately, and if the person wishes to make his complaint privately, the officer in charge shall make a suitable room available for the board; and if the officer in charge considers it necessary, a member of the staff may be present to ensure that there is no breach of discipline by the person but at the discretion of the board, that member of the staff is to remain within sight but out of hearing.

(4) The board are to satisfy themselves that they have seen all the persons under sentence in the unit detention quarters, except any who they are specifically requested not to see on medical grounds on the advice of a medical practitioner.

- 30.** (1) The board are to make full enquires into any complaint made to them, and the officer in charge shall place at their disposal any witness or evidence required. Enquiries by board into complaints.
- (2) After completing their enquires the board shall —
- (a) if in their opinion the complaint was not justified, inform the person under sentence accordingly; or
- (b) if in their opinion the complaint was justified, inform the person under sentence of his rights under section 168 of the Act.
- (3) The board are not under any circumstances to offer any redress to the person under sentence.
- (4) After each visit the board are to make a report to the officer in charge, including a full report of every complaint made to them and their subsequent enquiries.

*Treatment, Employment, Discipline and Control of  
Persons Under Sentence*

- 31.** The aim of the training and treatment of persons under sentence is to fit them, and to give them the will, to become more efficient members of the Defence Force and to be better citizens. The aim of the training and treatment.
- 32.** (1) Corporal punishment is not to be inflicted on persons under sentence. Corporal punishment and the use of force.
- (2) Force is not to be used unnecessarily in the treatment of a person under sentence, but if the use of force is necessary only the minimum shall be used.
- 33.** The following procedure is to be adopted when a person under sentence is admitted — Admission to unit detention quarters.
- (a) the order or warrant of committal shall be examined carefully and the attention of the officer in charge drawn to any omission or irregularity;
- (b) except for the amount of clothing and those articles which a person under sentence is authorised to have in his possession, his equipment and any other article which arrives with the person on admission shall be taken from him, whether they are his own property or not.

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- (c) removal of property shall be dealt with as follows —
- (i) private property of the person, including money, shall be retained in safe custody by the officer in charge, and a record of such property shall be made and signed by the person concerned and a member of the staff of the unit;
  - (ii) a person's property (other than perishable articles) shall be returned to him on his release provided he signs a receipt acknowledging its return;
  - (iii) perishable articles are to be disposed of at the discretion of the officer in charge who will take into account the person's wishes where practicable;
  - (iv) any other property which is held in safe custody on behalf of a person under sentence may be sent, with the officer in charge's consent, to a relative or friend of that person;
- (d) the person under sentence shall be searched in accordance with these Regulations to ensure that he does not retain any unauthorised articles;
- (e) the person under sentence shall be weighed and his weight recorded;
- (f) the person under sentence shall be medically examined by a medical practitioner within twenty-four hours of his admission:
- Provided that —
- (i) this period may be extended to forty-eight hours where the person has been medically examined and certified as fit to undergo sentence on the day of his admission or the day before; and
  - (ii) in computing such periods of hours, Saturdays, Sundays and public holidays shall be excluded;
- (g) if a person under sentence so requests, the Chaplain to the Defence Force or another minister of religion shall be informed of his admission as soon as is practicable;

- (h) within twenty-four hours of admission the officer in charge or a member of the staff of the unit shall ensure that the person under sentence has read the form set out in the Second Schedule.

**34.** (1) No room shall be used for the confinement of persons under sentence unless it is certified by the Medical Officer to the Defence Force that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the person under sentence to communicate with a member of the guard at any time and where a room is used to confine more than one person under sentence, the certificate is to state the maximum number of persons under sentence who may be confined there.

Accommodation of persons under sentence

(2) Every person under sentence shall be provided with separate bedding and, where circumstances permit, with a separate bed.

**35.** The daily routine of persons under sentence shall be laid down by the officer in charge in accordance with any instructions which may be issued from time to time by the Minister and subject to the provisions of these Regulations where they refer to the number of hours of work or training which may be done by persons under sentence.

Daily routine of persons under sentence

**36.** (1) Except under paragraph (2) of this regulation and regulation 37, throughout his sentence a person shall carry out work or training for not more than nine hours each day and not less than six hours (excluding times for meal); but he shall not carry out work or training if he has been examined by a medical practitioner and certified as unfit for such work or training.

Work and training of persons under sentence

(2) A person under sentence shall not be required to carry out work or training at any time when he is —

- (a) in close confinement;
- (b) excused work or training on medical grounds on the advice of a medical practitioner; or
- (c) excused work by the officer in charge or is engaged in some other activity authorised by these Regulations.

**37.** (1) On Sundays and public holidays a person under sentence shall not carry out work or training except work which is necessary for the service of the unit.

Sundays and public holidays

(2) A person under sentence whose Sabbath falls on a day other than a Sunday shall not be required to carry out any more work or training on that day than other persons would be required to do on a Sunday; but he may be required to do work or training on Sundays.

Work in  
association

**38.** (1) A person under sentence in a service establishment shall carry out work or training in association with other persons under sentence, except when it appears to the officer in charge that it is desirable in the interests of the person under sentence or for the maintenance of good order and discipline, for a person not to work in association with others; and in that case he may arrange for that person to work apart from other persons for a period of not more than seven days or, if authorised by a board of inspectors, a period of not more than fourteen days.

(2) In deciding when a person under sentence should work apart from others or should rejoin them, the officer in charge shall take into consideration any advice he may be given by a medical practitioner.

Unauthorised  
work

**39.** A person under sentence shall not be employed directly or indirectly for the private benefit or advantage of any person, nor in any way contrary to these Regulations or the orders of the officer in charge.

Reimbursement  
allowance

**40.** (1) A person under sentence shall be entitled to such reimbursement allowance as the Minister may from time to time specify and he shall be entitled to purchase cigarettes, tobacco, chocolates, writing materials, postage stamps and other articles of a retail value within his reimbursement allowance at the discretion of the officer in charge.

