

THE CORRECTIONS ACT

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## THE CORRECTIONS ACT

[2nd December, 1985.]

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9 of 1985,  
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11 of 2004  
Sixth  
Schedule,  
20/2016  
Sch.

PART I. *Preliminary*

1. This Act may be cited as the Corrections Act. Short title.
2. --(1) In this Act unless the context otherwise requires— Interpreta-  
tion.
- “adult correctional centre” means any house, building, enclosure, or place, or any part thereof, declared to be an adult correctional centre under section 6;
- “adult correctional centre staff” means any person engaged under a contract of employment to work at an adult correctional centre;
- “after-care hostel” means any house, building, enclosure, or place, or any part thereof, declared to be an after-care hostel under section 6;
- “authorized person”—
- (a) in relation to sections 15 and 55, means any person authorized for the purposes of those sections, respectively, by the Commissioner or by an officer of police not below the rank of sergeant; and
- (b) in relation to section 56 means—
- (i) any probation officer or any children’s officer as defined, respectively, in the Child Care and Protection Act;
- (ii) any person appointed by the Minister under section 7 of the Child Care and Protection Act; and 11/2004  
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Schedule.

- (iii) any person appointed as an authorized person by the Minister on the recommendation of a welfare organization;

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“child” means a person under the age of eighteen years;  
“the Commissioner” means the public officer referred to in section 3;

“correctional institution” means—

- (a) an adult correctional centre;
- (b) a juvenile correctional centre;
- (c) a remand centre;
- (d) a juvenile remand centre;
- (e) a high security juvenile correctional centre;  
and
- (f) a pre-release hostel;

“Correctional Institution Rules” means any rules made under section 81;

“correctional officer”—

- (a) in relation to an adult correctional centre, means the Commissioner and any officer subordinate to him, other than such officers as may be prescribed, carrying out functions in, or in relation to, an adult correctional centre;  
and
- (b) in relation to any other correctional institution, means the Commissioner and such other persons as may be prescribed as a correctional officer in relation to that institution;

“correctional order” means an order made by a court sending a child to a juvenile correctional centre;

“the Council” means the Advisory Council on the Treatment of Offenders established under section 72;

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"functions" includes powers and duties;

"high security juvenile correctional centre" means a juvenile correctional centre declared to be a high security juvenile correctional centre under section 49;

"inmate" means –

- (a) any person, whether convicted or not, under detention in any adult correctional centre or remand centre; or
- (b) any person who, though serving a term of imprisonment in an adult correctional centre, is permitted pursuant to this Act to be temporarily absent from such centre;

"inspector" means a person so designated under section 67,

"juvenile correctional centre" means any house, building, enclosure, or place, or any part thereof, declared to be a juvenile correctional centre under section 47 or 48;

"juvenile remand centre" means any house, building, enclosure, or place, or any part thereof, declared to be a juvenile remand centre under section 47;

"local authority" means the Parish Council of any parish or in the cases of the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation;

"lock-up" means any house, building, enclosure, or place, or any part thereof, declared to be a lock-up under section 6;

"medical officer" means a medical officer assigned under section 10 to an adult correctional centre;

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- “pre-release hostel” means any house, building, enclosure or place, or any part thereof, declared to be a pre-release hostel under section 6;
- “probation and after-care officer” means a person appointed as such under section 68;
- “prohibited article” means—
- (a) any intoxicating liquor, drug, tobacco, money, clothing, provisions, letter, tool, or any article likely to be prejudicial to the life or safety of any person, or to facilitate any escape from a correctional institution, or to be used for purposes prejudicial to the discipline of such institution;
  - (b) any article, the introduction or removal of which into, or out of, a correctional institution or any part thereof is prohibited by the Correctional Institution Rules, including any article declared to be prohibited by such Rules;
- “remand centre” means any house, building, enclosure, or place, or part thereof, declared to be a remand centre under section 6;
- “short-term sentence” means a sentence of imprisonment for any term not exceeding fourteen days or such other period as may be specified in Correctional Institution Rules;
- “standing orders” means orders issued by the Commissioner under section 5;
- “Superintendent” means a person appointed under section 7 as a Superintendent of any adult correctional centre;
- “visiting justice” means a member of a Board of Visiting Justices referred to in section 74;
- “young inmate” means an inmate under the age of eighteen years.



PART II. *Administration of Correctional Services*  
*Commissioner of Corrections*

3. There shall be a Commissioner of Corrections for the purposes of this Act, whose office shall be a public office.

Office of Commissioner of Corrections.

4. The Commissioner shall have the functions assigned to him under this Act or authorized thereby and such other functions as may be assigned to him under any other enactment.

Functions of Commissioner.

5. Subject to the orders of the Minister, the Commissioner shall be responsible for the general administration of the Correctional Services and may, as he thinks fit, issue orders (in this Act referred to as standing orders) consistent with the provisions of this Act and any instrument made thereunder, for the management and operation of correctional institutions and the direction of any person employed in the Correctional Services.

Commissioner responsible for general administration of Correctional Services.

*Adult Correctional Centres, Lock-ups, Remand Centres and Hostels*

6.—(1) The Minister may by order published in the *Gazette*—

Power to declare place adult correctional centre, lock-up, etc.

- (a) declare any house, building, enclosure, or place, or any part thereof, to be an adult correctional centre for the imprisonment or detention of persons in custody, and may in such order declare the name by which such adult correctional centre is to be known;
- (b) declare that any adult correctional centre shall cease to be an adult correctional centre; and as from the date of publication of such order, or such other date as may be specified in the order, such adult correctional centre shall cease to be an adult correctional centre;

- (c) declare any house, building, enclosure, or place or any part thereof—
- (i) to be, if under the control of the police, a lock-up; or
  - (ii) to be, if under the control of an adult correctional centre, a remand centre,
- for the confinement of persons awaiting trial, remanded in custody, or sentenced to a short-term sentence;
- (d) declare that any lock-up or remand centre shall cease to be a lock-up or remand centre, as the case may be; and as from the date of publication of such order, or such later date as may be specified in the order, such lock-up or remand centre shall cease to be a lock-up or remand centre, as the case may be.

(2) The Minister may by order published in the *Gazette*—

- (a) declare any house, building, enclosure, or place, or any part thereof, to be—
- (i) a pre-release hostel for the confinement of persons who are soon to be released on parole or whose term of imprisonment is soon to expire; or
  - (ii) an after-care hostel for the temporary accommodation of persons released from correctional institutions,
- and may in such order declare the name by which such pre-release hostel or, as the case may be, after-care hostel is to be known;
- (b) declare that any pre-release hostel or after-care hostel shall cease to be a pre-release hostel or after-care hostel, as the case may be; and as from the date of the publication of such order, or such other

date as may be specified in the order, such pre-release hostel or after-care hostel shall cease to be a pre-release hostel or after-care hostel, as the case may be.

(3) For the purposes of this Act, a lock-up or remand centre shall not be regarded as an adult correctional centre and the Correctional Institution Rules, unless expressly otherwise provided therein, shall not apply thereto.

(4) The Minister responsible for the subject of the police may make regulations generally for the control and management of lock-ups and of persons detained therein, and without prejudice to the generality of this power, any such regulations may provide for—

- (a) the inspection and management of lock-ups and the persons to be in charge thereof;
- (b) the employment of persons to be confined therein;
- (c) the diets to be supplied to persons confined therein;
- (d) the maintenance of discipline.

(6) The management and operation of after-care hostels shall be in accordance with regulations made under this Act.

