
3rd Session Third Parliament Trinidad and Tobago
23 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 28 of 1974

[L.S.]

AN ACT to amend the Prisons Ordinance, Ch. 11. No. 7
and to validate certain acts and things done under
the West Indian Prisons Act, 1838 and the Prison
Rules made thereunder.

[Assented to 2nd September, 1974]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment
by and with the advice and consent of the Senate and

House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :—

Short title

1. This Act may be cited as the Prisons (Amendment) Act, 1974.

The Prisons
Ordinance
amended
Ch. 11. No. 7

2. The Prisons Ordinance is amended—

(a) in section 2, by inserting in their appropriate alphabetical order the following definitions :—

“former Inspector” means any person who was regarded as Inspector of Prisons for Trinidad and Tobago by reason of a purported appointment as such made after the 31st day of August, 1962 but before the date of commencement of the Prisons (Amendment) Act, 1974;

“Inspector” means any person appointed Inspector of Prisons under subsection (1) of section 19;

“Prison Rules” means the Prison Rules made under the West Indian Prisons Act, 1838.”;

(b) by adding immediately after section 16 the following sections :—

“Rules 17. (1) The Governor-General may make rules for the better carrying into effect of the provisions and purposes of this Ordinance, including rules for amending or revoking the Prison Rules, and without limiting the generality of the foregoing, may make rules providing for—

(a) the admission and discharge of prisoners;

(b) the classification, diet, clothing, maintenance, employment, discipline, instruction and correction of prisoners;

(c) the medical examination, measuring, photographing, taking of fingerprints and other records of prisoners;

- (d) the establishment, control and administration of Welfare Funds for prisoners;
- (e) the payment of prisoners in accordance with earning schemes for work done while in prison;
- (f) the remission of sentence to be allowed to prisoners and the manner and conditions under which such remissions are to be granted;
- (g) the supply of money, food or clothing or the means of travelling, to prisoners on their discharge;
- (h) the powers and duties of medical officers; the medical inspection of prisons and prisoners; and the prevention of contagious diseases in prisons;
- (i) the powers and duties of visiting justices, official visitors, ministers of religion and prisoners' aid societies;
- (j) the construction, description, equipment and supervision of wards or cells for separate confinement;
- (k) the classification of prisons and prisoners into categories and their separation accordingly;
- (l) visits to and communications with prisoners;
- (m) the introduction of a progressive stage system;
- (n) the disposal of the products of prison labour;

- (o) the appointment of officers responsible for the after-care and rehabilitation of prisoners;
- (p) the responsibility, accounting and safe-keeping of all stores, equipment and accoutrements issued to prisons;
- (q) the manner in which petitions by prisoners shall be submitted; and
- (r) generally for the effective administration of this Ordinance, for the good management and government of prisons and the discipline and safe custody of prisoners.

(2) Rules made under this section may contain provisions for imposing on any person contravening the rules, a fine recoverable on summary conviction of fifty dollars.

(3) Rules made by the Governor-General under this section shall be subject to affirmative resolution of the House of Representatives and the Senate.

Validation
of acts
and things
done
(1 & 2 Vict.
C. 67)

18. (1) Notwithstanding any rule of law to the contrary, any act or thing done or purported to have been done under or by virtue of the West Indian Prisons Act, 1838 or the Prison Rules after the 31st day of August, 1962, but before the date of commencement of the Prisons (Amendment) Act, 1974, by a former Inspector shall be deemed to have been validly and properly done; and no action or other legal proceedings of any kind whatever, whether now pending or not, shall

be entertained in respect of or in consequence of any such act or thing.

(2) For the purposes of subsection (1), a certificate by the Minister of National Security that an act or thing was done or purported to have been done by a former Inspector, under or by virtue of the West Indian Prisons Act, 1838 or the Prison Rules, shall be conclusive evidence that the act or thing was so done or so purported to have been done.

19. (1) The Governor-General <sup>Appoint-
ment of
Inspector
of Prisons</sup> may appoint such person as he thinks fit to be Inspector of Prisons.

(2) A reference in the Prison Rules to "the Inspector" shall be construed as a reference to the Inspector appointed under subsection (1).

(3) An appointment under subsection (1) shall be for a period not exceeding two years as may be specified in the instrument of appointment but any such person may be re-appointed by the Governor-General.

(4) Notwithstanding anything in the instrument of appointment, the appointment may be terminated at anytime at the Governor-General's pleasure.

20. The Inspector when inspecting <sup>Powers of
Inspector
of Prisons</sup> any prison which he is required by the Prison Rules or by rules made under this Ordinance to inspect, may exercise all or any of the following powers—

(a) examine any person holding any office or receiving any

salary or emolument in such prison;

- (b) call for and inspect all books and papers relating thereto;
- (c) inquire into all matters relating to such prison; and
- (d) examine every prisoner or other person whom he finds in the prison and thinks fit to examine, either alone or in the presence of such other person as the Inspector thinks fit.

Assaulting
or obstruct-
ing the
Inspector
of Prisons

21. A person who assaults or obstructs the Inspector in the execution of his powers or duties under this Ordinance or the Prison Rules or rules made under this Ordinance is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months."

Passed in the House of Representatives this 26th day of July, 1974.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 30th day of July, 1974.

J. E. CARTER
Clerk of the Senate