

**PRISONS ACT**

**CHAPTER 13:01**

**Act**

**27 of 1900**

Amended by

6 of 1908

17 of 1914

46 of 1917

28 of 1974

10/1983

20 of 1998

3 of 2010

\*13 of 2014

\*6 of 2016

\*15 of 2018

25 of 2019

7 of 2021

(\*See Notes on page 2)

**Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised b O.</i>
1-17	..

### **Note on Subsidiary Legislation**

The Golden Grove Prison Proclamation (GN 40/1948) has been incorporated in the Act [section 3(b)].

### **Note on Omission**

The Prison Rules made under the West Indian Prisons Act, 1838 of the United Kingdom (1 & 2 Vict. c. 67) have been omitted.

These Rules are contained in Volume VIII (at page 303) of the *1950 Edition of the Revised Laws*.

*See*—The current Edition of the *Consolidated Index of Acts and Subsidiary Legislation* for references to amendments to these Rules.

### **Note on Adaptation**

Under paragraph 6 of the Second Schedule to the Law Revision Act (Chap. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

### **Note on Act No. 13 of 2014**

Act No. 13 of 2014 amends the Prisons Act in sections 2, 9, 10, 11, 12, 13, 17, 19, 20 and 21 and by inserting new sections into the Act. However, at the time of revision of this Act, sections 4 and 11 of Act No. 13 of 2014 had not been proclaimed. Consequently, the amendments made by Act No. 13 of 2014 to sections 2, 19, 20 and 21 of the Prisons Act are not in force and are not included in this revision.

### **Note on Act No. 6 of 2016**

The Amendments made to this Act by Act No. 6 of 2016 took effect on 28th February 2018 by LN 23/2018. However, Act No. 6 of 2016 amends several sections of this Act which have not been included in this revision as those sections are still awaiting proclamation.

### **Note on Act No. 15 of 2018**

The Amendments made to this Act by Act No. 15 of 2018 took effect on 31st December 2018 by LN 191/2018.

**CHAPTER 13:01**

**PRISONS ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title.
2. Interpretation.
3. Prisons of Trinidad and Tobago.
4. Minister to make Orders *re* convict depots.
5. District prisons.
6. Labour yards.
7. Transfer of prisoners.
8. Prohibited articles.
- 8A. Trafficking in prisons by prison officers.
- 8B. Other offences related to prison security.
- 8C. Prison officer accepting bribes, etc.
- 8D. Tipping-off.
9. Landing at Carrera without authority.
10. Aiding escape.
11. Assaults and retaliatory action against prison officers.
12. Interfering with prisoner.
13. Use of firearms by officers.
14. Right of arrest.
15. Publication of appointments.
16. Prosecution of offences.
17. Rules.
18. Validation of acts and things done.
19. Appointment of Inspector of Prisons.
20. Powers of Inspector of Prisons.
21. Assaulting or obstructing the Inspector of Prisons.
22. Regulations.

CHAPTER 13:01

PRISONS ACT

An Act relating to Prisons.

1950 Ed.  
Ch.11. No. 7.  
27 of 1900.

Commencement.

[16TH OCTOBER 1900]

Short title.

1. This Act may be cited as the Prisons Act.

Interpretation.  
[28 of 1974  
6 of 2016  
15 of 2018  
25 of 2019  
7 of 2021].

2. In this Act—

“child charged” has the meaning assigned to it under section 1A of the Child Rehabilitation Centre Act;

“child offender” has the meaning assigned to it under section 1A of the Child Rehabilitation Centre Act;

“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 31st August 1962 but before the date of commencement of the Prisons (Amendment) Act, 1974 (that is, 2nd September 1974);

28 of 1974.

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

“prison” includes any place mentioned in section 3, or declared or appointed under this Act;

“prisoner” includes every inmate of any prison detained therein under sentence or conviction for any offence or under committal or remand pending trial or investigation on a charge of any offence but does not include a child charged nor a child offender;

[1 & 2 Vict.  
c. 67].