7. The Governor-General may, in respect of adult correctional centres, appoint—

- (a) Directors;
- (b) Superintendents and Assistant Superintendents; and
- (c) such and so many correctional officers and other officers as may be necessary for carrying into effect the provisions of this Act.

Appoint-  
ment of  
adult cor-  
rectional  
centre staff.

8. Subject to the orders of the Commissioner and any Director, the administration of each adult correctional centre and the management and direction of the staff of each such centre shall be vested in a Superintendent.

Adminis-  
tration of  
adult cor-  
rectional  
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ed in Super-  
intendent.

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[The inclusion of this page is authorized by L.N. 87/1986]

Justices  
*ex officio*.

9. The Commissioner, each Director and each Superintendent are *ex officio* justices for every parish in the Island.

Appointment of  
medical  
officer.

10. The Chief Medical officer shall, in respect of each adult correctional centre, assign a medical officer who, subject to sections 5 and 8—

- (a) shall have control generally of the health and medical welfare of inmates and the sanitation of the adult correctional centre; and
- (b) shall perform such other duties as may be specified in this Act or Correctional Institution Rules.

Power of  
Assistant  
Superin-  
tendent.

11. An Assistant Superintendent shall, subject to the orders of the Superintendent, have all the functions, rights and privileges of a Superintendent.

Staff not to  
resign  
without  
notice.

12.—(1) A person engaged to work at an adult correctional centre shall not, without written permission from the Commissioner, resign or withdraw from duties at that centre unless he has first given to the Superintendent at least seven days' notice in writing of his intention to do so and the period of such notice has expired.

(2) Without prejudice to the provisions of the Labour Relations and Industrial Disputes Act or any other enactment, any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act and liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding three months.

Offences  
of staff in  
relation to  
adult cor-  
rectional  
centre.

13. Any member of the adult correctional centre staff or any medical officer who—

- (a) has, either directly or indirectly, any pecuniary interest in, or derives any benefit or advantage from, the sale or purchase of any supplies for an adult correctional centre or of any article to or for

- the use of any inmate or of any adult correctional centre; or
- (b) has any dealing, whereby he obtains or might expect to obtain at any time, either immediately or in the future, a benefit of any nature, with any inmate or with any person on behalf of any inmate; or
- (c) without lawful authority—
- (i) knowingly supplies or allows to be supplied to any inmate any prohibited article; or
  - (ii) knowingly takes or allows to be taken out of any adult correctional centre any prohibited article; or
- (d) assaults, threatens or obstructs any other member of the adult correctional centre staff or a medical officer when any such member or officer is on duty or as a result of or relating to the duty of that member or officer,

shall be guilty of an offence under this Act and liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six months.

14. Every correctional officer while acting as such shall have, by virtue of his office, all the powers, authorities, protection and privileges of a constable for the purpose of his duty as such correctional officer.

Correctional officers to have powers of police constable.

15.—(1) Every correctional officer may use weapons against any inmate who he has reasonable grounds to believe is escaping or attempting to escape; but resort shall not be had to the use of any such weapons unless such officer has reasonable grounds to believe that he cannot otherwise prevent the escape.

Use of weapons.

(2) If an inmate is engaged in any combined outbreak or in any attempt to force or break open the outside door or gate or enclosure wall of the adult correctional centre, a correctional officer may use weapons against such inmate if he has reasonable grounds to believe that he cannot otherwise prevent the escape and may continue to use such weapons so long as such combined outbreak or attempt is being actually undertaken.

(3) Every correctional officer may use weapons against any inmate using violence to any person if such officer has reasonable grounds to believe that such person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(4) Before using firearms against an inmate under the authority contained in subsection (1), the correctional officer shall, if possible, give a warning to the inmate that he is about to fire on him.

(5) No correctional officer shall, in the presence of his superior officer, use firearms of any kind against an inmate in the case of an attempt to escape or of an outbreak except under the orders of such superior officer.

(6) The use of firearms under this section shall be, as far as possible, to disable and not to kill.

(7) Every constable or authorized person who is for the time being serving in the capacity of an escort or of a guard in or around any adult correctional centre, lock-up or remand centre in order to ensure the safe custody of any inmate or person detained in a lock-up or remand centre shall, for the purposes of his duties in relation to such inmate or person, be deemed to have all the powers and privileges granted to correctional officers under this section.

(8) Nothing in this section shall be construed to deprive a correctional officer, authorized person or any

other person of his legal right to use such force as may be reasonably necessary for the protection of his own life or for the protection of the lives of other persons.

*PART III. Custody and Removal of Inmates and Persons Detained in Lock-ups and Remand Centres*

16.— (1) Subject to subsection (2) of this section and section 8 (4) of the Gun Court Act, every person sentenced to imprisonment shall be committed to and detained in an adult correctional centre.

Persons sentenced, etc., to be committed to adult correctional centre, etc.

(2) A person sentenced to a short-term sentence may, instead of being committed to and detained in an adult correctional centre, be committed to and detained in a lock-up or remand centre.

(3) Every person awaiting trial or remanded in custody may be committed to and detained in an adult correctional centre, lock-up or remand centre.

17.— (1) Where an inmate is confined in any adult correctional centre in which he may lawfully be confined, or where he is being taken to or from, or is working in the custody or under the control of, any member of the adult correctional centre staff beyond the limits of any such adult correctional centre, he shall be deemed to be in the legal custody of the Superintendent of such centre.

Inmates, etc. deemed in legal custody.

(2) Where a person is confined in any lock-up or remand centre in which he may be lawfully confined, or where he is being taken to or from, or is working in the custody or under the control of, any person in charge of any lock-up or remand centre beyond the limits of such lock-up or remand centre, he shall be regarded as being in the legal custody of the person in charge of such lock-up or remand centre, as the case may be.

Superintendent, etc., to detain persons committed.

18. The Superintendents appointed under this Act and the persons in charge of lock-ups and remand centres are hereby authorized and required to keep and detain all persons duly committed to their custody by any court, Judge, Resident Magistrate, Justice, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the terms of any writ, warrant, or order, by which such person has been committed, or until such person is discharged in due course of law.

Delivery of persons on remand.

19. Every person charged with any offence and remanded in custody to any adult correctional centre, lock-up or remand centre by any court, Judge, Resident Magistrate, Justice or Coroner, shall be delivered to the Superintendent of such centre or to the person in charge of such lock-up or remand centre, as the case may be, together with the warrant of commitment, and the Superintendent, or person in charge, as the case may be, shall detain that person according to the terms of the warrant, and shall cause such person to be delivered to the court, Judge, Resident Magistrate, Justice or Coroner, or shall discharge him at the time named in the warrant and according to the terms thereof.

Delivery of persons arrested in civil matters

20. Every person arrested under any writ, warrant or order, of any court in the Island having civil jurisdiction shall be brought without delay before the court by which the writ, warrant, or order was issued or made, and if such court is not then sitting such person shall be kept in custody in a lock-up or remand centre until the next sitting of the court and shall then be brought before such court in order that he may be dealt with according to the law.

#### *Release and Removal*

Release of inmates, etc.

21.—(1) Subject to subsection (2), every inmate and person detained in a lock-up or remand centre shall be released immediately on his becoming entitled to release whether



by the expiration of his term of sentence, or by pardon, or by commutation, or by remission of sentence, or by other lawful means.

(2) The release of any person on parole shall be subject to the provisions of the Parole Act.