(2) On release from custody at the end of his sentence a person shall repay amounts advanced to him under paragraph (1) and the amount repayable shall be a public claim.

Rations for  
persons under  
sentence

**41.** The food provided for persons under sentence shall be of a nutritional value adequate for health and strength, of wholesome quality, well prepared and served and reasonably varied.

**42.** A person under sentence shall be authorised to smoke and have in his possession cigarettes or tobacco at such times as the officer in charge may decide.

Smoking by persons under sentence

**43.** (1) A person under sentence shall be permitted to write and send any number of letters subject to the provisions of regulation 45 and writing materials and postage stamps shall be purchased by the person using the reimbursement allowance authorised by the Minister.

Letters

(2) A person under sentence may receive —

(a) any number of letters; and

(b) newspapers, periodicals and journals at the discretion of the officer in charge.

**44.** (1) A parcel addressed to a person under sentence shall be opened and examined by or under the authority of the officer in charge in the presence of the person to whom it is addressed; any article which the person under sentence is not authorised to receive or have in his possession shall be retained in safe-keeping by the officer in charge and handed to the person on his release and any perishable articles may be disposed of in accordance with the direction of the officer in charge by returning them to the sender or otherwise.

Parcels

(2) A person under sentence is prohibited from receiving any articles save that the consent of the officer in charge he may receive books, newspapers and any other article.

**45.** (1) The provisions of this regulation shall be subject to those of regulations 52(2)(d).

Censorship

(2) The officer in charge or any officer authorised by him may scrutinise letters written by or addressed to a person under sentence.

(3) The officer in charge may withhold from a person under sentence the whole or part of a letter addressed to that person, but he shall communicate to that person any part of the letter which is not objectionable.

(4) The officer in charge may withhold a letter written by a person under sentence, in which case he shall give such person an opportunity to write another letter in its place not containing the material to which the officer in charge objects; and if any letter contains a complaint relating to the unit detention quarters or to the treatment

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of a person under sentence there, the officer in charge shall withhold the letter unless the complaint had previously been made and investigated under regulation 54.

(5) A letter written by a person under sentence to his Member of Parliament may not be withheld by the officer in charge unless it contains matters relating to the security of the unit in which case it is to be referred to higher authority.

(6) In every case where the officer in charge withholds a letter written by or addressed to a person under sentence, he shall record the fact and his reasons for so doing in the journal.

Visits by relatives and friends.

**46.** (1) A person under sentence may receive visits from his relatives and friends at the discretion of the officer in charge and such visits shall take place at the times and places decided upon by the officer in charge.

(2) Any visit authorised under this regulation shall be within the sight and hearing of the officer in charge or a member of the guard.

Visits by legal advisers.

**47.** (1) The officer in charge shall provide reasonable facilities for a person under sentence who is interested in legal proceedings, or proposed legal proceedings, to be visited by his legal adviser, and at the discretion of the officer in charge a person under sentence may also be visited by his legal adviser in connection with other legal business.

(2) Any visit authorised under this regulation shall be within the sight, but not within the hearing, of the officer in charge or a member of the guard.

Visits for the purposes of investigating offences.

**48.** (1) The officer in charge may permit a person under sentence to be visited by a police officer or by any officer or other person whose duty it is to investigate the commission, or suspected commission, of an offence.

(2) The officer in charge shall permit any person to visit a person under sentence if the visitor is authorised to visit him by a warrant or an order of a court.

Medical attention.

**49.** (1) The officer in charge shall ensure that every person under sentence shall be seen by a medical practitioner at least once every day on the occasions when he is —

- (a) in close confinement; or
- (b) subject to any form of mechanical restraint; or
- (c) sick or complains of sickness.

(2) Such medical practitioner shall also see daily every person under sentence to whom his attention is specially directed by the officer in charge.

**50.** The Medical Officer to the Defence Force shall have the care of the mental and physical health of the persons under sentence and the officer in charge shall act in accordance with his advice in these matters unless to do so would be contrary to any Act or these Regulations, or the officer in charge of the medical services of the district in which the unit is situated directs otherwise.

Functions of the  
Medical Officer  
to the Defence  
Force

**51.** A person under sentence —

- (i) who has appealed or desires to appeal to the Court of Appeal against his conviction, or
- (ii) whose conviction is the subject of an appeal, or of an application for leave to appeal from the decision of that court to the Judicial Committee of the Privy Council,

Appeals

may be taken to, kept in custody at, or brought back from any place at which he is entitled or ordered by that court or a judge thereof or by the Privy Council to be present for the purposes of any proceedings of that court or that Council as follows —

- (a) he may be taken to, kept in custody at and brought back from any such place as is stated above in service custody;
- (b) he may be kept in custody at any such place as is stated above in such manner as may be directed by the said court or a judge thereof or the said Council or in the absence of any such direction in —
  - (i) service custody, or
  - (ii) a civil prison, or
  - (iii) a police station:

Provided that he shall not be kept in a police station for periods exceeding seven days at any one time.

Facilities for persons under sentence who wish to petition or appeal

**52.** (1) The officer in charge shall bring to the notice of persons under sentence their right to petition or appeal.

(2) The officer in charge shall permit a person under sentence who intends to petition or appeal, or whose appeal is pending, for the purposes of that petition or appeal to —

- (a) receive visitors;
- (b) be provided with reasonable quantities of writing materials;
- (c) write and receive letters;
- (d) prepare and hand personally or send by post to his legal advisor confidential written communications as instructions in connection with his petition or appeal, and any such confidential written communication shall be exempt from censorship unless the officer in charge has reason to believe that it contains material unrelated to the purposes of the petition or appeal, when it may be subject to censorship under these Regulations.

(3) For the purposes of a petition or appeal a person under sentence may receive a visit from a medical advisor, being a medical practitioner, selected by him, or by his relatives or friends on his behalf.

