

LAWS OF BRUNEI
REVISED EDITION 1984

CHAPTER 51

PRISONS

ARRANGEMENT OF SECTIONS

Section

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

CONSTITUTION AND ADMINISTRATION

3. Power to the prisons
4. Extent of prisons
5. Existing building declared prisons
6. Description of prison in writs, etc.
7. Appointment of police lockups as of detention
8. Temporary prison
9. Administration of prison officers and prisons

PART III

OFFICERS

10. Appointment of officers
11. Prison Standing Orders
12. Inspection by Superintendent of Prisons
13. Duties of Superintendent of Prisons
14. Medical Officer and Dental Officer for Prisons
15. Duties of Medical Officer and Dental Officer
16. Terms of engagement and re-engagement of prison officers
17. Appointment of Principal Officer, Probation Officer and Matron
18. Warrant Card
19. Application of General Orders
20. Duties of Chief Officers, Wardens, Principal Officers, etc.
21. Accoutrements
22. Place of service
23. Observance of Laws, Rules and Orders
24. Prison officers deemed public servants
25. Use of weapons
26. Prison officer to have powers of police officer
27. Prison officer not to be a member of trade union etc.

PART IV

CUSTODY AND REMOVAL OF PRISONERS

28. Prisoners deemed in lawful custody
29. Officer-in-Charge to detain persons committed
30. Delivery of persons on remand
31. Delivery of persons arrested on warrant
32. Production of persons before the court and elsewhere
33. Discharge of prisoners
34. Prisoners of unsound mind
35. Removal and transfer of prisoners undergoing imprisonment
36. Evidence
37. Illness of prisoner
38. Return to prison
39. Liability for escape
40. Duty to prevent escape
41. Special custody in hospitals
42. Removal in vessel
43. Remission of sentence
44. Saving of powers of criminal court

PART V

EMPLOYMENT AND PRISON DISCIPLINE

45. Effect of sentence of imprisonment
46. Segregation of prisoners
47. Custody of prisoners outside the prison
48. Punishment of minor prison offences by Officer-in-Charge of prisons
49. Punishment of aggregated prison offence by a Chief Officer
50. Punishment by Superintendent or by Visiting Justices
51. Register of punishment
52. Detention after date for discharge
53. Prosecution for offences
54. Prisoner may make his defence

PART VI

DISCIPLINE AS AFFECTING PRISON OFFICERS

55. Offences concerning prison supplies
56. Desertion
57. Payment of money forbidden
58. Delivery of uniform, etc., on leaving
59. Offences by prison officers

PART VII

GENERAL

- 60. Appointment of Visiting Justices
 - 61. Visits by Judges
 - 62. Rules
-

PRISONS ACT

An Act to make better provision in the law relating to prisons and lockups and the conditions of service and pensions of prison officers

14 of 1978

Am. S 12/89 c/c 20-12-88

Commencement: 1st July 1979 S.75/79

PART I

PRELIMINARY

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

2. In this Act, unless the context otherwise requires — Interpre-
tation

“disciplinary offence” means any offence committed by a prison officer below the rank of Principal Officer against prison discipline as specified in Rules made hereunder;

“Officer-in-Charge” means any prison officer not below the rank of Principal Officer who is in charge of any prison;

“Medical Officer” and “Dental Officer” mean the Medical Officer or Dental Officer (as the case may be) appointed under section 14;

“mental hospital” includes any Government asylum for the reception of persons ordered to be detained therein under the Lunacy Act; Cap. 48

“minor prison offence” and “aggravated prison offence” mean any offence committed by a prisoner against prison discipline and so specified in the Rules made hereunder;

“police officer” has the same meaning as in the Police Act; Cap. 50

“prison” means any house, building, enclosure, or place or any part thereof, declared to be a prison under section 3;

“prisoner” means any person, whether convicted or not, under confinement in any prison;

“prison officer” means any Chief Officer, Warden, Principal Officer, Probation Officer, Matron, Warden or Wardress and includes the Superintendent and the Deputy Superintendent;

“registered dentist” means a dentist whose name has been registered in accordance with any written law relating to the registration of medical practitioners and dentists from time to time in force in Brunei;

“registered medical practitioner” means any medical practitioner registered in accordance with any written law relating to the registration of medical practitioners and dentists from time to time in force in Brunei;

“sentence of imprisonment” means any sentence involving confinement in a prison, whether combined or not with labour, and includes a sentence awarded by way of commutation as well as an original sentence passed by a court;

“stage” means any stage of imprisonment prescribed by Rules made hereunder;

“subordinate officer” means any prison officer below the rank of Principal Officer;

“Superintendent” means the Superintendent of Prisons appointed under section 10 and includes the Deputy Superintendent of Prisons;

“Visiting Justice” means a member of the Board of Visiting Justice appointed under section 60;

“young prisoner” means any person who, in the absence of proof to the contrary, is under the age of 18 years and, whether convicted or not, under detention in any prison.