22.—(1) Where the presence of any person confined in an adult correctional centre, lock-up or remand centre is required in any court of civil or criminal jurisdiction, such court may issue an order in writing addressed to the Superintendent or, as the case may be, the person in charge of the lock-up or remand centre, requiring the production before the court of such person in proper custody at the time and place to be named in such order, and such Superintendent, or person in charge, as the case may be, shall cause the person named in the order to be brought up as directed, and shall provide for his safe custody during his absence from the adult correctional centre, lock-up or remand centre; and every such court may, by endorsement on such order, require the person named therein to be again brought up at any time to which the matter in respect of which the person is required may be adjourned.

Production of persons before the court.

(2) Every such order issued from the Supreme Court may be signed by a Registrar of the Court, and if issued by any other court shall be signed by the Judge, Resident Magistrate or Coroner, as the case may be.

23. Where the Minister is satisfied that the presence of any inmate or person detained in a lock-up or remand centre is required at any place in the interests of justice, or for the purpose of any public enquiry, he may by order in writing direct that such inmate or person be taken to the place and at the time stated in such order, and the Superintendent or, as the case may be, person in charge of the lock-up or remand centre, shall cause the person named in the order to be taken as directed and shall provide for his safe

Minister may order production of inmate, etc.

custody during his absence from the adult correctional centre, lock-up or remand centre.

Persons deemed to be in legal custody.

24. Any person taken from an adult correctional centre, lock-up or remand centre under any order made under section 22 or section 23 shall, while outside that adult correctional centre, lock-up or remand centre, be regarded as being in legal custody.

Transfer of inmates.

25.—(1) The Commissioner may, if he thinks it expedient to do so, by order in writing, direct the transfer of any or all inmates from one adult correctional centre to another within the Island.

(2) The Superintendent of the adult correctional centre to which any inmate is transferred shall receive and detain him until he—

- (a) is discharged in due course of law;
- (b) is removed for the purpose of trial;
- (c) is again transferred; or
- (d) is ordered released pursuant to any enactment.

### *Illness*

Unsoundness of mind, communicable diseases.

26.—(1) Where an inmate or a person detained in a lock-up or remand centre appears to the Minister on the certificate of a registered medical practitioner to be of unsound mind the Minister may, by order in writing setting out the grounds of belief that the inmate or person detained is of unsound mind, direct his removal to any public psychiatric facility within the Island, where he shall be kept and treated as if he had been ordered to be detained in the public psychiatric facility under the Mental Health Act and, subject to section 27, until the senior medical officer or the mental hospital certifies that such inmate or person detained has ceased to require treatment in that institution.

(2) Where an inmate or a person detained in a lock-up or remand centre appears to the Minister on the certificate of a registered medical practitioner to be suffering from a serious communicable disease, the Minister may, by order in writing setting out the grounds of belief that the inmate or person detained is suffering from a serious communicable disease, direct his removal to such place as may be specified in the order, where, subject to section 27, the inmate or person detained shall be kept and treated until a registered medical practitioner certifies that treatment in that institution is no longer necessary for him.

(3) Where either the senior medical officer of the mental hospital or a registered medical practitioner certifies as provided in subsection (1) or (2)—

- (a) in respect of an inmate whose term of sentence has not expired, the Governor-General shall by order in writing direct either that the inmate be discharged or that he be returned to the adult correctional centre from which he was removed, there to serve the remainder of any term to which he is liable; or
- (b) in respect of a person awaiting trial or remanded in custody, the Minister shall by order in writing direct that such person be returned to the adult correctional centre, lock-up or remand centre from which he was removed, there to be dealt with according to law.

27. Where an inmate or person detained in a lock-up or remand centre is removed to a mental hospital by order of the Minister under subsection (1) of section 26 or to any institution specified in an order made by the Minister under subsection (2) of that section, the Superintendent or, as the case may be, the person in charge of the lock-up or remand centre shall give written notification either to the senior medical officer of the mental hospital or to the person in

Superintendent to advise of date of release.

charge of the institution, as the case may require, of the date on which such inmate or person detained would be entitled to be released from the adult correctional centre, lock-up or remand centre, and as from that date, the inmate or person detained shall no longer be regarded as being in legal custody by virtue of this Act and no steps shall be taken to prevent his escape by reason only that he had been an inmate or a person detained in a lock-up or remand centre.

**Illness of  
an inmate**

28.—(1) Where an inmate or person detained in a lock-up or remand centre is suffering from serious illness, other than unsoundness of mind or any serious communicable disease, and there is no suitable accommodation for such inmate or person in the adult correctional centre, lock-up or remand centre, the Superintendent or, as the case may be, the person in charge of the lock-up or remand centre may, on the certificate of the medical officer or, in the case of a person detained in a lock-up or remand centre, a registered medical practitioner, make an order for the removal of that inmate or person to a government hospital.

(2) So long as any inmate or person detained who has been removed to any hospital under the provisions of subsection (1) remains therein, the medical officer of the hospital shall, at the end of every month, send to the Superintendent or, as the case may be, the person in charge of the lock-up or remand centre, a certificate signed by him stating that it is in his opinion necessary that such inmate or person detained should remain in the hospital.

(3) Where the medical officer in charge of any hospital is of the opinion that it is no longer necessary that any inmate or person detained who has been removed to such hospital should remain there, he shall send to the Superintendent or, as the case may be, the person in charge of the lock-up or remand centre a certificate to that effect, and the Superintendent, or the person in charge, as the case may be,

shall forthwith cause such inmate or person detained to be brought back to the adult correctional centre, lock-up or remand centre if he is still liable to be confined there.

(4) The provisions of subsections (2) and (3) shall cease to apply to an inmate or person detained as from the date on which he would be entitled to be released from the adult correctional centre, lock-up or remand centre.

29.—(1) Subject to subsection (2), where any inmate or person detained in a lock-up or remand centre is by virtue of section 28 removed from any adult correctional centre, lock-up or remand centre to any hospital, the person in charge of such hospital shall take all practical steps to prevent the escape of such inmate or person detained, and while such inmate or person detained remains in that hospital he shall be regarded as being in legal custody.

Custody of inmate, etc in hospital, etc

(2) Where any such inmate or person detained would, but for the fact that he is in that hospital, be entitled to be released from the adult correctional centre, lock-up or remand centre, then as from the date on which he would be so entitled to be released he shall no longer be regarded as being in legal custody and no steps shall be taken to prevent his escape by reason only that he had been an inmate or person detained.

*Separation of Categories of Inmates and other Detained Persons*

30. Separate provision shall be made for the detention of—

Separation of inmates.

- (a) male and female inmates; and no male inmate shall be detained in the same part of any adult correctional centre as any female inmate;
- (b) civil and criminal inmates; and no civil inmate shall be detained in the same part of any adult correctional centre as any criminal inmate;

- (c) young inmates; and no young inmate shall be detained in the same part of any adult correctional centre as any other kind of inmate,
- (d) persons awaiting trial or remanded in custody, and, so far as possible, no person awaiting trial or so remanded shall be detained in the same part of any adult correctional centre as any other kind of inmate.

Transfer of  
child,  
11/2004  
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31.—(1) Except in the circumstances mentioned in subsection (2), where any person apparently under the age of eighteen years has been committed to any adult correctional centre, the Minister shall order such person to be transferred to a juvenile correctional centre to be kept there as if he had been committed to such centre under a correctional order.

(2) The circumstances referred to in subsection (1) are—

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(a) where under the Child Care and Protection Act a court may commit a child to such place as may be specified in the commitment warrant; or

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(b) where pursuant to that Act the Minister may direct that a child be detained in such place and under such conditions as he thinks fit, or

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(c) where a child who has not attained the age of twelve years is sentenced to imprisonment under the Gun Court Act.