(4) Despite the fact that a person under sentence intends to apply or has applied for leave to appeal against his conviction by court-martial, he shall, subject to any direction to the contrary made by the Court of Appeal or a judge, continue to serve his sentence and to be subject to these Regulations pending the determination or abandonment of his appeal.

Complaints

**53.** (1) A person under sentence who considers himself wronged in any manner may complain to the officer in charge or to the board of inspectors.

(2) The officer in charge shall investigate any complaint made to him under this regulation and he shall take any steps he considers necessary for redressing the matter.

(3) If the person under sentence considers he has not received the redress to which he considers himself entitled, he may exercise his rights under section 168 of the Act.

**54.** (1) On admission a person under sentence shall be searched in accordance with regulation 55. Searching persons under sentence.

(2) The officer in charge may order that a person under sentence shall be searched at any time while serving his sentence.

**55.** For the searching of any person in accordance with these Regulations, the following conditions shall apply — Method of searching.

- (a) every search shall be carried out in the presence of at least two members of the guard;
- (b) no person shall be present except those necessary to carry out the search and, in particular, no person under sentence shall be present at the search of any person under sentence; and
- (c) no person shall be searched by or in the presence of a person of the opposite sex other than a medical practitioner.

**56.** (1) Any person subject to service law who discovers that a person under sentence has escaped shall immediately report the fact to the officer in charge. Escapes.

(2) If a person under sentence escapes, the officer in charge shall immediately inform —

- (i) Police Headquarters, Nassau; and
- (ii) Commander Defence Force.

**57.** (1) If a person under sentence dies, the officer in charge shall immediately report the fact to — Deaths in unit detention quarters.

- (a) the Coroner having jurisdiction in the place of death;
- (b) Police Headquarters, Nassau; and
- (c) Commander Defence Force.

(2) Nothing in this regulation shall affect the duty of the officer in charge, or higher authority, to record or report the death to meet the requirements of any other rules, regulations or instructions.

**58.** A person under sentence commits an offence against these Regulations if he — Offences against discipline by persons under sentence.

- (1) treats with disrespect any member of the staff of unit detention quarters, any visitor to it or any person employed in it;

- (2) is lazy, negligent or careless;
- (3) uses any abusive, insolent, threatening or improper language;
- (4) is indecent in any act or gesture;
- (5) leaves his room or place of work or other appointed place without permission;
- (6) has in his room or possession any unauthorised article or attempts to obtain any such article;
- (7) gives to or receives from any person any unauthorised articles;
- (8) makes repeated and groundless complaints;
- (9) fails to observe or comply with the conditions as to temporary release, or
- (10) attempts to commit any of the offences in sub-paragraphs (5) and (7) of this regulation.

Punishments  
which may be  
awarded for  
offences against  
these  
Regulations

**59.** (1) The commanding officer of a person under sentence may award one or more of the punishments set out in paragraph (2) of this regulation to a person under sentence who has been found by his commanding officer to have committed an offence against these Regulations.

(2) The punishments referred to in paragraph (1) of this regulation are:

- (a) close confinement for a period not exceeding three days;
- (b) deprivation of mattress for a period not exceeding three days;
- (c) forfeiture of remission of sentence for a period not exceeding fourteen days;
- (d) forfeiture of reimbursement allowance for a period not exceeding fourteen days;
- (e) extra training; and
- (f) admonishment.

Punishments  
which may be  
awarded by an  
authorised  
officer

**60.** Where unit detention quarters have been designated as a sub-unit by Commander Defence Force and the commanding officer of the unit to which those quarters belong has delegated to the officer commanding that sub-unit the power to investigate, deal summarily with and dismiss charges, the officer commanding that sub-unit may award one or more of the following maximum punishments to a person under sentence who has been found by

that officer to have committed an offence against these Regulations —

- (a) forfeiture of remission of sentence for a period not exceeding three days;
- (b) extra training not exceeding three periods of forty-five minutes each; and
- (c) admonishment.

**61.** The procedure to be adopted when offences against these Regulations are dealt with shall be that laid down in Defence Rules of Procedure (Part I), with such modifications as may be necessary.

Procedure where offences against regulations are dealt with.

**62.** (1) No person under sentence shall be placed in close confinement unless he has been certified by a medical practitioner as fit to undergo that punishment.

Close confinement.

(2) A person under sentence in close confinement shall not be permitted to attend Divine Service.

(3) A person under sentence in close confinement shall not be permitted any exercise except on the recommendation of a medical practitioner.

(4) A person under sentence who is in close confinement shall not be deprived of his room furniture or books nor be subjected to any form of discipline which has not been lawfully ordered.

(5) A person under sentence who is in close confinement shall be visited at least once every day by an officer and in addition, he shall be visited at least once every three hours by a member of the guard.

**63.** (1) Persons under sentence may be put under mechanical restraint in the circumstances and under the conditions authorised by these Regulations.

Mechanical restraint.

(2) A person under sentence may be placed in handcuff's for the purpose of safe custody during removal from one place or establishment to another.

(3) A person under sentence shall not be subjected to any form of mechanical restraint as a punishment.

**64.** (1) If the officer in charge considers that a person under sentence ought to be placed under mechanical restraint to prevent him from injuring himself or others, damaging property or creating a disturbance, he may issue a written order that mechanical restraint is to be applied to

Authorisation of mechanical restraint.

Third Schedule

the person under sentence; such an order shall be in the form provided for by Part I of the Third Schedule and shall specify the date and hour when the restraint is to be applied and the period, not exceeding twenty-four hours, during which it is to be applied; and immediately after making the order the officer in charge shall notify Commander Defence Force and the Medical Officer to the Defence-Force that he has made such an order and the terms it contains.

(2) On receiving such notification the Medical Officer to the Defence Forces shall examine the person under sentence and inform the officer in charge if he considers that there is any objection on medical grounds to the application of mechanical restraint which has been ordered; and if such an objection is made, the officer in charge shall revoke or modify the order in accordance with the recommendations of the said medical officer.

