

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

Current Authorised Pages

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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 (Ch. 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 amended sections 2, 9, 10, 11, 12, 13, 17, 19, 20 and 21 of this Act. However, at the date of the last revision, amendments to sections 2, 19, 20 and 21 had not yet been proclaimed.

CHAPTER 13:01

PRISONS ACT

ARRANGEMENT OF SECTIONS

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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].

2. In this Act—

28 of 1974.

“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);

“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;

[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” means any article declared to be a prohibited article by the Prisons Rules for the time being in force.

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

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

- (a) the Port-of-Spain Prison;
- (b) the Golden Grove Prison*;
- (c) the maximum security prison at Golden Grove;
- (d) Carrera’s Island and any other convict depot appointed by Order to be such by the Minister under section 4;

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

- (e) district prisons declared by Order to be such by the Minister under section 5;
- (f) labour yards and other places appointed by Order under section 6.

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.

***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.

District prisons.

(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.

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.

Labour yards.

(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.

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

Transfer of prisoners.

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

Prohibited articles.
[3 of 2010].

8. Any person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought into or carried out, of any prison any prohibited article is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for three years.

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

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 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].

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 thirty 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 fifty thousand dollars and to imprisonment for ten 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.

Assaulting, etc., officers of prison.
[13 of 2014].

11. Any person who—

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

the Commissioner of Prisons or any prison officer in the execution of his duty, or any person aiding or assisting the

Commissioner or prison officer in the execution of his duty, is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two 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 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.

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

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

Right of arrest.

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

Publication of appointments.

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.

Prosecution of offences.

Ch. 4:20.

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—

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

- (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.

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.

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

(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.

19. (1) The Minister may appoint such person as he thinks fit to be Inspector of Prisons.

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

(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.

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

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.