#### PART IV. *Discipline and Control of Inmates*

Person serving  
term of im-  
prisonment to  
do work  
assigned, etc.

32. A person serving a term of imprisonment in an adult correctional centre shall do such work as may be assigned to him by the Superintendent of such centre or as may be prescribed in Correctional Institution Rules.

[The inclusion of this page is authorized by L.N 111/2005]

33. Any person serving a term of imprisonment may, with the approval of the Commissioner, be taken beyond the limits of an adult correctional centre and put to such labour, as may be specified in Correctional Institution Rules.

Work outside adult correctional centre.

34. Every inmate is subject to the provisions of this Act and of Correctional Institution Rules and is subject to the discipline of the adult correctional centre whether or not he is within its limits.

Inmate subject to Act and Rules.

35.—(1) Where an inmate commits a major correctional centre offence and is found guilty thereof on an enquiry before the Commissioner, the Commissioner may impose any or all of the following punishments—

Punishment for major and minor correctional centre offences.

- (a) reduction of diet to No. 1 punishment diet for any period not exceeding fourteen consecutive days;
- (b) reduction of diet to No. 2 punishment diet for any period not exceeding twenty-one consecutive days;
- (c) suspension or postponement of any privileges for any period not exceeding ninety days;
- (d) forfeiture of remission for any period not exceeding ninety days;
- (e) in the case of the offences of mutiny, incitement to mutiny or taking part in any assault or attack on any member of staff, medical officer or any other person providing health care to inmates, solitary confinement for a period not exceeding ninety days and, if the Governor-General in his discretion so approves, the loss of the whole or any period of remission.

(2) Where an inmate commits a major correctional centre offence or a minor correctional centre offence and is found guilty thereof on an enquiry before the Superintendent, the Superintendent may impose any or all of the following punishments—

- (a) reduction of diet to No. 1 punishment diet for any period not exceeding seven consecutive days;
- (b) reduction of diet to No. 2 punishment diet for any period not exceeding fourteen consecutive days;
- (c) suspension or postponement of any privileges for any period not exceeding twenty-eight consecutive days;
- (d) forfeiture of remission for any period not exceeding thirty days.

(3) In relation to minor correctional centre offences, the Commissioner shall have like powers as a Superintendent.

(4) In this section—

“major correctional centre offence” means—

- (a) mutiny or incitement to mutiny;
- (b) escape or attempt to escape;
- (c) taking part in any assault or attack on any member of the adult correctional centre staff, medical officer or any other person providing health care to inmates;
- (d) aggravated or repeated assault on any other inmate;
- (e) wilful destruction of property belonging to the adult correctional centre;
- (f) wilfully causing to himself any illness, injury or disability;
- (g) persistent repetition of any minor correctional centre offence; and

“minor correctional centre offence” means any offence (not being a major correctional centre offence) against Correctional Institution Rules or against



the discipline imposed in an adult correctional centre.

**36.** An inmate shall not be punished pursuant to section 35 unless he has had an opportunity of hearing the charge and evidence against him and of making his defence.

Inmate entitled to make defence.

**37.** Where a punishment is imposed on an inmate, the Superintendent shall cause to be entered in a register to be kept for such purpose, a record of the punishment showing in respect of each inmate punished—

Entry of punishment in register.

- (a) the name of the inmate;
- (b) the nature of his offence; and
- (c) the extent of his punishment.

**38.** An inmate may, within seventy-two hours of the time at which the punishment was ordered, appeal in writing to the Commissioner against any sentence imposed on him by the Superintendent, and the Commissioner may allow the appeal, reduce or confirm the punishment, or make such other order as he may see fit.

Appeal by inmate.

**39.—(1)** Any punishment lawfully imposed on an inmate under this Act or Correctional Institution Rules may, subject to subsection (2), be carried into effect notwithstanding that the carrying into effect thereof may necessitate the detention of the inmate for a period beyond the date at which he would otherwise be entitled to be discharged from the adult correctional centre.

Detention after date of discharge.

(2) The period of detention of an inmate in the circumstances specified in subsection (1) shall not exceed forty-eight hours, such period being calculated from the last hour of the day on which the inmate would otherwise be entitled to be discharged.

Escape.

40.—(1) Where any inmate under sentence of imprisonment escapes, then the currency of his sentence shall be suspended from the day on which he escapes to the day on which he is recaptured, so that he shall not be regarded as having served any part of his sentence during that period.

(2) Every inmate who escapes or attempts to escape from legal custody is guilty of an offence under this Act and liable on summary conviction before a Resident Magistrate to a term of imprisonment not exceeding two years.

### *Sentence of Death*

Supervision of inmate under sentence of death.

41. Every inmate under sentence of death shall be confined apart from other inmates in a special cell, and shall be under constant supervision by day and by night.

Access to inmates under sentence of death.

42. Except with the written permission of the Superintendent, no person other than a member of the adult correctional centre staff, the medical officer, or any person who, with the permission of the medical officer, is authorized to provide health care in the adult correctional centre, an inmate's legal representatives and, with the inmate's consent, a minister of religion, shall have access to any inmate under sentence of death.

Execution of sentence of death.

43. Sentence of death on an inmate shall be carried into effect within the limits of the adult correctional centre in which the inmate is confined immediately before the time of execution, and in the presence of the Superintendent, the medical officer and such other persons as the Superintendent may think proper to admit.

Medical officer to examine body and certify death. First Schedule. Form I.

44. As soon as practicable after sentence of death has been executed on an inmate the medical officer shall examine the body, ascertain the fact of death, and sign and deliver to the Superintendent a certificate in the form set out as Form I in the First Schedule.

45. The Superintendent of the adult correctional centre in which sentence of death was executed shall sign a certificate in the form set out as Form II in the First Schedule, to the effect that sentence of death has been executed on the inmate and shall forward such certificate and the certificate of the medical officer to the Minister.

Superintendent to certify execution First Schedule Form II.

46. The failure to comply with any of the provisions of this Act or of Correctional Institution Rules shall not invalidate or make illegal the execution of any sentence of death where such execution would otherwise be legal.

Omission not to invalidate sentence

#### PART V. *Juvenile Correctional Centres*

47. The Minister may by order published in the *Gazette*—

- (a) declare any house, building, enclosure, or place, or any part thereof, to be a juvenile correctional centre for the purposes of this Act, and may in such order declare the name by which that centre is to be known;
- (b) declare that any juvenile correctional centre shall cease to be a juvenile correctional centre; and as from the date of the publication of such order or such other date as may be specified therein, the juvenile correctional centre shall cease to be a juvenile correctional centre;
- (c) declare any house, building, enclosure, or place, or any part thereof, to be a juvenile remand centre for the purposes of this Act and may in such order declare the name by which such centre is to be known;
- (d) declare that any juvenile remand centre shall cease to be a juvenile remand centre; and as from the date of the publication of such order or such other date as may be specified therein, the juvenile

Power of Minister to declare place juvenile correctional centre or juvenile remand centre.

remand centre shall cease to be a juvenile remand centre.

Declaration as juvenile correctional centre on application of managers 11/2004 Sixth Schedule

48.—(1) The managers of any institution intended for the education and training of persons to be sent there pursuant to the Child Care and Protection Act, may apply to the Minister to declare the institution to be a juvenile correctional centre, and the Minister may, after making such enquires as he thinks fit, by order published in the *Gazette* declare that institution to be a juvenile correctional centre.