(3) The officer in charge shall ensure that a person under sentence is not kept under mechanical restraint longer than necessary and in any case for any period exceeding twenty-four hours, but Commander Defence Force may order that such period of mechanical restraint be extended for a further period or periods, each such period not to exceed forty-eight hours and to be the subject of a separate order in writing.

(4) No type of mechanical restraint is to be used except one authorised by these Regulations.

(5) Whenever mechanical restraint is applied or removed an officer shall be present and the name of the officer present on each occasion shall be recorded in a form completed in accordance with Part II or Part III of the Third Schedule.

Third Schedule

Type of  
mechanical  
restraint

**65.** (1) The articles referred to in sub-paragraphs (a), (b) and (c) of this regulation, which shall conform with patterns approved by the Minister, may be used as instruments for mechanical restraint —

- (a) handcuffs-swivel or curb chain, not exceeding for the pair 22 ounces in weight;
- (b) strait waistcoat-stout white duck lined with swansdown, fastened at the back by lacing with strong webbing tapes through eleven eyelets on each side, the sleeves to cover the entire arms and

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hands and to be secured by strong webbing tapes laced through three eyelets on each side of the cuffs, the upper parts of the arms to be tied round with three sets of strong webbing tapes sewn into the back of the sleeves;

- (c) body belt-double leather sewn together, fastened by a lock at the waist, with steel wristlets at equal distances at the sides into which the wrists may be locked, the whole belt not to exceed 4 lbs in weight.

**66.** The officer in charge who orders the use of handcuffs on a person under sentence, shall state in the written order authorising their use whether they are to be placed with the hands to the front or to the rear of the body and when handcuffs are placed to the rear of the body, they shall be moved to the front during meals and for sleeping.

Use of handcuffs

**67.** (1) The strait waistcoat shall not be used except under the direction of a medical practitioner, it may only be used when restraint is necessary to prevent a person under sentence from injuring himself or others, or from damaging clothing or other articles.

Use of a strait waistcoat

(2) A medical practitioner shall visit each person restrained in a strait waistcoat at least once in every twenty-four hours and more often if he considers it necessary and he shall record in the journal all such visits, the period of restraint and the reason for its application.

(3) The officer in charge shall visit every person restrained in a strait waistcoat at least once in every twenty-four hours.

(4) A strait waistcoat shall never be applied for more than twenty-four hours consecutively and, if at the end of that period the medical practitioner considers that the use of the strait waistcoat is still necessary, he shall order it for a further period, but the restraint shall not be applied until the person under sentence has been free of any form of restraint for at least one hour.

(5) The medical practitioner shall inform the officer in charge in writing when the restraint is discontinued and when making a further order under paragraph (4) of this regulation.

Use of the body  
belt.

**68.** (1) The body belt may only be used for restraining a person under sentence who is of violent conduct and for whom no other means of restraint is appropriate.

(2) Subject to paragraph (1) of this regulation, the provisions of regulation 67 as to the use of a strait waistcoat shall apply to the use of a body belt.

Segregation.

**69.** Persons under sentence shall be segregated from any persons confined awaiting trial by court-martial, disposal by a commanding officer, or awaiting promulgation of sentence.

Books of  
religious  
instructions.

**70.** As far as practicable the officer in charge shall make available for the use of every person under sentence such books of religious observation or instruction as are recognised for the use of his domination and are approved by the Minister.

Ministers of  
religion.

**71.** The officer in charge shall afford facilities to ministers of religion to have access to persons under sentence at times approved by him for the purpose of visiting or giving them religious instruction.

*Other Rules and Cenfences relating to Unit  
Detention Quarters*

Unlawful  
conveyance of  
spirits or  
tobacco.

**72.** Without the authority of the officer in charge, no person shall bring or attempt to bring into unit detention quarters or to any person under sentence any spirituous or fermented liquor or any tobacco; no person shall place such liquor or tobacco outside such quarters with intent for it to come into the possession of a person under sentence, and no person shall allow any such liquor or tobacco to be sold or used there.

Unlawful  
introduction of  
other articles.

**73.** No person shall without lawful authority convey or attempt to convey any letter or other thing into or out of unit detention quarters or to a person under sentence and no person shall place such an article anywhere outside such quarters with intent that it shall come into the possession of a person under sentence.

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74. (1) No unauthorised person shall enter unit detention quarters, make any sketch or recording, take any photograph, or communicate with any person in it under sentence, no such person shall remain in such quarters after being requested to leave by the officer in charge or other person acting on his authority; and in deciding whether to grant permission, grant permission subject to certain conditions, or refuse permission to enter such quarters, the officer in charge shall have regard to the orders of any court of competent jurisdiction, the provisions of these Regulations and the directions or instructions of any higher service authority.

Admission of  
visitors and  
others

(2) The officer in charge may grant permission to any person to enter unit detention quarters subject to any conditions and he may make it a condition of granting permission to a person to enter or do anything within such quarters that such person agrees to be examined or searched if so required.

(3) The officer in charge may order the removal from unit detention quarters of any person who, without authority, enters those quarters, makes any sketch or recording, takes any photographs, refuses to be examined or searched or fails to comply with any condition imposed by an officer in charge under this regulation.

(4) If any person subject to service law suspects that any visitor or other person has committed an offence against these Regulations or of being in improper possession of any property used or intended for use in unit detention quarters, he shall stop that person and immediately inform the officer in charge who may, if he thinks fit, order that person to be examined and searched.

**FIRST SCHEDULE (Regulation 12)**

**PART I**

**FORM 1**

**ORDER FOR THE COMMITTAL OF A PERSON UNDER SENTENCE TO UNIT DETENTION QUARTERS**

TO the officer in charge of unit detention quarters at

<sup>1</sup> .....

WHEREAS Pay No ..... Rank .....

Name..... Unit.....

was on the.....day of.....19... awarded detention for a period of.....days by/his commanding officer/by court-martial/ <sup>2</sup> for the offence(s) of .....

.....