PART II

CONSTITUTION AND ADMINISTRATION

3. His Majesty the Sultan and Yang Di-Pertuan ~~in~~ ^{Power to declare prisons Am. S. 12/89}
 Council by notification in the *Gazette* may—

(a) declare any house, building, enclosure or place or any part thereof to be a prison for the purpose of this Act for the imprisonment of detention of persons lawfully in custody; and/or

(b) declare that any prison shall cease to be a prison; and on the publication of such declaration, or from and after any later date specified therein; such prison shall cease to be a prison.

4. Every prison shall include the grounds and buildings within the prison enclosure and also the airing grounds, or other grounds or buildings belonging or attached thereto and used by prisoners. ^{Extent of prisons}

5. Any house, buildings, enclosure or place or any part thereof, which immediately before the commencement of this Act is being used as a prison, shall be deemed to be a prison for the purpose of this Act. ^{Existing building declared prison}

6. In any writ, warrant, or other legal instrument, in which it may be necessary to describe a particular prison, any description designating a prison by reference to the name of the place or town where it is situated, or other definite description, shall be valid and sufficient for all purposes. ^{Description of prison in writs, etc.}

(Am. s. 12/89)

Appointment of police lockups as places of detention

The Sultan and YDP

7. (1) It shall be lawful for His Majesty ~~in Council~~ by notification in the *Gazette* to appoint lockups at such police stations and court houses ^{and other public buildings} as may be specified in such notification to be places for the confinement of persons, remanded or sentenced to such terms of imprisonment, not exceeding one month, as may be specified in each case.

Cap. 7

(2) A lockup appointed as a place of confinement under subsection (1) shall not, save as hereinafter provided, be deemed to be a prison for the purposes of this Act, and the Rules made hereunder shall not apply thereto, but every such lockup shall be deemed to be a prison for the purposes of Chapter XXVI of the Criminal Procedure Code and to be proper custody for the purposes of section 149 thereof.

Am. s. 12/89

(3) A lockup appointed as a place of confinement under subsection (1) shall be deemed to be a prison for the purposes of section 61 and also for the purposes of Part IV, other than subsection (2) of section 28 and section 43, and, for such purposes, the expression "Officer-in-Charge" shall include the Police Officer ^{and any public officer} in charge of such lockup.

Am. s. 12/89

The Min. of Home Affairs with the Approval of HM The Sultan and YDP

(4) ~~His Majesty in Council~~ may make rules with regard to lockups appointed under subsection (1) to provide for all or any of the following matter —

(a) the inspection and management of such lockups and the officers to be in charge thereof;

(b) the employment of persons confined therein;

(c) the diets to be supplied to such persons;

(d) the maintenance of discipline;

(e) generally for regulating such lockups.

8. Whenever it appears to the Superintendent —

Temporary
prison

(a) that the number of prisoners in any prison is greater than can be conveniently kept therein, and that it is not convenient to transfer the excess number to some other prison; or

(b) that, by reason of an outbreak within any prison of a disease or diseases, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoner, such provision shall be made, as the Superintendent may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in such prison, and every such temporary prison shall be a prison for the purposes of this Act;

Provided that when such disease or diseases or such other reason has or have ceased, any prisoner so removed from any prison shall be taken back to the prison whence they were removed, if still liable to be confined therein.

9. (1) Subject to the orders of the Minister the control and direction of prison officers throughout Brunei shall be vested in the Superintendent who may from time to time make such transfers and direct the employment and distribution of prison officers as he may think fit.

Adminis-
tration of
prison
officers and
prisons

(2) Subject to the orders of the Minister the general change administration of prisons in Brunei shall be vested in the Superintendent.

(3) The powers and duties of the Superintendent under this Act or under the Rules made hereunder may be exercised, in the case of the absence or incapacity of the Superintendent by an officer appointed by His Majesty to exercise and perform the same:

Provided that pending such appointment the powers and duties of the Superintendent shall be exercised and performed by the officer next in seniority after the Superintendent in the Prison Department.