(2) If at any time the Minister—

- (a) is dissatisfied with the condition or management of an institution that has been declared a juvenile correctional centre under subsection (1), or
- (b) considers the continuance of such juvenile correctional centre unnecessary,

he may by order published in the *Gazette* declare that the institution shall cease to be a juvenile correctional centre as from such date, not being less than six months from the date of the publication of the order, as may be specified in the order, and the institution shall, as from such date, cease to be a juvenile correctional centre.

(3) A copy of the order shall be served on the managers of the institution at least six months prior to the date specified in the order on which the institution ceases to be a juvenile correctional centre

Power of Minister to declare centre high security correctional centre.

49. The Minister may by order published in the *Gazette* declare any juvenile correctional centre to be a high security juvenile correctional centre.

Classification and administration of juvenile correctional centres.

50.—(1) The Minister may classify juvenile correctional centres according to—

- (a) the ages of the persons for whom they are intended;

- (b) the character of the education and training given in such centres,

and to any other considerations as he thinks will best ensure that a person sent to a juvenile correctional centre is sent to a centre that is appropriate to his case or that is necessary for the purposes of this Part

(2) The managers of a juvenile correctional centre are obliged to accept any person who, under this Act, is sent or transferred to that centre or otherwise to their care, unless they satisfy the Minister that there are already as many persons detained in that centre or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Second Schedule shall have effect in relation to the administration of juvenile correctional centres and the treatment of persons sent to them

Second  
Schedule.

51.—(1) On receipt by the Minister of a correctional order delivered pursuant to section 81 (2) of the Child Care and Protection Act, the Minister shall—

Steps to be  
taken by  
Minister on  
receipt of  
correctional  
order  
11/2004  
Sixth  
Schedule

- (a) determine the juvenile correctional centre to which the child in respect of whom the order has been made is to be sent; and
- (b) endorse on the order the name of the juvenile correctional centre.

(2) A correctional order endorsed as provided in subsection (1) is sufficient authority for the managers of the juvenile correctional centre named in the endorsement to receive and detain under their care and, in accordance with this Act, the child in respect of whom the order was made, and the Minister may authorize any person to take the child from the place where he may be to such juvenile correctional centre.

11/2004  
Sixth  
Schedule  
  
11/2004  
Sixth  
Schedule

11/2004  
Sixth  
Schedule

(3) In determining the juvenile correctional centre to which a child is to be sent, the Minister may have regard to the religious persuasion of the child.

Supervision  
and recall after  
expiration of  
correctional  
order

52.—(1) A person sent to a juvenile correctional centre shall, after the expiration of the period of detention, be under the supervision of the managers of that centre until he attains the age of eighteen years.

(2) Subject to subsection (3), the managers may, and, if the Minister so directs, shall, by notice in writing recall to the juvenile correctional centre any person under supervision who is, at the date of the recall, under the age of eighteen years.

(3) A person shall not be recalled pursuant to subsection (2) unless, in the opinion of the managers or, as the case may be, of the Minister, it is necessary in his interests to recall him.

(4) A person who has been recalled under subsection (2) shall be released as soon as the managers think that he can properly be released, and in no case shall be detained—

(a) after the expiration of three months, or of such longer period not exceeding six months as the Minister may, after considering the circumstances of his case, direct; or

(b) after attaining the age of eighteen years.

(5) The managers shall forthwith notify the Minister of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled, they shall forthwith notify the Minister that they have done so.

(6) For the purposes of this Part—

- (a) a person who is out under supervision from a juvenile correctional centre shall be deemed to be under the care of the managers of the centre;
- (b) a person who has been recalled to a juvenile correctional centre shall be deemed to be detained there under a correctional order.

53. The Minister may, by order in writing addressed to the managers of a juvenile correctional centre, direct the release from such centre, on such conditions, if any, as may be contained in the order, of any person detained therein under a correctional order, and where the Minister has directed the release of any such person, the powers of recall conferred on the managers under section 52 shall not be exercised without the approval of the Minister.

Power of  
Minister to  
direct  
release

54.—(1) The expenses of all juvenile correctional centres declared as such under section 47, including—

Expenses of  
juvenile  
correctional  
centres.

- (a) the salaries of the officers, inspectors and other employees of such centres;
- (b) the maintenance and clothing of persons detained therein;
- (c) the cost of conveying such persons to and from the centres; and
- (d) all other incidental expenses of and in relation to such centres,

shall be defrayed in the first instance by the Accountant-General out of the Consolidated Fund.

(2) All expenses similar to those mentioned in subsection (1) in connection with places declared to be juvenile correctional centres under section 48 shall be borne in the first instance by the managers thereof.

Application  
of sections 14  
and 15.

**55.** The provisions applicable to a correctional officer, constable, authorized person and other person under sections 14 and 15 shall, *mutatis mutandis*, apply to them respectively, for the purposes of this Part.

Escapes from  
juvenile  
correctional  
centres.

**56.—(1)** Any person who has been ordered to be sent to a juvenile correctional centre and who—

- (a) escapes from the centre in which he is detained or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from the juvenile correctional centre on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the centre at the expiration of his leave, or on the revocation of his licence as provided in the Second Schedule; or
- (c) being absent from the centre under supervision, fails to return to it on being recalled,

Second  
Schedule

may be apprehended without warrant by any authorized person and returned to the juvenile correctional centre.

(2) Any person who knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in subsection (1);
- (b) harbours or conceals a person who has committed such an offence or prevents him from returning; or
- (c) harbours or conceals a child after a correctional order has come into operation in respect of him and during the continuance of such order,

11/2004  
Sixth  
Schedule

shall be guilty of an offence under this Act and liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment, with or without hard labour, for a term not exceeding two years or to both such fine and imprisonment.



57. In this Part and the Second Schedule—

“manager” means—

- (a) in relation to any juvenile correctional centre established or taken over by the Government, such person as the Minister may designate to have the management and control thereof; and
- (b) in relation to any other juvenile correctional centre, the person for the time being having the management or control thereof.

Definition  
for purposes  
of this Part.  
*etc.*  
Second  
Schedule.

PART VI. *Rehabilitation Schemes*

58.—(1) The Minister may make and promulgate schemes whereby a detained person may be permitted temporarily to leave a correctional institution in order to engage in—

Training  
and work  
release  
schemes.

- (a) training at an educational institution approved by the Commissioner or in any industry or employment so approved;
- (b) employment in an organization approved by the Commissioner or with any person so approved;
- (c) a restorative justice programme, if the detained person is a convicted person and the conditions set out in section 58A are met.

20/2016  
Sch.

20/2016  
Sch.

(1A) The Minister shall consult with the Minister responsible for justice in determining any scheme under subsection (1)(c) and, in particular, in relation to the factors to be set out pursuant to section 58A(1)(a).

20/2016  
Sch.

(2) Any scheme made under subsection (1) shall be subject to affirmative resolution and shall specify—

- (a) the category of detained persons eligible to participate in the scheme;
- (b) the terms and conditions of participation therein;
- (c) the hours of absence allowable to a participant in the scheme;
- (d) the effect of the commission of an offence by a detained person while he is released from the correctional institution to participate in the scheme, and

may specify such other related matters as the Minister thinks desirable.

(3) The period during which a detained person is released from a correctional institution for the purpose of participating in a scheme made under this section shall be reckoned as part of his period of detention or term of imprisonment.

(4) Any scheme made under subsection (1) shall not apply to a person who is remanded in custody in a correctional institution.

Conditions  
for  
application  
of section  
58(1)(c).  
20/2016  
Sch.