NOW, therefore, in pursuance of the Defence Act, I hereby order you to receive the said person into your custody and retain him to undergo his sentence according to law, for which this shall be your warrant.

Signed this ..... day of ..... 19 .....

Signature:..... <sup>3</sup>

Rank and Appointment .....

**FORM 2**

**ORDER FOR THE COMMITTAL TO A CIVIL PRISON OF A PERSON SENTENCED TO IMPRISONMENT OR DETENTION BY HIS COMMANDING OFFICER OF OR BY A COURT-MARTIAL**

To the Superintendent of ..... <sup>4</sup>

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

was by/his commanding officer/court-martial/ <sup>5</sup> .....

---

<sup>1</sup> Insert the name of the unit.

<sup>2</sup> Delete as appropriate.

<sup>3</sup> This form must be signed by the commanding officer of the person under sentence.

<sup>4</sup> Insert the name of the prison.

<sup>5</sup> Delete as appropriate.

convicted of the offence(s) of .....  
 .....<sup>6</sup>  
 .....  
 and on the ..... day of ..... 19....  
 sentenced to/imprisonment/detention/<sup>7</sup> for a term of .....  
 commencing on that day/and the sentence having been duly  
 confirmed in accordance with the Defence Act,<sup>8</sup> .....  
 .....<sup>9</sup> <sup>10</sup>  
 ,

NOW, therefore, in pursuance of the Defence Act, I hereby  
 order you to receive the said person into your custody and retain  
 him to undergo his sentence according to law, for which this  
 shall be your warrant.

Signed this ..... day of ..... 19 .....  
 Signature .....<sup>11</sup>  
 Rank and Appointment: .....

**FORM 3**  
**ORDER FOR COMMITTAL OF A PERSON SENTENCED TO**  
**IMPRISONMENT OR DETENTION BY COURT-MARTIAL**  
**HELD OUTSIDE THE BAHAMAS WHERE PART OF THE**  
**SENTENCE IS TO BE SERVED IN AN OVERSEAS**  
**ESTABLISHMENT**

WHEREAS Pay No ..... Rank .....  
 Name ..... Unit .....  
 was by a court-martial held at .....  
 convicted of the offence(s) of .....  
 ..... (a)  
 and by a sentence passed on ..... day of ..... 19 ....  
 sentenced ..... to ..... /imprisonment/  
 detention/(b) for a term of .....

<sup>6</sup> Here set out the statement of the offence, or the statement of offences if more than one, with the relevant section or sections of the Defence Act

<sup>7</sup> Delete as appropriate

<sup>8</sup> Delete as appropriate

<sup>9</sup> If any part of the sentence was remitted on confirmation, insert “with a remission of ”

<sup>10</sup> Where the sentence was commuted on confirmation, insert, eg “to undergo imprisonment for a term of, which sentence has been duly confirmed in accordance with the Defence Act, but has been commuted to sentence of detention for ”

<sup>11</sup> The committal form must be signed by Commander Defence Force, or an officer authorised by him, in court-martial cases, otherwise by the commanding officer of the person under sentence

commencing on that day, and the sentence having been duly confirmed in accordance with provisions of the Defence Act,.....

AND WHEREAS the/confirming authority/reviewing authority (b) has, under section 120 of the Defence Act, directed that the said person shall not be removed to The Bahamas until he has served ..... years ..... and ..... days of his sentence;

NOW, therefore, in pursuance of the Defence Act, I hereby Order the Governor or other person in charge of .....<sup>12</sup> to receive the said person into his custody and retain him to undergo ..... years and ..... days of his sentence according to law;

AND I do further order that the said person shall after completion of the said part of his sentence, or at such earlier date as may be ordered, be transferred to The Bahamas to undergo the remainder of his sentence according to law in such civil prison<sup>13</sup> as may be appointed on his arrival in The Bahamas;<sup>14</sup>

AND WHEREAS in accordance with section 120 of the Defence Act, the said person is required to be removed to The Bahamas as soon as practicable after the confirmation of the sentence.<sup>15</sup>

Signed this ..... day of ..... 19 .....  
Signature:.....<sup>16</sup>  
Rank and Appointment: .....

**FORM 4  
ORDER FOR THE REMOVAL FROM THE BAHAMAS OF A  
PERSON UNDER SENTENCE THERE**

TO the Superintendent or officer in charge of .....<sup>17</sup>  
WHEREAS Pay No ..... Rank .....  
Name ..... Unit .....  
is now in your custody undergoing a service sentence of/imprisonment/detention/<sup>18</sup>;

<sup>12</sup> Insert the name of the overseas establishment.  
<sup>13</sup> Insert the name of the civil prison in The Bahamas where the person is to serve his sentence.  
<sup>14</sup> These paragraphs must be used only where a part of the sentence is to be served overseas.  
<sup>15</sup> These paragraphs must be used in the normal cases where the person under sentence is to be returned to The Bahamas as soon as is practicable.  
<sup>16</sup> This form must be signed by Commander Defence Force or an officer authorised to act on his behalf.  
<sup>17</sup> Insert the name and address of the prison or unit detention quarters.  
<sup>18</sup> Delete as appropriate.

AND WHEREAS the confirming authority/reviewing authority/reconsidering authority <sup>19</sup>(b) has ordered that the said person to be removed from The Bahamas to .....

.....<sup>20</sup>  
 being the place where/part of/ <sup>21</sup>(b) the unit to which he for the time being belongs is/serving/under orders to serve/ <sup>22</sup>; .....

NOW, therefore, in pursuance of the Defence Act, I hereby order you to deliver up the said person to the officer, warrant officer or marine producing this Order;.....

And I do further order that the said person be transferred to .....<sup>23</sup> in service custody to undergo/the remainder of/ <sup>24</sup> his sentence according to law in such overseas establishment as may be appointed on his arrival.

And I do further order that the Governor or other person in charge of the establishment to which the said person is brought on his arrival in .....<sup>25</sup> shall receive him into his custody and retain him to undergo/the remainder of/ <sup>26</sup>(b) his sentence according to law, for which this shall be sufficient warrant.