“Prison Rules” means the Prison Rules made under the West Indian Prisons Act, 1838 of the United Kingdom;

“prohibited article” includes—

- (a) dangerous drugs, pepper spray, explosives, firearms, ammunition, artillery, weapons, mobile telephones, cameras, sound recording devices, electronic devices, information technology equipment, alcohol, tobacco, money,

- clothing, food, drink, letters, books, tools or any article likely to be prejudicial to the safety, security, good order and discipline of prisons;
- (b) any article the introduction or removal of which into or out of a prison or any part thereof is prohibited by the Prison Rules; or
  - (c) any article not expressly authorised to be brought into a prison by the Commissioner of Prisons.

**3.** The prisons of Trinidad and Tobago shall consist of—

- (a) Port-of-Spain Prison;
- (b) \*Golden Grove Prison;
- (c) Maximum Security Prison, Golden Grove;
- (d) Remand Prison, Golden Grove;
- (e) Women's Prison, Golden Grove;
- (f) Eastern Correctional Rehabilitation Centre;
- (g) Carrera Convict Prison;
- (h) Tobago Convict Prison;
- (i) Rehabilitation Centres;
- (j) convict depots appointed by Order to be such by the Minister under section 4;
- (k) district prisons declared by Order to be such by the Minister under section 5; and
- (l) labour yards and other places appointed by Order under section 6.

Prisons of  
Trinidad and  
Tobago.  
[20 of 1998  
25 of 2019].

**4. (1)** The Minister may by Order appoint any place as—

- (a) a convict depot; or
- (b) a prison.

Minister to  
make Orders *re*  
convict depots.  
[20 of 1998].

(2) An Order made under subsection (1) to appoint any place as a prison shall be subject to affirmative resolution of Parliament.

\*Golden Grove, proclaimed a convict depot to be known as Golden Grove Prison.  
*See* GN 40/1948.

District prisons. †5. (1) The Minister may by Order declare any Police Station or part of the station or other suitable place to be a district prison.

(2) Any person sentenced on summary conviction to imprisonment, with or without hard labour, for any term not exceeding one month may be imprisoned at the nearest district prison; but any person sentenced on summary conviction in Tobago to imprisonment, with or without hard labour, may be imprisoned in a district prison in Tobago for the full term to which he is sentenced.

Labour yards. 6. (1) The Minister may by Order appoint such places without the precincts of any prison as he may see fit as labour yards for the employment at hard labour during working hours of prisoners sentenced to imprisonment with hard labour.

(2) Any person who may have been sentenced to imprisonment with hard labour may lawfully be kept and worked at hard labour on any highway, road, street or public place, or in any other place beyond the precincts of any prison which the Minister may from time to time by writing under his hand authorise and appoint.

Transfer of prisoners. 7. The Commissioner of Prisons may transfer prisoners from any prison to any other prison as in his discretion may be necessary.

Prohibited articles. [25 of 2019].

8. (1) Subject to subsection (2), a person who—

- (a) brings, throws, conveys or causes a prohibited article to be supplied to a prisoner or introduced by any means into a prison;
- (b) brings, throws or conveys a prohibited article from a prison;
- (c) leaves, hides or places a prohibited article in any place for a prisoner whether inside or outside a prison;

†See LN 297/2004 declaring Teteron Barracks, Chaguaramas known as Crow's Nest as a district prison.

†See LN 331/2020 and 347/2020 for the appointment of district prisons.

- (d) causes another person to bring, throw or convey a prohibited article into or out of a prison;
- (e) knowing a person is a prisoner, gives a prohibited article to him; or
- (f) is found in possession of a prohibited article inside a prison and does not have the express authorisation of the Commissioner of Prisons to have the prohibited article in a prison,

commits an offence and is liable—

- (i) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment to a fine of three hundred thousand dollars and to imprisonment for seven years.