**58A.**—(1) The conditions referred to in section 58(1)(c) are that—

- (a) the scheme sets out the factors to be taken into account in determining whether a convicted person is eligible to participate in a restorative justice programme; and
- (b) the scheme applies only in circumstances where—
  - (i) the convicted person accepts responsibility for that person's actions in respect of the offence concerned and consents, as evidenced by signing a completed Form 1 of the Third Schedule, to participation in a restorative justice programme; and
  - (ii) there are one or more victims of the offence concerned and at least one such victim consents, as evidenced by signing a completed Form 2 of the Third Schedule, to participation in a restorative justice programme.

Form 1.  
Third  
Schedule.

Form 2.  
Third  
Schedule.

(2) The Minister may by order, subject to affirmative resolution, amend the Third Schedule.

(3) In any case where a victim is—

- (a) under the age of fourteen years, consent for the purposes of this section may be given on the victim's behalf by the victim's parent or guardian, or by the Children's Advocate (or the nominee of the Children's Advocate) in any case where—
  - (i) such parent or guardian cannot be located; or

- (ii) the Commissioner is satisfied that such parent or guardian is incapable of giving consent for the purposes of this section by reason of any physical, intellectual or mental impairment;
- (b) a person who has attained the age of fourteen years but who has not attained the age of eighteen years, consent for the purposes of this section means the consent of both that person and—
  - (i) one of the person's parents, or the person's guardian; or
  - (ii) the Children's Advocate (or the nominee of the Children's Advocate) in any case where—
    - (A) the person's parents or guardian cannot be located; or
    - (B) the court is satisfied that neither of the person's parents, nor the person's guardian, is capable of giving consent for the purposes of this section by reason of any physical, intellectual or mental impairment;
- (c) a person who has attained the age of eighteen years, and who the Commissioner is satisfied is unable to give consent for the purposes of this section by reason of any physical, intellectual or mental impairment, that consent may be given by a member of the the person's immediate family who has attained the age of eighteen years; or
- (d) deceased, consent for the purposes of this section may be given by a member of the person's immediate family who has attained the age of eighteen years, and the person giving such consent shall be entitled to participate as a party in the restorative justice proceedings.
  - (4) In this section—
    - "guardian", in relation to a child, includes any person who has for the time being the charge of, or control over, the child;

“member of the person’s immediate family” means that person’s—

- (a) spouse, as defined by section 2(1)(d) of the Intestates’ Estates and Property Charges Act;
- (b) child, adopted child or stepchild;
- (c) brother, sister, stepbrother or stepsister;
- (d) parent or stepparent; or
- (e) grandparent,

or any other person who the Commissioner determines to be of sufficient proximate relationship (whether by blood or otherwise) to be considered a member of the person’s immediate family;

“victim” means a person against whom the offence concerned was committed or who suffered physical injury, or loss or damage to property, as a result of the commission of the offence concerned.

Application  
to Com-  
missioner.

**59.** A person eligible for participation in any scheme made under section 58 may apply to the Commissioner in such form and with such particulars as may be prescribed and the Commissioner may, as he considers appropriate having regard to the nature of the scheme, grant approval for participation or may, without giving reasons for so doing, refuse to grant such approval.

Work pro-  
grammes.  
1/1995  
S. 2.

**60.** The Minister may establish and publish in the *Gazette* programmes under which—

- (a) inmates may, under the supervision of the staff of the adult correctional centre, engage in such work as the Superintendent may direct; or
- (b) persons serving a sentence in a correctional institution may be directed by the Superintendent to undertake work in any company or organization approved by the Commissioner, subject to such provisions as may be prescribed relating to their employment, discipline and control,

and such work may be within the centre or institution or outside its limits.

Earnings of  
detained  
person.

**61.—(1)** Where a detained person participating in a scheme under section 58 is gainfully employed, his employer shall remit to the Superintendent or person in charge of the

correctional institution in which he is detained, the total earnings of the detained person less any deduction required by law and such earnings shall be applied, paid or dealt with in such proportion and in such manner as may be prescribed.

(2) An inmate working under a supervised work programme shall be credited with such wages at such rates as may from time to time be approved by the Minister and the wages applied, paid or dealt with in such proportion and in such manner as may be prescribed.

(3) A Superintendent or person in charge of a correctional institution who pursuant to this section receives the earnings of a detained person shall keep a proper record of the receipt and disbursement of those earnings and render an account thereof to the detained person on his request.

62. Every person who participates in a training and work-release scheme under section 58 or a work programme under section 60 continues to be subject to this Act, to the Correctional Institution Rules and regulations made under this Act and if he fails to return to the correctional institution as required under the scheme or programme, as the case may be, he shall be regarded for the purposes of this Act as having escaped and may be apprehended without warrant by a constable and returned to the correctional institution in which he was detained.

Participating person subject to Act.

63.--(1) Where the Commissioner or any person designated by him for the purpose of this section is of the opinion that for medical, educational or humanitarian reasons or in order to assist in his rehabilitation it is necessary or desirable that an inmate be temporarily absent from the adult correctional centre in which he is detained, the Commissioner or such person may authorize, in writing, the temporary absence of that inmate, subject to such terms and conditions as may be specified.

Temporary absence of inmate.

(2) An inmate temporarily absent by virtue of subsection (1) shall comply with such terms and conditions as are specified, and shall return to the adult correctional centre at the expiration of the period for which he is permitted to be absent, and if he fails to return or to comply with the terms and conditions specified he shall be regarded for the purposes of this Act as having escaped and may be apprehended without warrant by a constable and returned to the adult correctional centre in which he was detained.

Assistance  
to detained  
persons.

64. On the release of any detained person the Commissioner may, at his discretion, provide him with a suitable outfit of clothing, transportation to his home or the home of his parents or guardians or to any other reasonable destination and, subject to rules made under paragraph (e) of section 81, a sum of money to assist him in becoming re-established in the community.

Definition  
for purposes  
of this Part.

65. In this Part "detained person" means—

- (a) an inmate;
- (b) any person, not being an inmate, who is detained in a correctional institution.

#### PART VII. *Standards and Inspection*

Standards  
and inspec-  
tion.

66. The Minister may from time to time by direction in writing—

- (a) establish standards for the maintenance and operation of correctional institutions;
- (b) provide for the inspection of correctional institutions; and
- (c) require such changes at such correctional institutions as are necessary to ensure that such institutions are in conformity with established standards.

67.—(1) The Commissioner and any person designated by the Minister as an inspector may— Inspectors.

- (a) enter at any time any correctional institution and examine any part thereof;
- (b) examine all papers, documents, records, books and other things belonging to such institution;
- (c) question any person confined in such institution and examine any papers, documents or thing in his possession;
- (d) investigate the conduct of any person employed in and about the correctional institution;
- (e) by order summon any person before him and examine that person under oath concerning any matter relating to any breach of the rules of a correctional institution or any matter affecting the interest of such institution; and
- (f) by the same or like order, compel the production of books, papers and writing before him.

(2) The Commissioner may, in respect of any correctional institution, enforce such disciplinary procedures as may be prescribed in relation to the non-observance of standards established for the maintenance and operation of the institution.

(3) The Superintendent or, as the case may be, the person in charge of the correctional institution and every person employed in such institution shall give an inspector such information and assistance as the inspector may require in the performance of his functions under this Act.

(4) The Commissioner and any person designated by the Minister under subsection (1) shall, if the Minister so requests, submit to the Minister a report in writing describing the condition of the correctional institution inspected, and may make such observations and recommendations as he thinks fit.