PART III
OFFICERS

Appointment
of officers

10. (1) His Majesty may appoint a Superintendent of Prisons for Brunei, and a Deputy Superintendent of Prisons, and such number of Chief Officers, Wardens and other officers as His Majesty may consider necessary for the carrying out of the provisions of this Act and the Rules made hereunder.

(2) All such officers when appointed shall be under the general direction of the Superintendent.

Prisons
Standing
Orders

11. The Superintendent may make and issue orders, to be called "Prisons Standing Orders" not inconsistent with the provisions of this Act or of any Rules made hereunder.

Inspection by
Superinten-
dent of Pris-
ons

12. (1) The Superintendent shall periodically visit and inspect, or cause to be visited and inspected, all prisons in Brunei.

(2) The Superintendent may exercise and perform any of the powers conferred or duties imposed by law on an Officer-in-Charge.

Duties of Su-
perintendent
of Prisons

13. (1) The Superintendent shall supervise and control all matters in connection with any prison, the administration of which is vested in him, and shall be responsible to the Minister for the conduct and treatment of the prison officers, and the conduct and treatment of prisoners under his control, and for the due observance by prison officers and prisoners of the provisions of this Act and of all other written laws relating to prison or prisoners.

(2) Subject to the orders of the Superintendent, the Officers-in-Charge shall supervise and control all matters in connection with any prison the administration of which is vested in him, and shall be responsible to the Superintendent for the conduct and treatment of the prison officers and prisoners under his control, and for the due observance by prison officers and prisoners of the provisions of this Act and of all other written laws relating to prisons or prisoners.

14. (1) The Director of Medical Services shall appoint a Medical Officer and a Dental Officer for the prisons, and, whenever circumstances permit a Medical Officer for each of the other prisons in Brunei.

Medical
Officer and
Dental
Officer for
prisons

(2) If the circumstances do not permit of the Director of Medical Services making an appointment under subsection (1), the Director of Medical Services may appoint any registered medical practitioner or any registered dentist to be the Medical Officer or Dental Officer of any specified prison.

(3) Whenever a Medical Officer or Dental Officer is, owing to illness or temporary absence or for other sufficient reasons, unable to perform his duties as such Medical Officer or Dental Officer, the Superintendent shall arrange with the Director of Medical Services for the performance of such duties by such other person or officer as the Director of Medical Services may direct.

15. A Medical Officer and a Dental Officer shall perform such duties as may be prescribed.

Duties of
Medical
Officer and
Dental
Officer

16. (1) All prison officers shall be engaged in accordance with the conditions of service applicable to them at the date of their engagement.

Terms of en-
gagement
and re-
engagement
of prison
officers

(2) Every subordinate officer who shall have completed the period of service for which he was engaged may offer himself for re-engagement for a further period, and, if

approved, may be re-engaged on such terms and conditions as may be prescribed by the Superintendent.

(3) Every such re-engagement shall be evidenced by an endorsement on the original engagement signed by the person re-engaged and by the Superintendent.

(4) No prison officer shall be entitled, without written permission of the Superintendent, to resign or withdraw from prison duties unless he shall have given not less than one month notice in writing to the Superintendent of his intention to resign.

(5) Every such notice shall be given on or before the first day of the month at the end of which such officer intends to cease performing prison duties.

(6) Any prison officer who contravenes the provisions of subsection (4) shall be guilty of an offence: Penalty, imprisonment for 3 months and a fine of \$500; and all arrears of pay due to him may be forfeited.

(7) The Superintendent may at any time, with the consent of the Minister discharge any Warder or Warders whose appointment has been confirmed —

(a) if the Superintendent considers that such officer is unlikely to become or has ceased to be an efficient prison officer;

(b) such officer is certified by a Government Medical Officer to be physically or mentally unfit for service in the Prison Service; or

(c) on reorganisation or reduction of the establishment of the Prison Service.

17. Promotion and appointment to a Principal Officer or a Probation Officer or a Matron may be made by His Majesty under section 10 on the recommendation of the Superintendent.

Appointment of Principal Officer, Probation Officer and Matron

18. A warrant card, signed by the Superintendent, shall be issued to every prison officer and shall be evidence of his appointment under this Act.

Warrant Card

19. (1) Prison officers, other than subordinate officer, shall be subject to the General Orders for the time being in force, and to the disciplinary provisions thereof.