And I do further order that the said person shall be conveyed in service custody and detained in service custody so far as appears necessary for effecting his transfer.

Signed this..... day of ..... 19 .....

Signature: .....<sup>27</sup>

Rank and Appointment: .....

<sup>19</sup> Delete as appropriate.

<sup>20</sup> Insert the name of the place where the person is to be removed.

<sup>21</sup> Delete as appropriate.

<sup>22</sup> Delete as appropriate.

<sup>23</sup> Insert the name of the place where the person is to be removed.

<sup>24</sup> Delete as appropriate.

<sup>25</sup> Insert the name of the place where the person is to be removed.

<sup>26</sup> Delete as appropriate.

<sup>27</sup> This form must be signed by Commander Defence Force or any officer authorised to act on his behalf.

**FORM 5**

**ORDER FOR THE TRANSFER OF A PERSON UNDER SENTENCE FROM ONE PRISON OR ESTABLISHMENT TO ANOTHER**

TO the Governor, Superintendent, officer in charge or other person in charge of .....<sup>28</sup>

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

is now in your custody undergoing a service sentence of/imprisonment/detention/<sup>29</sup>; .....

NOW, therefore, in pursuance of the Defence Act, I hereby order you to deliver up the said person to the officer, warrant officer or marine producing this Order;.....

And I do further order that the said person shall be transferred in service custody to .....<sup>30</sup> and that the Governor, Superintendent, officer in charge or other person in charge thereof shall receive him into his custody and retain him to undergo his sentence according to law, for which this shall be sufficient warrant.

And I do further order that the said person shall be conveyed in service custody and detained in service custody so far as appears necessary for effecting his transfer.

Signed this ..... day of ..... 19 .....

Signature:.....

Rank and Appointment: <sup>31</sup> .....

<sup>28</sup> Insert the name and address of the prison or other establishment when, the person concerned is undergoing sentence

<sup>29</sup> Delete as necessary

<sup>30</sup> Insert the name and address of the prison or other establishment to which the person is to be transferred

<sup>31</sup> This form may be signed by the commanding officer if the person is in unit detention quarters, otherwise by Commander Defence Force or an officer authorised to act on his behalf

**FORM 6**  
**ORDER FOR THE TEMPORARY REMOVAL IN CUSTODY**  
**OF A PERSON UNDER SENTENCE IN UNIT DETENTION**  
**QUARTERS**

TO the officer in charge of .....<sup>32</sup>

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

who is now in your custody undergoing a service sentence of  
detention is required to be present at.....<sup>33</sup>

on.....<sup>34</sup> for the  
purpose of .....<sup>35</sup>;

NOW, therefore, in pursuance of the Defence Act, I hereby  
order you to deliver the said person to the officer, warrant  
officer or marine producing this Order;

And I do further order the said officer, warrant officer, or marine  
and all the other officers, warrant officers and marines into  
whose custody the said person may be delivered to keep him in  
service custody and bring him to .....  
.....<sup>36</sup> for the said purpose and, thereafter, unless he is  
released in due course of law, to return him to the above-named  
detention quarters, or such other establishment as may be  
ordered by proper service authority, for which this shall be  
sufficient warrant.

Signed this ..... day of ..... 19 ....

Signature .....<sup>37</sup>

Rank and Appointment .....

If the establishment to which the person is to be returned is altered.

In pursuance of the Defence Act, I hereby order that the above-  
named person shall be returned in service custody  
to.....<sup>38</sup> there to undergo the remainder of  
his sentence according to law;

<sup>32</sup> Insert the name of the unit detention quarters where the person is serving his sentence

<sup>33</sup> Insert the place where the person is required to attend

<sup>34</sup> Insert the date or dates of attendance

<sup>35</sup> Insert the purpose of the attendance, e.g. "to give evidence before a board of inquiry into ..... " or "to be present at the hearing by the Court of Appeal of his appeal to that Court"

<sup>36</sup> Insert the place where the person is required to attend

<sup>37</sup> This form must be signed by the commanding officer. Where the person is under sentence in a civil prison or overseas establishment, Form 7 should be used

<sup>38</sup> Insert the name and address of the prison or other establishment to which the person is to be sent

And I do further order the Superintendent or other person in charge of the said .....<sup>39</sup> to receive the said person into his custody and to retain him accordingly, for which this shall be sufficient warrant.

Signed this ..... day of ..... 19 ....

Signed: .....

Rank and Appointment: .....<sup>40</sup>

**FORM 7  
ORDER FOR THE TEMPORARY REMOVAL IN CUSTODY  
OF A PERSON UNDERGOING A SERVICE SENTENCE OF  
IMPRISONMENT OR DETENTION IN A CIVIL OR  
OVERSEAS ESTABLISHMENT**

TO .....

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

is now in my custody undergoing a sentence of/imprisonment/detention/<sup>41</sup> and is required to be present at.....<sup>42</sup> for the purpose of.....<sup>43</sup>,

NOW, therefore, in pursuance of the Defence Act, I hereby order you and every other officer, warrant officer and marine into whose custody the said person may be delivered, to keep him in service custody and bring him to .....<sup>44</sup> on .....<sup>45</sup> for the said purpose, and thereafter, unless he is released in due course of law, to return him to my custody or to such other establishment as may be appointed by proper service authority, for which this shall be sufficient warrant.

Signed this ..... day of ..... 19 .....

Signature: .....<sup>46</sup>

Rank and Appointment or other description: .....

<sup>39</sup> Insert the name and address of the prison or other establishment to which the person is to be sent.

<sup>40</sup> This form may be signed by the commanding officer of the person, or by the Commander Defence Force or by an officer authorised to act on his behalf.

<sup>41</sup> Delete as necessary.

<sup>42</sup> Insert the place the person is required to attend.

<sup>43</sup> Insert the purpose for attendance, eg. "to give evidence at a board of inquiry into ..... " or "to be present at the hearing of his appeal by the Court of Appeal."