(2) Where a prison officer commits an offence under this section, he is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

**8A.** (1) A prison officer who—

- (a) carries out any pecuniary or business transaction with or on behalf of a prisoner;
- (b) accepts any present or consideration from a prisoner;
- (c) brings into a prison or carries out of a prison, or attempts to bring in or carry out, or allows to be brought in or carried out, to or for a prisoner, any article whatsoever;
- (d) has either directly or indirectly, any pecuniary interest whatsoever in, or derives any benefit or advantage from, the sale or purchase of any

Trafficking in  
prisons by  
prison officers.  
[25 of 2019].

prison supplies or of any article to or for the use of a prisoner or of any prison; or

- (e) has any dealing, whereby he obtains or might expect to obtain at any time either immediately or in the future any favour or benefit of any nature whatsoever with a prisoner or with any person on behalf of a prisoner,

commits an offence.

(2) A prison officer who commits an offence under subsection (1) is liable—

- (a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or  
(b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.

Other offences related to prison security. [25 of 2019].

**8B.** (1) Subject to subsection (2), a person who without the written authorisation of the Commissioner of Prisons—

- (a) takes a photograph, or makes a sound-recording or a video-recording, inside a prison, or transmits or causes to be transmitted, any image or any sound from inside a prison by electronic communications for simultaneous reception outside the prison;  
(b) brings, conveys or causes a restricted document to be brought into or conveyed out of a prison; or  
(c) transmits or causes to be transmitted, a restricted document from inside a prison by means of electronic communications,

commits an offence and is liable—

- (i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or  
(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

(2) Where a prison officer commits an offence under this section, he is liable—

- (a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.

(3) For the purposes of this section—

- (a) “authorisation” may be given—
  - (i) to persons generally or to specified persons or persons of a specified description; and
  - (ii) on such terms as may be specified;
- (b) “device” means any electronic programmable device used, whether by itself or as part of a computer network, an electronic communications network or any other device or equipment, or any part thereof, to perform pre-determined arithmetic, logical, routing or storage operations and includes—
  - (i) an input device;
  - (ii) an output device;
  - (iii) a processing device;
  - (iv) a computer data storage medium;
  - (v) a program; or
  - (vi) equipment,  
that is related to, connected with or used with such device or any part thereof;
- (c) “document” means anything in which information is recorded;
- (d) “electronic communications” means a communication transmitted, whether from one person to another, from one device to another or from a person to a device or vice versa, by

means of an electronic communications network or by other means while in electronic form;

- (e) “photograph” means a recording on any medium on which an image is produced or from which an image may by any means be produced;
- (f) “restricted document” means the whole or any part of—
- (i) a photograph taken inside a prison;
  - (ii) a sound-recording made inside a prison;
  - (iii) a personal record or a document containing information derived from a personal record;
  - (iv) any other document which contains information relating to an identified or identifiable individual, if the disclosure of that information may prejudicially affect the interests of that individual; or
  - (v) information relating to any matter connected with a prison or its operation, if the disclosure of that information might prejudicially affect the security or operation of the prison;
- (g) “sound-recording” means a recording of sounds on any medium from which the sound may by any means be reproduced; and
- (h) “video-recording” means a video-recording with or without sound.

Prison officer  
accepting  
bribes, etc.  
[25 of 2019].

**8C.** A prison officer who accepts a bribe, gratuity, perquisite, favour or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

**8D.** (1) A person who—

- (a) knows or suspects that a prison officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and
- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

Tipping-off.  
[25 of 2019].

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person—
- (i) in contemplation of, or in connection with, legal proceedings; and
- (ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.

**9.** Any person landing, or attempting to land, on the Island of Carrera, without the authority of the Minister, Commissioner of Prisons or prison officer in charge, may be arrested by any

Landing at  
Carrera  
without  
authority.  
[13 of 2014].

prison officer and be handed over to the Police, and any such person is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.

Aiding escape.  
[13 of 2014  
25 of 2019].

**10.** (1) Any person aiding the escape of a prisoner from prison or from the custody of any person in charge of such prisoner is liable on summary conviction to a fine of three hundred thousand dollars and to imprisonment for seven years.

(2) Where an offence under subsection (1) is committed by—

- (a) a prison officer;
- (b) a police officer; or
- (c) a member of the Trinidad and Tobago Defence Force,

that person shall be liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

(3) Nothing contained in this section shall be deemed to affect the powers of the High Court on indictment for such offence under the Criminal Offences Act.

