

WESTERN PACIFIC HIGH COMMISSION.

No. 16 of 1922



[L.S.]

C. H. RODWELL,
High Commissioner.

22nd November, 1922.

KING'S REGULATION

TO REGULATE THE SUPERVISION AND DISCIPLINE
OF PRISONS IN THE BRITISH SOLOMON ISLANDS
PROTECTORATE.

Made by His Britannic Majesty's High Commissioner for the
Western Pacific under the provisions of the Pacific Order
in Council, 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the Grace
of God of the United Kingdom of Great Britain and Ireland
and of the British Dominions beyond the Seas King, Defender
of the Faith, Emperor of India.

[22nd November, 1922.]

1. This Regulation may be cited for all purposes as the Prisons Regulation 1922. SHORT TITLE.
2. There shall be a Central Prison and District Prisons at such places in the Protectorate as the Resident Commissioner with the approval of the High Commissioner may proclaim by notice in the Gazette. CONTROL OF DISTRICT PRISONS.
- 3.—(1) Offenders against the law of the Protectorate sentenced to undergo imprisonment or imprisonment with hard labour shall be confined in the Central Prison or in a District Prison. SENTENCES TO BE UNDERGONE IN CENTRAL OR DISTRICT PRISONS.
(2) Subject to the provisions of this Regulation or of any rule made thereunder prisoners may be transferred from one prison to another by order of the Resident Commissioner. PRISONERS MAY BE TRANSFERRED.
4. The Resident Commissioner shall be responsible to the High Commissioner for the good order and discipline of prisons. RESPONSIBILITY OF RESIDENT COMMISSIONER.
- 5.—(1) The Central Prison shall be in charge of a Superintendent and a Gaoler appointed with the approval of the High Commissioner the Gaoler to be subject to the orders of the Superintendent. OFFICERS IN CHARGE OF CENTRAL PRISON.
(2) Each District Prison shall be in charge of the District Officer of the district in which it is situated and shall be inspected from time to time by an Inspector of Prisons duly appointed for the purpose with the High Commissioner's approval. DISTRICT PRISONS.

APPOINTMENT
OF SUBORDINATE
OFFICERS.

(3) The Resident Commissioner may subject to the general instructions of the High Commissioner appoint such other subordinate officers as he may from time to time consider necessary.

FEMALE
WARDERS.

(4) A Female Warder shall be appointed to every prison in which females are imprisoned.

DUTIES OF
MEDICAL
OFFICER.

6.—(1) The duties of Medical Officer as prescribed by this Regulation or by any rule made thereunder shall be performed by the Government Medical Officer of the district in which the prison is situated or where no such officer is available by the Government Medical Officer of another district or by a duly qualified Medical Practitioner appointed by the Resident Commissioner for the purpose.

VISITING
OFFICERS.

(2) Every Government Medical Officer shall be ex officio a Visiting Officer of Prisons, and the Resident Commissioner may appoint such other Visiting Officers as he may from time to time consider necessary.

SUSPENSION OF
SUBORDINATE
OFFICERS.

7. It shall be lawful for the Superintendent or the District Officer in charge of a prison to suspend from employment any subordinate officer in a prison and such suspension shall forthwith be reported to the Resident Commissioner setting forth the reasons for such suspension and such suspension shall hold good until the pleasure of the Resident Commissioner shall be made known.

PUNISHMENT
OF OFFENCES
BY SUBORDINATE
OFFICERS.

8. The Superintendent or the District Officer in charge of a prison may subject to confirmation by the Resident Commissioner inflict any of the following punishments upon any subordinate officer for any offence against these regulations or the rules made thereunder:—

- (1) Forfeiture of any sum not exceeding half a month's salary;
- (2) confinement to the precincts of the prison for any term not exceeding fourteen days;
- (3) dismissal or reduction in rank.

PRISONS MAY
BE CLOSED.

9. The Resident Commissioner with the approval of the High Commissioner may permanently or temporarily close any prison.

MARKS MAY
BE EARNED
TOWARDS
REMISSION.

10.—(1) Every prisoner under a sentence of imprisonment exceeding six months may earn remission of sentence by industry accompanied by good conduct.

(2) The maximum remission obtainable shall be one-fourth of the sentence in the case of males and one-third in the case of females.

RESIDENT
COMMISSIONER
MAY MAKE
RULES.