<sup>44</sup> Insert the place the person is required to attend.

<sup>45</sup> Insert the date or dates of attendance.

<sup>46</sup> This form is to be signed by the Superintendent or other person in charge of the establishment or by another person authorised to act on his behalf.

If the establishment to which the person is to be returned is altered.  
 In pursuance of the Defence Act, I hereby order that the above-named person shall be returned in service custody to<sup>47</sup>  
 .....  
 to undergo the remainder of his sentence according to law;  
 And I do further order the Superintendent or other person in charge of the said .....<sup>48</sup> to receive the said person into his custody and to retain him accordingly, for which this shall be sufficient warrant.  
 Signed this ..... day of ..... 19 ....  
 Signature: .....<sup>49</sup>  
 Rank and Appointment: .....

**FORM 8**  
**ORDER FOR THE TEMPORARY COMMITTAL TO**  
**CIVIL CUSTODY OF A PERSON UNDER SENTENCE IN**  
**UNIT DETENTION QUARTERS**

TO.....<sup>50</sup>  
 WHEREAS Pay no..... Rank.....  
 Name ..... Unit.....  
 is a person in service custody pursuant to a service sentence of detention;  
 NOW, therefore, in pursuance of the Defence Act section 121(2), I hereby order you to keep the said person in custody for a period not exceeding seven days unless the said person is earlier discharged or delivered over in due course of law, for which this shall be your warrant.  
 Signed this ..... day of ..... 19 .....  
 Signature: .....  
 Rank and Appointment: <sup>51</sup> .....

*Notes*

<sup>47</sup> Insert the name and address of the place to which the person is to be returned

<sup>48</sup> Insert the name and address of the place to which the person is to be returned

<sup>49</sup> This form is to be signed by Commander Defence Force or an officer authorised to act on his behalf

<sup>50</sup> Insert “the Superintendent Prison”, or “The Officer in charge of Police Station” as the case may require

<sup>51</sup> This form must be signed by the commanding officer of the person under sentence



NOW, therefore, in pursuance of the Defence Act, I hereby order you to release the said person from custody.

Signed this ..... day of ..... 19 .....

Signature: .....

Rank and Appointment: .....<sup>58</sup>

### SECOND SCHEDULE (Regulation 33)

#### NOTICE TO BE GIVEN TO PERSONS UNDER SENTENCE WITHIN TWENTY-FOUR HOURS OF THEIR ADMISSION

*Treatment cf persons under sentence.*

*1. Admission.* When you are admitted you will be searched and any unauthorised property removed. Your private property will be given back to you at the end of your sentence. You will be seen by a doctor and you may ask for a minister of religion of your choice to be told of your admission.

*2 Work.* You will be required to work up to nine hours a day, unless medically unfit, in close confinement or excused by the officer in charge. Sunday is a rest day, but you may have to do some light work. Usually you will have to work with other persons under sentence, but the officer in charge can sometimes order you to work on your own.

*3. Allowance.* You will receive an allowance so that you can buy cigarettes and tobacco, writing materials and stamps, and some other items. This allowance must be repaid after your release.

*4. Smoking.* Smoking will be when permitted by the officer in charge.

*5. Letters.* You may receive any number of letters. You must have permission to receive anything else. Parcels sent to you will be opened in your presence. Any unauthorised articles will be removed and handed to you on your release. Letters may be read, and in some cases withheld, by the officer in charge.

*6. Visits.* You may be visited by relatives, friends and lawyers at times to be approved by the officer in charge.

*7. Appeals.* If you wish to appeal against your conviction or sentence you should tell the officer in charge as soon as possible. Time limits for appeal can be as short as fourteen days. In connection with your appeal you will be allowed:

<sup>58</sup> This form must be signed by the reviewing or reconsidering authority, or by Commander Defence Force or an officer authorised to act on his behalf, or, in the case of a person under sentence awarded by his commanding officer, his commanding officer

- 
- (a) writing material;
  - (b) to write and receive letters;
  - (c) to receive visitors;
  - (d) to consult and write to your lawyers;
  - (e) to be visited by a doctor; and
  - (f) to attend any necessary court hearings.

8. *Complaints.* Complaints should be made to the officer in charge or to the board of inspectors when they visit unit detention quarters once every three months. The board will advise you about your right of complaint under section 168 of the Defence Act.

9. *Searches.* The officer in charge can order you to be searched at any time.

10. *Offences.* Apart from normal disciplinary action under the Defence Act, you can be punished for any of the following offences:

- (a) treating with disrespect any member of the staff of unit detention quarters, any visitor or person employed there;
- (b) being lazy, negligent or careless;
- (c) using abusive, insolent, threatening or improper language;
- (d) being indecent in any act or gesture;
- (e) leaving your room or place of work or other appointed place without permission;
- (f) having in your room or possession any unauthorised articles or attempting to obtain any unauthorised articles;
- (g) giving to or receiving from any person any unauthorised articles;
- (h) making repeated and groundless complaints;
- (i) failing to observe any conditions for temporary release; or
- (j) attempting to commit the offences listed at (e) or (g) above.

11. *Punishments.* Apart from punishments that can be awarded under the Defence Act, the following punishments can be awarded by the officer in charge or by an officer authorised to do so:

- (a) close confinement for not more than three days;
- (b) deprivation of mattress for not more than three days;
- (c) forfeiture of remission for not more than fourteen days;
- (d) forfeiture of allowance for not more than fourteen days;
- (e) extra training; and
- (f) admonishment.

12. *Mechanical Restraint.* If there is a danger that you might injure yourself, or other people, or that you might damage property, the officer in charge can order that you be put in a strait waistcoat or a body belt for periods of up to twenty-four hours. He can also order the use of handcuffs if he thinks you might cause a disturbance, or at any time when you are being moved in service custody.