Application of General Orders

(2) All prison officers other than subordinate officers may be interdicted or suspended in accordance with the General Orders aforesaid:

Provided that, if, in the opinion of the Superintendent, it is essential in the interest of the security or discipline of the prison that a subordinate officer should cease forthwith to exercise the function of his office, the Superintendent may interdict such officer from duty pending an investigation.

20. Chief Officers, Wardens, Principal Officers, Probation Officers, Matron, Warders and other prison officers shall perform such duties as may be prescribed.

Duties of Chief Officers, Wardens, Principal Officers, etc.

21. Every prison officer shall be provided with such staves, arms, ammunition, uniform and other accoutrements as may be prescribed by the Superintendent.

Accoutrements

22. Every prison officer shall be bound to serve in any part of Brunei, or on board any vessel, aircraft or other vehicle in which prisoners are being removed, and shall, when so serving, be subject to the same rules as when on service in Brunei, in so far as the law of Brunei is applicable to him, also to such Rules, Regulations and Standing Orders as may be in force in Brunei.

Place of service

Observance
of Laws,
Rules and
Orders

23. Every prison officer shall strictly conform to all written laws relating to prisons or prisoners, and shall obey all lawful orders of his superior officers, whether verbal or in writing, and all Prisons Standing Orders.

Prison
officers
deemed pub-
lic servants

24. The Superintendent, Medical Officer, Dental Officer, Chief Officers, Wardens, Principal Officers, Probation Officers, Matrons, subordinate officers and other prison officers appointed under this Act or under any Rules made hereunder, shall be deemed to be public servants within the meaning of the Penal Code.

Cap. 22.

Use of
weapons

25. (1) Every prison officer may use weapons against any prisoner escaping or attempting to escape:

Provided that resort shall not be had to the use of any such weapons unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape or the attempt to escape.

(2) Every prison officer may use weapon on any prisoner engaged in any combined outbreak or in any attempt to force or break open the outside door or gate or enclosure wall of the prison, and may continue to use such weapons so long as such combined outbreak or attempt is actually being prosecuted.

(3) Every prison officer may use weapons against any prisoner using violence to any prison officer or other person if such officers has reasonable grounds to believe that the prison officer or the other person is in danger of life or limb or that other grievous hurt is likely to be caused by him.

(4) Before using firearms against a prisoner under the authority conveyed in subsection (1) the officer shall give a warning to the prisoner that he is about to fire on him.

(5) No prison officer shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

(6) The use of weapons under this section shall be, as far as possible, to disable and not to kill.

(7) Every police officer who is for the time being in the capacity of an escort guard or of a guard in or about a prison or lockup for the purpose of ensuring the safe custody of any prisoner or prisoners in such prison or lockup, shall be deemed to have all the powers and privileges granted to prison officers under this section.

26. Every prison officer while acting as such shall have by virtue of his office all the powers, authorities, protections and privileges of a police officer.

Prison officer to have powers of police officer

27. (1) For the purpose of enabling prison officers to consider and bring to the notice of Government all matters affecting their welfare, and efficiency, including pay, pensions and conditions of service, other than questions of discipline and promotion affecting individuals, there may be established an association which shall operate and be administered in accordance with Rules made by ~~His Majesty in Council~~. Such association shall be entirely independent of, and unassociated with, any body or person outside the Prisons Department and shall be deemed not to be a trade union within the meaning of the Trade Unions Act, 1961 and shall be exempted from the provisions of the Societies Act.

Prison officer not to be a member of trade union etc.

(the Min of Home Affairs with the approval of HM The Sultan and JDP (Am S. 12/89))

Cap. 128

Cap. 66

(2) Subject to the provisions of subsection (1) no prison officer shall become, or after the expiration of one month from the coming into force of this section be, a member of any trade union or of any association having for its object or one of its objects to control or influence the pay, pensions or conditions of service of prison officers or of any association with political objects; and any prison officer who

contravenes this provision shall be guilty of an offence: Penalty, a fine of \$1,000:

Provided that where a prison officer is, at the time of the enforcement of this section, a member of a trade union such officer may, with the consent of the Superintendent, continue to be a member of that trade union during the time of his service in the Prisons Department:

Provided further that the State Secretary may declare, by notification in the *Gazette*, that the provisions of this section shall not apply in respect of any association or any particular membership or class of membership of an association to which this section applies.

(3) Any question whether any body is a trade union or association to which this section applies shall be determined by the State Secretary.

PART IV

CUSTODY AND REMOVAL OF PRISONERS

Prisoners
deemed in
lawful cus-
tody

28. (1) Every prisoner confined in any prison shall be deemed to be in the lawful custody of the Officer-in-Charge thereof.