Ch. 11:01.

Assaults and  
retaliatory  
action against  
prison officers.  
[13 of 2014  
25 of 2019].

**11.** (1) A person who—

- (a) assaults, threatens, obstructs or resists; or
- (b) aids or incites any other person to assault, threaten, obstruct or resist,

a prison officer in the execution of his duty, or any person aiding or assisting a prison officer in the execution of his duty, with intent to impede, intimidate or retaliate against a prison officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) a prison officer;
- (b) the relatives, friends, associates or property of a prison officer,

on account of that officer's execution of his duties.

(2A) A person shall not intentionally take any retaliatory action against—

- (a) any person aiding or assisting a prison officer in the execution of his duty;
- (b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting a prison officer in the execution of his duty.

(3) For the purposes of subsections (2) or (2A), “relative” means, in relation to a prison officer or a person aiding or assisting that prison officer in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the prison officer or the person who aided or assisted the prison officer in the execution of his duty.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

**12.** Any unauthorised person holding intercourse or interfering with a prisoner while in any prison or public place is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

Interfering with prisoner.  
[13 of 2014].

**13.** For the purpose of preventing escape or violent assault, and for the purpose of preventing or suppressing mutiny, any prison

Use of firearms by officers.  
[13 of 2014].

officer having charge of any prisoners may use firearms or any other mode of force, and shall not be responsible for the consequences of the use, if necessary for any of the purposes mentioned above.

Right of arrest.

**14.** The Commissioner of Prisons or any prison officer or constable may apprehend without warrant any person committing an offence against this Act.

Publication of appointments.

**15.** All appointments under this Act shall be published in the *Gazette*.

Prosecution of offences.

**16.** All offences under this Act punishable on summary conviction may be prosecuted before a Magistrate or Justice, and all penalties incurred in consequence of such offences may be imposed or recovered in the manner provided by the Summary Courts Act.

Ch. 4:20.

Rules.  
[28 of 1974  
3 of 2010  
13 of 2014].

**17. (1)** The Minister may, subject to affirmative resolution of Parliament, make Rules for the better carrying into effect of the provisions and purposes of this Act, 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 the 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 prison 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;
- (r) the conducting of searches of prison officers, servants of the prison and visitors;
- (s) the compulsory drug testing of prisoners; and
- (t) generally for the effective administration of this Act, 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 twenty-five hundred dollars.

Validation of  
acts and things  
done.  
(1 & 2 Vict C.  
67).  
[28 of 1974].

**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 of the United Kingdom or the Prison Rules after 31st August 1962, but before the date of commencement of the Prisons (Amendment) Act, 1974 (that is, 2nd September 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 of the United Kingdom or the Prison Rules, shall be conclusive evidence that the act or thing was so done or so purported to have been done.

Appointment of  
Inspector of  
Prisons.  
[28 of 1974  
10/1983].

**19.** (1) The Minister 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 referred to 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 reappointed.

(4) Notwithstanding anything in the instrument of appointment, the appointment may be terminated at anytime.

Powers of  
Inspector of  
Prisons.  
[28 of 1974].

**20.** The Inspector when inspecting any prison which he is required by the Prison Rules or by Rules made under this Act 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 the prison;
- (b) call for and inspect all books and papers relating thereto;

- (c) inquire into all matters relating to the 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.

**21.** A person who assaults or obstructs the Inspector in the execution of his powers or duties under this Act or the Prison Rules or Rules made under this Act is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

Assaulting or obstructing the Inspector of Prisons. [28 of 1974].

**22.** (1) The Minister may, subject to affirmative resolution of Parliament, make regulations to give effect to the provisions of this Act.

Regulations. [25 of 2019].

(2) Notwithstanding section 63 of the Interpretation Act, a person who commits an offence under regulations made under this Act may be liable on conviction on indictment.

Ch. 3:01.

(3) A person who contravenes regulations made under this section commits an offence and is liable—

- (a) on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for three years; or
- (b) on conviction on indictment to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.