PART VIII. *Provisions Relating to Probation and After-care*

Appoint-  
ment of  
probation  
and after-  
care officers.

68.—(1) The Governor-General shall appoint a sufficient number of persons qualified by character and experience to be probation and after-care officers who shall perform such duties as may be assigned to them under the Probation of Offenders Act or as may be prescribed by rules made under this Part.

(2) The Minister shall appoint probation and after-care committees consisting of such persons as he thinks fit, who shall review the probation and after-care service in such respects and perform such duties in connection with probation as may be prescribed by rules made under this Part.

Contribu-  
tions to-  
wards homes  
and hostels.

69. Such contributions may be made towards the establishment or maintenance of homes or hostels for the reception of persons placed under the supervision of probation and after-care officers as may be provided by resolution of the House of Representatives.

Commis-  
sioner's  
functions in  
relation to  
probation.

70. The Commissioner shall—

- (a) organize and supervise the probation and after-care service in the Island in accordance with rules made under this Part;
- (b) review the work of probation and after-care officers in individual cases;
- (c) perform such other duties in connection with probation and after-care as may be prescribed under section 71.

Rules relat-  
ing to pro-  
bation and  
after-care.

71. The Minister may make rules prescribing—

- (a) the duties of the Commissioner in connection with probation and after-care;



- (b) the duties of probation and after-care officers;
- (c) the remuneration of any person appointed to carry out any duties under this Part and the fees and charges to be made for any act, matter or thing to be done or observed under this Part;
- (d) the form of records to be kept under this Part; and
- (e) any other matter which he considers necessary or desirable for the better carrying into effect of the provisions of this Part.

### PART IX *General*

72.—(1) There is hereby established for the purposes of this Act, a body to be known as the Advisory Council on the Treatment of Offenders. Establishment of the Council.

(2) The Council shall be constituted and its proceedings determined in accordance with regulations made by the Minister under section 82.

73. The Council shall—

- (a) advise and report to the Minister on any matter which, in its opinion, affects the proper carrying out of the provisions and objects of this Act;
- (b) advise the Minister on any particular matter about which the Minister may seek its advice, with a view to the carrying out of the provisions and objects of this Act;
- (c) perform such other functions as the Minister may from time to time by regulations made under section 82 assign, in respect of the treatment of offenders.

General duty of the Council.

74.—(1) There shall be, in respect of each adult correctional centre, a Board of Visiting Justices and the Minister may appoint for such time as may be specified in the Establishment of Board of Visiting Justices.

appointment so many justices as he thinks necessary to be members of each such Board.

(2) All Judges of the Court of Appeal and of the Supreme Court and Resident Magistrates shall *ex officio* be visiting justices for each of the adult correctional centres in the Island.

Powers of  
visiting  
justices.

75. A court composed of two visiting justices appointed under section 74 (1), or of one *ex officio* visiting justice, sitting in an adult correctional centre shall have all the powers of the Commissioner in relation to the trial of a major or minor correctional centre offence under section 35 or in relation to any appeal under section 38.

Annual  
report.

76.—(1) The Commissioner shall prepare and submit to the Minister an annual report relating generally to the activities of the Correctional Services and containing such information as the Minister may require, and the Commissioner may in such report make such observations and recommendations in respect of the Correctional Services and its activities as he thinks appropriate.

(2) As soon as practicable after the annual report has been submitted to the Minister a copy thereof shall be laid on the Table of each House of Parliament.

Inmate not  
to be  
punished  
twice.

77.—(1) Nothing in this Act or in Correctional Institution Rules shall be construed to exempt any inmate from being proceeded against for any offence by the ordinary court of law, but no inmate is to be punished twice for the same offence.

(2) Subsection (1) shall not be construed as derogating from the powers contained in section 35 in relation to the imposition of all or any of the punishments set out in that section.

78.—(1) The Minister may by order require an inmate who has been released from an adult correctional centre to notify the person in charge of a police station in the parish in which the inmate resides of—

Powers to require released inmate to notify address.

- (a) his address, within one week of such release; and
- (b) any change in his address which may take place during such period, in no case exceeding five years, after such release as may be specified in the order, within one week of such change.

(2) Any order made under this section shall be served on the inmate prior to his release from the adult correctional centre.

(3) Any inmate who contravenes the provisions of any order made under this section, or who knowingly or recklessly notifies any false or incorrect address shall be guilty of an offence under this Act and liable on summary conviction before a Resident Magistrate to a fine not exceeding forty dollars or to imprisonment for any term not exceeding two months.

(4) An order under this section may be made in respect only of an inmate who had been duly committed to custody under the writ, warrant or order, of any court or authority exercising criminal jurisdiction or by order of a court martial.

79. The Coroner having jurisdiction in the place where a correctional institution is situated shall hold an inquest on the death of any inmate on whom sentence of death is executed or who may die in such correctional institution.

Coroner to hold inquest on death of inmate.

80. Every person who without lawful authority—

Offences.

- (a) conveys, supplies, or causes to be conveyed or supplied to any inmate or hides or places for his use, any prohibited articles; or

- (b) brings or attempts by any means to introduce into a correctional institution, or places or attempts to place where inmates work, any prohibited article; or
- (c) brings or attempts to bring out of any correctional institution or conveys from any such institution, any prohibited article; or
- (d) communicates with any inmate; or
- (e) aids or abets any inmate in escaping or attempting to escape from legal custody,

shall be guilty of an offence under this Act and liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year.

Rules relating to correctional institutions.

**81.**—(1) The Minister may make rules (in this Act referred to as Correctional Institution Rules) generally for the good management of correctional institutions and the control of inmates and for carrying out the objects of this Act, and without prejudice to the generality of such power may make rules in relation to—

- (a) the conditions of service and the powers, conduct and duties of correctional institution staff;
- (b) the employment, classification, safe custody, separation, treatment and discipline of inmates;
- (c) the medical examination, measuring, photographing, taking of finger prints and other records of criminal inmates;
- (d) the remission of sentence to be allowed to inmates, and the manner and conditions under which such remission is to be made;
- (e) the supply of money, food or clothing, or the means of travelling, to inmates on their discharge;

- (f) the proceedings and visits of the visiting justices;
- (g) the conditions under which and the manner in which sentence of death shall be executed;
- (h) the appointment of staff for juvenile correctional centres and the management of and discipline in such centres; 20/2016  
Sch.
- (i) the election by an appellant (as defined in the Judicature (Appellate Jurisdiction) Act) in custody not to be specially treated, pursuant to section 31 of that Act, as an appellant; and 20/2016  
Sch.
- (j) the provision of medical certificates or other forms of documentary evidence in support of a claim that a person is unable to give consent for the purposes of section 58A (consent to participation in a restorative justice programme). 20/2016  
Sch.

(2) In relation to paragraph (h) of subsection (1), different rules may be made in respect of different centres and classes of centres.

**82.** The Minister may make regulations generally for giving effect to the provisions of this Act, and without prejudice to such general power, may make regulations— Regulations.