11.—(1) The Resident Commissioner with the approval of the High Commissioner may make Rules for the purposes of this Regulation concerning any of the matters and things following, that is to say:—

- (a) the number of prisoners to be confined in any prison;
- (b) the safe custody dieting discipline management classification hours of labour and mode of employment of any prisoners confined in any prison;
- (c) the manner in which remission of sentence may be determined by marks;
- (d) the constitution of prison offences punishable as hereinafter mentioned;
- (e) the wearing of leg-irons and handcuffs by prisoners in certain cases;
- (f) the regulation of separate imprisonment and solitary confinement;
- (g) the management and direction of prisoners and the duties and conduct of the officers attached thereto;
- (h) the clothing and rationing of subordinate prison officers;
- (i) the admission and discharge of prisoners;
- (j) the clothing and bedding of prisoners;
- (k) communication by and with prisoners;
- (l) the regulation of the duties of visiting officers including medical officers;

(m) and generally for the carrying out of the purposes of this Regulation and the maintenance of good order discipline and health in prisons.

(2) Any rules or amendments of the same made by the Resident Commissioner and approved by the High Commissioner shall be published in the Gazette and shall come into force from the date of such publication or upon the date specified in such rules in lieu thereof.

12.—(1) The Superintendent or District Officer in charge of a prison may take evidence and examine any prisoner touching any act or omission committed or done by him which may be declared by the Rules to constitute a prison offence and if satisfied that such prisoner is guilty of such offence may order him to be punished in any or all of the following manner:—

PRISON
OFFENCES.

(a) Solitary confinement with reduced diet not exceeding fourteen days and for not more than four days in one week. Provided that a sentence of solitary confinement shall only be imposed subject to the approval of the medical officer and that the offender shall be allowed such exercise as the medical officer shall order on the score of health. Save in connection with solitary confinement reduced diet shall not be imposed;

(b) forfeiture of marks in accordance with the rules.

(2) If the commission of any prison offence shall have been attended with circumstances of aggravation owing either to its repetition or otherwise the Superintendent or District Officer in charge may sentence the offender to solitary confinement for any period not exceeding two months together with the punishment (b) in the subsection (1) hereof and may also order that the offender be punished by corporal punishment. Provided in such cases he shall report the circumstances of aggravation to the Resident Commissioner and no such corporal punishment shall be inflicted unless the Resident Commissioner consents thereto and provided further that no corporal punishment shall be carried into effect save in the presence of a medical officer. A medical officer shall prior to the offender being made to undergo corporal punishment examine the offender and if he considers the offender unfit to undergo the punishment shall so certify in writing to the Superintendent or District Officer in charge of the prison who shall order the punishment to be suspended; or, if at any time during the execution of the sentence such medical officer considers the offender unfit to undergo further corporal punishment he shall interfere and the further execution of the sentence shall be suspended. Such medical officer shall certify in writing to the Superintendent or District Officer his reasons for such interference.

CORPORAL
PUNISHMENT.

(3) Sentence of corporal punishment shall not exceed fifteen strokes in the aggregate.

(4) Corporal punishment shall be inflicted only with an instrument of a pattern approved by the High Commissioner and by such officers as the Superintendent or District Officer may appoint for the purpose.

(5) No youth under sixteen years of age shall be chastised with the cat-o'-nine-tails. Youthful offenders may receive chastisement with a birch or tamarind rod; but in no case shall the number of strokes exceed twelve.

(6) A medical officer shall be present throughout the administration of every sentence of corporal punishment and shall forthwith furnish a report thereon to the Resident Commissioner.

13. In any inquiry held to examine into a charge of a prison offence with aggravated circumstances the witnesses in support of the charge or in defence of the charge shall be sworn or affirmed in the manner usual in the courts of the Protectorate and their

PROCEDURE AS
TO WITNESSES
TO OFFENCES.

evidence shall be taken down in writing in a book to be kept in the prison for the purpose.

ASSAULTS BY
PRISONERS.

14. If a prisoner assaults any person he shall be guilty of a misdemeanour and upon conviction thereof before any constituted court shall be liable to be imprisoned for any term not exceeding two years with or without hard labour in addition to the term for which at the time of committing the offence he was undergoing imprisonment and shall also be liable to corporal punishment if the Court shall so order.

PRISONER
ASSAULTING
OFFICER OR
SERVANT OR
ATTEMPTING
TO ESCAPE.

15. Any charge against a prisoner for assaulting an officer or servant or for escaping or attempting to escape may be dealt with as a charge of a prison offence with aggravated circumstances under section twelve.

PRISONER
DISABLING HIM-
SELF TO AVOID
LABOUR.

16. If any prisoner under sentence of hard labour or penal servitude in order to avoid labour wilfully disables himself or designedly prevents or protracts the cure of any disease or complaint which he may have contracted he shall on conviction besides being liable to punishment for a prison offence have the period of his sentence extended for such further time as in the opinion of the Superintendent or district officer he may have avoided labour by the means aforesaid. In such cases the evidence of the medical officer shall be taken whenever possible.

PUNISHMENT.
EXTENSION OF
SENTENCE.

EVIDENCE OF
MEDICAL OFFI-
CER TO BE
TAKEN.