13. *Remission.* If you are of good conduct during your sentence and the sentence is more than twenty-four days, you may be awarded remission of sentence. Usually this will be one third of the sentence except that you will have to serve a minimum of twenty-four days.

14. *Religion.* The officer in charge may authorise visits by a minister of religion and, so far as possible, allow you to have approved religious books.

### THIRD SCHEDULE (Regulation 64)

#### PART I

#### ORDER TO APPLY MECHANICAL RESTRAINT

WHEREAS Pay No ..... Rank .....  
 Name ..... Unit .....  
 a person under sentence, is likely to /injure himself/others/damage property/create a disturbance/<sup>59</sup>;  
 NOW, in pursuance of the Defence Act, I hereby order that mechanical restraint be applied to him from .....  
 (time) on ..... 19 ..... and shall continue for .....  
 hours (not exceeding twenty-four hours). Such restraint shall be handcuffs/strait waistcoat/body belt/<sup>60</sup>. The handcuffs are to be placed to the front of the body/rear of the body except during meals and for sleeping when they shall be moved to the front/<sup>61</sup>.  
 Signed this ..... day of ..... 19 .....  
 Signature: .....<sup>62</sup>  
 Rank and Appointment: .....

<sup>59</sup> Delete as appropriate.

<sup>60</sup> A strait waistcoat or body belt is not to be ordered when the grounds for applying mechanical restraint are that a disturbance is expected.

<sup>61</sup> Delete as appropriate.

<sup>62</sup> The form is to be signed by the officer in charge of the unit detention quarters.

Copy to: Commander Defence Force  
Medical Officer to the Defence Force.

WHEREAS the Medical officer to the Defence Force/a medical practitioner/<sup>63</sup> has so advised;

NOW I hereby order that the above order shall be varied as follows

.....<sup>64</sup>

Signed this ..... day of ..... 19 .....

Signature: .....<sup>65</sup>

Rank and Appointment: .....

Copy to: Commander Defence Force.

**PART II**  
**CERTIFICATE OF APPLICATION OF MECHANICAL RESTRAINT**

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

has been ordered to be placed in mechanical restraint in pursuance of an order of the officer in charge of unit detention quarters;.....

NOW, in pursuance of that order I was present at..... hours on the.....day of.....19.... when the above-named was placed in handcuffs/strait waistcoat/ body belt/<sup>66</sup>.

Signed this .....day of ..... 19 .....

Signature: ..... Full name .....<sup>67</sup>

Rank and Appointment: .....

<sup>63</sup> Delete as appropriate.

<sup>64</sup> Here insert the order as varied.

<sup>65</sup> The form is to be signed by the officer in charge of the unit detention quarters.

<sup>66</sup> Delete as appropriate.

<sup>67</sup> This form must be signed by an officer of the Defence Force, and his full name must be set out.

**PART III  
CERTIFICATE OF REMOVAL OF MECHANICAL  
RESTRAINT**

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

having been placed in mechanical restraint by order of the officer in charge of unit detention quarters;

NOW, I was present at..... hours of the..... day of..... 19.... when the above-named was released from handcuffs/strait waistcoat/body belt/<sup>68</sup>

Signed this ..... day of ..... 19 .....

Signature: ..... Full name .....<sup>69</sup>

Rank and Appointment: .....

**PART IV  
ORDER FOR THE CONTINUATION OF MECHANICAL  
RESTRAINT FOR FORTY-EIGHT HOURS**

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

a person under sentence having been ordered by the officer in charge of unit detention quarters to undergo mechanical restraint for twenty-four hours, and application having been made to me for continuation of mechanical restraint for a further period;

NOW, in pursuance of the Defence Force Act, I hereby order that mechanical restraint in the form of /handcuffs/strait waistcoat/ body belt/<sup>70</sup> may be applied for a further..... hours (not exceeding forty-eight hours) from..... hours on the..... day of ..... 19 ....

And I further order that this order shall be subject to any contrary directions of the Medical Officer to the Defence Force or.....<sup>71</sup>

<sup>68</sup> Delete as appropriate.

<sup>69</sup> This form must be signed by an officer of the Defence Force, and his full name must be set out.

<sup>70</sup> Delete as appropriate. A strait waistcoat or body belt may not be ordered when the grounds for the application of mechanical restraint are that the person under sentence is likely to cause a disturbance.

<sup>71</sup> Insert the name of any other medical practitioner who may be officiating.

And I further order that after twenty-four hours of the further period of mechanical restraint hereby ordered the person to whom it is applied shall be released therefrom for a period of at least one hour before it is re-applied.<sup>72</sup>

Signed this ..... day of ..... 19 .....

Signature: .....<sup>73</sup>

Commander Defence Force .....

**PART V  
ORDER BY MEDICAL OFFICER TO THE DEFENCE  
FORCE OR OTHER MEDICAL PRACTITIONER**

WHEREAS Pay No ..... Rank .....

Name ..... Unit .....

is a person under sentence to whom mechanical restraint has been applied by order of the officer in charge of unit detention quarters;

/And whereas application has been made to me by the officer in charge to approve a further period of mechanical restraint/.<sup>74</sup>

NOW, I hereby order that the above-named /shall be released from all forms of mechanical restraint at ..... hours on the ..... day of ..... 19 ...../may be subjected to mechanical restraint in the form of/handcuffs/strait waistcoat/body belt for a further period of..... hours (not exceeding twenty-four hours) starting from ..... hours (not earlier than an hour after the time the previous period of mechanical restraint ended) on the..... day of ..... 19 .....<sup>75</sup>

Signed this ..... day of ..... 19 .....

Signature: .....

Qualification: <sup>76</sup> .....

*Notes*

<sup>72</sup> This paragraph is to be included when the period of further restraint exceeds twenty-four hours.

<sup>73</sup> This form may be signed only by Commander Defence Force.

<sup>74</sup> Delete as appropriate.

<sup>75</sup> Delete as appropriate.

<sup>76</sup> This form must be signed by the Medical Officer to the Defence Force or by a medical practitioner.