- (a) relating to the organization, management, and conduct of the business, of any department or other organization under the superintendence of the Commissioner;
- (b) assigning functions to officers of any such department or organization as is mentioned in paragraph (a);
- (c) authorizing any such officer to execute, subject to the Commissioner's directions and to prescribed conditions (if any), functions, in any capacity or in matters of any class, assigned to the Commissioner by any enactment;

- (d) providing for the management and operation of correctional institutions or any class thereof and of after-care hostels;
- (e) providing for the classification, treatment, training, employment, discipline and control of persons detained in correctional institutions;
- (f) prescribing the form of application and other particulars respecting participation in any training and work-release scheme established pursuant to section 58;
- (g) prescribing the manner in which any sums earned by a detained person (as defined in section 65) by virtue of any provision of this Act, are to be dealt with;
- (h) providing for the constitution and functions of the Council and all matters connected with or incidental to the proper performance of its functions under this Act;
- (i) establishing, in relation to correctional institutions, such and so many Boards of Visitors as he considers desirable and assigning functions thereto;
- (j) prescribing anything required or authorized by this Act to be prescribed.

Saving

**83.** Nothing in this Act shall affect the power of any Judge of the Supreme Court to direct persons confined in the Island to be brought before the Court by writ of *habeas corpus* or the powers of a magistrate under section 286 of the Judicature (Resident Magistrates) Act.

Minister  
may by  
order adapt  
or modify  
laws

**84.**—(1) The Minister may by order, with effect from any date specified in the order, not being earlier than the 2nd day of December, 1985, make such adaptations and modifications in any law, as he considers necessary or expedient on account of anything contained in this Act.

(2) An order made under this section shall be subject to affirmative resolution.

(3) In this section “law” includes any instrument having the force of law, but does not include this Act.

**85.** All rules and regulations made under any of the following enactments, that is to say—

Saving re-  
regulations  
under cer-  
tain other  
Acts.

The Judicature (Appellate Jurisdiction) Act,

The Child Care and Protection Act,

The Probation of Offenders Act,

and which were in force immediately, before the 2nd day of December, 1985, shall (without prejudice to anything previously done or suffered under them) have effect as if they had been made under that enactment as amended by the Corrections Act.

**86.** All references in other laws—

Transitional.

- (a) to prison or prisoner shall be construed as references to adult correctional centre and inmate, respectively;
- (b) to approved school or approved school order shall be construed as references to juvenile correctional centre and correctional order, respectively; and
- (c) to probation officer shall be construed as references to probation and after-care officer,

subject to variation or repeal of any of them by any authority competent in that behalf.

CORRECTIONS

FIRST SCHEDULE (Sections 44 and 45)

FORM I

Certificate of Medical Officer

I, ....., the medical officer of the.....adult correctional centre hereby certify that I this day examined the body of ..... on whom sentence of death was this day executed in my presence at the .....adult correctional centre and on such examination I found that the said..... was dead.

Dated this.....day of....., 19.....

.....

Medical Officer

FORM II

Certificate of Superintendent

I, ....., Superintendent of the .....adult correctional centre hereby certify that sentence of death was this day executed on..... in the .....adult correctional centre in my presence.

Dated this.....day of....., 19.....

.....

Superintendent

SECOND SCHEDULE (Section 50 (3))

Provisions as to Administration of Juvenile Correctional Centres and Treatment of Persons sent to such Centres

1. No substantial addition to or diminution or alteration of the buildings or grounds of a juvenile correctional centre is to be made without the approval in writing of the Minister.

2. A minister of the religious persuasion to which a person in a juvenile correctional centre belongs may visit him at the centre on such days, at such times and on such conditions, as may be fixed by rules pursuant to section 81 for the purpose of affording him religious assistance and instruction.

[The inclusion of this page is authorized by L.N. 111/2005]



SECOND SCHEDULE, *cont'd.*

3. If it appears to the managers of a juvenile correctional centre—

(a) that a person who has been ordered to be sent to that centre requires medical attention before he can properly be received into the centre; or

(b) that a person detained in the centre requires such attention,

they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention, and while so detained that person shall be regarded as being under the care of the managers of the centre.

4. At any time during the period of a person's detention in a juvenile correctional centre, the managers of the centre may grant leave to him to be absent from the centre in the charge of such person and for such period as they may think fit, but during such leave he shall, for the purposes of this Act, be regarded as being under the care of the managers of the centre, and the managers may at any time require him to return to the centre.

5.—(1) At any time during the period of a person's detention in a juvenile correctional centre the Minister may, by licence in writing, permit him to live with his parent or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him.

(2) The Minister may at any time by order in writing revoke any licence and require the person to whom it relates to return to the centre.

(3) For the purposes of this Act, a person who is out on licence from a juvenile correctional centre shall be regarded as being under the care of the managers of the centre.

6.—(1) If a person under the care of the managers of the juvenile correctional centre conducts himself well, the managers of that centre may, with his written consent and with the written consent of the Minister, apprentice or place him in any trade, calling or service.

(2) Before exercising their powers under sub-paragraph (1), the managers shall, where it is practicable to do so, consult with the parents of the person concerned.

7.—(1) The Minister may at any time order a person under the care of the managers of a juvenile correctional centre to be transferred to the care of the managers of another such centre.

(2) On a person being transferred in accordance with sub-paragraph (1), the Minister shall cause notice of the transfer to be sent to the person liable to make contributions in respect of him.

SECOND SCHEDULE, *cont'd.*

8. Section 51(3) of this Act (which relates to religious persuasion) shall apply in relation to the transfer of persons to juvenile correctional centres.

9. Where a person detained in a juvenile correctional centre is transferred to the care of the managers of another juvenile correctional centre he shall be conveyed to his new centre by, and at the expense of, the managers of the centre from which he is being transferred.

10. (1) Subject to sub-paragraphs (2) and (3) all rights, powers and duties exercisable by law by a parent shall, as respects any person under the care of the managers of a juvenile correctional centre, be vested in such managers.

(2) Where a person out on licence or under supervision from a juvenile correctional centre is lawfully living with his parents or either of them, the rights and powers mentioned in sub-paragraph (1) are exercisable by the parents or, as the case may be, by the parent with whom he is living; but such parent shall exercise those rights and powers so as to assist the managers to exercise control over him.

(3) The managers of a juvenile correctional centre are under an obligation to provide for the clothing, maintenance, upbringing and education of the persons under their care, except that while such a person is out on licence or under supervision, their obligation is to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

11. Every person who is authorized by the Minister to take to a juvenile correctional centre a person in respect of whom a correctional order has been made shall, for that purpose, have all the powers, protection and privileges of a constable.

THIRD SCHEDULE

(Section 58A)

20/2016  
Sch.

FORM I

*Offender Consent Form*

GOVERNMENT OF JAMAICA—MINISTRY OF  
JUSTICE  
NATIONAL RESTORATIVE JUSTICE  
PROGRAMME

CONSENT TO PARTICIPATE FORM

*Consent of Person Convicted of a Relevant  
Offence to be Referred to a Restorative Justice  
Programme*

I, \_\_\_\_\_

of \_\_\_\_\_

having been convicted of the offence of \_\_\_\_\_

\_\_\_\_\_

do hereby signify my consent to be referred to a restorative justice programme.

.....

Signature of person convicted

.....

Date

.....

Signature of referral source

.....

Date

*CORRECTIONS*

THIRD SCHEDULE, *cont'd.*

FORM 2

*Victim Consent Form*

GOVERNMENT OF JAMAICA—MINISTRY OF JUSTICE  
NATIONAL RESTORATIVE JUSTICE PROGRAMME

CONSENT TO PARTICIPATE FORM

*Consent of Victim to Participate in a Restorative  
Justice Programme*

I, \_\_\_\_\_

of \_\_\_\_\_

having been impacted by an offence of \_\_\_\_\_

\_\_\_\_\_

do hereby signify my consent to participate in a restorative justice programme.

.....

Signature of victim impacted by  
relevant offence

.....

Date

.....

Signature of referral source

.....

Date