



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

THE PRISONS ORDINANCE 1981

CHAPTER C.3

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Prisons Ordinance 1981 - Ordinance No.9 of 1981

As amended by:

Ordinance No.3 of 2008

The following revised delegation and orders have been issued in pursuance of this Ordinance:

The Prison Declaration Order 1986	RRBIOT, c.C.2
The Appointment of Superintendent of Prisons Delegation Notice 1996	RRBIOT, c.I.3
The Prison Declaration Order 2007	RRBIOT, c.C.3

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CHAPTER C.3

An Ordinance to make provision for prisons.

Citation.

1. This Ordinance may be cited as the Prisons Ordinance 1981, ROBIOT c.C.3.

Commissioner may declare prisons.

2. The Commissioner may, by order published in the Gazette, declare that any place or building shall be a prison or that any place or building shall be part of a prison, although such place or building may be locally separate from such prison.

Temporary arrangements.

3. Pending the declaration of a prison under section 2 above, any place or building that has been used, or is at the commencement of this Ordinance being used, as a place of detention for persons in custody in consequence of arrest or the order of a court may continue to be so used, and shall be deemed, unless the Commissioner otherwise directs, to be a place of lawful custody in respect of any period whether before or after the commencement of this Ordinance, and while being so used shall be deemed to be a prison.

Judgment may be executed in any prison.

4. (1) Any judgment of imprisonment or warrant, or order for the remand in custody or the committal to prison of any person, given or issued by any Court, Judge or Magistrate in the Territory, may be executed by imprisonment in any prison, despite anything in such judgment, warrant or order to the contrary.

(2) Persons arrested in execution of a warrant of arrest or without warrant may, subject to the provisions of the Criminal Procedure Code, be detained in a prison until they are brought before a Magistrate in accordance with that Code.

Management of prisons.

5. (1) The Commissioner may appoint a person to be Superintendent and to have the direction and management of all or any of the prisons in the Territory.

The Superintendent shall be responsible for the well-being and proper treatment of prisoners and for carrying out any regulations made under this Ordinance.

(2) The Commissioner may appoint persons to act as prison officers. Every Police Officer shall be a prison officer *ex officio*.

Treatment of prisoners.

6. (1) Prisoners shall receive suitable and adequate bedding, food and drink, and shall be allowed out of prison for not less than one hour per day for exercise, and also, if necessary, for meals.

(2) Any written representations from prisoners about their treatment whilst in lawful custody shall be promptly brought to the attention of the Commissioner's Representative.

Legal custody.

7. A prisoner shall be deemed to be in legal custody whenever he is in a prison or being taken to or from any prison in which he may lawfully be confined or whenever he is beyond the limits of any such prison in the custody or under the control of a prison officer.

Regulations.

8. (1) The Commissioner may make regulations for the effective administration of this Ordinance and for the good management and government of prisons and the discipline and safe custody of prisoners both when within a prison and when outside a prison for any purpose.

(2) Regulations made under this section may provide that contravention of or failure to comply with any such regulations shall be an offence, and may prescribe penalties for such offences not exceeding imprisonment for twelve months or a fine of £1,000.