AIDING ESCAPE
OF PRISONER.

17. Any person who aids or assists any prisoner to escape from lawful custody shall be guilty of a misdemeanour and may be fined any sum not exceeding one hundred pounds and or be imprisoned for any period not exceeding two years with or without hard labour.

PUNISHMENT.

PRISONER
ESCAPING FROM
PRISON OR
CUSTODY.

18. Every person lawfully imprisoned for any crime or offence by the sentence of any court of competent jurisdiction or employed at labour as a criminal on public works or otherwise or imprisoned to await trial or in the course of removal as a prisoner under the powers contained in this Regulation who escapes or attempts to escape from any prison or from any place where he is lawfully employed as a prisoner or from the custody of any constable gaoler or other officer or person in whose custody he may be shall be guilty of a felony and upon conviction thereof may be sentenced to penal servitude for any period not exceeding five years or to be imprisoned for any period not exceeding two years with or without hard labour and shall also be liable to corporal punishment if the court shall so order. The term of any sentence of penal servitude or imprisonment awarded under this section shall be in addition to any term of penal servitude or imprisonment which may be pending at the time of such escape or attempt to escape.

DELIVERING OR
CONTRIVING TO
DELIVER TO
PRISONER ANY-
THING FOR-
BIDDEN BY
REGULATION.

PENALTY.

19. Any person who shall bring in or carry out or endeavour to bring in or carry out or knowingly allows to be brought in or carried out of any prison to or from any prisoner any money clothing provisions tobacco letters or any unauthorised article shall on conviction in a summary manner be liable to a fine not exceeding twenty-five pounds or to imprisonment for any term not exceeding two months with or without hard labour.

LOITERING
ABOUT PRISON
PREMISES.

20. Any person loitering about any prison or the land adjacent thereto or a place where prisoners are employed on public works or who refuses or neglects to depart therefrom upon being warned so to do by any prison official shall be deemed to be loitering about for the purposes in the last preceding section mentioned.

PRISONER TO BE
BROUGHT
BEFORE COURT
OF JUSTICE ON A
WARRANT.

21. If the presence of any prisoner shall be required in any court of justice or by any person employed by law to summon witnesses either for the purpose of his being examined as a witness in any cause or matter civil or criminal or for the purpose of a criminal charge being preferred against him it shall be lawful for such court or person if he considers the presence of such prisoner necessary for the ends of justice by writing under his hand to direct the

Superintendent or European officer in charge of the prison where such prisoner is imprisoned to produce such prisoner before the court or person in which or before whom he is required at such time or times as may be necessary and such prisoner shall be dealt with under the same care and custody and in like manner in all respects as a prisoner required by any writ of *habeas corpus* awarded by the High Commissioner's Court for the Western Pacific to be brought before it is now by law required to be dealt with.

22. Any person (except those in charge or duly authorised) communicating in any manner with any offender sentenced to imprisonment with hard labour shall on conviction thereof be liable to a fine not exceeding five pounds and in default of payment shall be imprisoned for any term not exceeding one month unless such fine should be sooner paid.

COMMUNICATION
WITH PRISONER.

23.—(1) The cases of prisoners sentenced to imprisonment for life shall be reviewed by the Resident Commissioner at the expiration of seven ten fifteen and twenty years from the date of their imprisonment under their current sentence.

REVIEW OF LIFE
SENTENCES.

(2) The Resident Commissioner shall if he thinks fit submit to the High Commissioner a report on the case so reviewed.

REPORT TO HIGH
COMMISSIONER.

24. In the event of the medical officer reporting at any time that the continuance of confinement of any prisoner will either endanger his life or reason or is likely to shorten his life the Resident Commissioner shall take such report into consideration and shall weigh every circumstance connected with the prisoner and the nature of his offence and shall have power subject to the approval of the High Commissioner either to order that the prisoner do continue in prison under his sentence or be discharged from prison either absolutely or subject to such conditions as he may think fit. Provided that in a case of urgency the Resident Commissioner may order a prisoner to be discharged without awaiting the High Commissioner's approval.

RELEASE ON
MEDICAL
GROUNDS.

25. The Resident Commissioner with the approval of the High Commissioner may, by order under his hand grant to any prisoner a licence to be at large in the Protectorate during such portion of his sentence of imprisonment as to the Resident Commissioner with the like approval may seem fit. And the Resident Commissioner may revoke or alter such licence by order under his hand and at his pleasure. Such licence may be in such form as the Resident Commissioner may prescribe.

GRANT OF
LICENCE TO BE
AT LARGE.

General.

26. This Regulation shall come into operation on such date as the High Commissioner by Proclamation in the Gazette shall appoint.

COMMENCEMENT
OF REGULATION

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-second day of November one thousand nine hundred and twenty-two.

By Command,

ROGER GREENE,

Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

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