(2) Every prisoner shall be subject to prison discipline and to all written laws relating to prisons or prisoners and to Prisons Standing Orders during the whole time of his imprisonment, whether he is or is not within the precincts of any prison or has been removed therefrom in pursuance of any order or authorisation made or given under this Part, and shall walk to or from any prison whenever at any time so required, and any refusal so to walk, unless he is physically incapable shall be, and may be punished as a breach of prison discipline.

29. Every Officer-in-Charge is hereby authorised and required to keep and detain all persons duly committed to his custody by any court, judge, magistrate, or other competent public authority, according to the exigency of any warrant or order by which such person has been committed, or until such person is discharged by due course of law.

Officer-in-Charge to detain persons committed

30. Every person remanded to any prison by any court, judge, magistrate, or other competent public authority, charged with any crime or offence shall be delivered to Officer-in-Charge of such prison as may be appointed under this Act for the custody of such persons, together with the warrant of commitment, and such officer shall detain such person according to the terms of such warrant, and shall cause such person to be delivered to such court, judge, magistrate, or other competent public authority, or shall discharge such person at the time named in and according to the terms of such warrant.

Delivery of persons on remand

31. Every person arrested in pursuance of any warrant or order of any court in Brunei having civil or criminal jurisdiction shall be brought without delay before the court by which the warrant or order was issued, awarded or made, and, if such court is not then sitting, such person shall be delivered to an Officer-in-Charge for intermediate custody, and such officer shall cause such person to be brought before that court at its next sitting in order that such person may be dealt with according to law.

Delivery of persons arrested on warrant

32. (1) Whenever the presence of any person confined in a prison is required in any court of civil or criminal jurisdiction such court may issue an order in the prescribed form, addressed to the Officer-in-Charge requiring production before the court of such person in proper custody at the time and place to be named in such order, and the aforesaid officer shall cause the person named in such order to be brought up as directed, and shall provide for his safe custody during his absence from prison, and every such court may by endorsement on such order require the person

Production of persons before the court and elsewhere

named therein to be again brought up at any time to which the matter wherein such person is required may be adjourned.

(2) The Superintendent, on proof to his satisfaction or upon certificate of the Attorney General certifying, that the presence of any prisoner at any place in Brunei is required in the interests of justice or for the purpose of any enquiry held under any written law in force in Brunei, may by writing under his hand order that the prisoner be taken to that place.

(3) A prisoner taken from a prison in pursuance of an order made under this section shall whilst outside that prison be kept in such custody as the Officer-in-Charge or the Superintendent may by writing under his hand direct and whilst in that custody shall be deemed to be in lawful custody.

(4) The interest of justice shall, without prejudice to the generality of such expression, be deemed to include medical observation or treatment, or both, of any prisoner suspected or alleged to be of unsound mind, or mentally disordered or defective.

Discharge of
prisoners

33. An Officer-in-Charge shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release, whether by the expiration of their terms of sentence, or by pardon, or by communication or by remission of sentence.

Prisoners of
unsound
mind

34. (1) Whenever a prisoner undergoing a sentence of imprisonment or sentenced to death appears to a Medical Officer to be mentally disordered or defective he may by order under his hand and seal in the Form in the Schedule direct that such prisoner be removed to any mental hospital or other fit place of safe custody in Brunei and be there detained, and such order shall be an authority for the recep-

tion of the prisoner and for his detention therein until removed or discharged as hereinafter provided.

(2) Where a prisoner is detained in a mental hospital under provisions of this Act and is in the opinion of the Medical Officer in charge for such mental hospital no longer mentally disordered, such Medical Officer may, report accordingly to the Superintendent who shall, by order under his hand and seal, direct the return of such prisoner to the prison whence he was removed to be dealt with according to law.

(3) Upon the expiration of the term of imprisonment to which he has been sentenced the provisions of section 324 of the Criminal Procedure Code shall apply to any prisoner detained under this section as if he were detained in accordance with a certificate given under section 247 or 321 of the said Criminal Procedure Code. Cap. 7

(4) The time occupied in effecting any removal under this section and the period during which the prisoner is detained in a mental hospital shall be reckoned as part of the term of imprisonment imposed on such prisoner.

35. (1) The Superintendent may, by order in writing, remove or transfer any prisoner undergoing a sentence of imprisonment for any offence to any other prison, there to undergo the sentence on the residue or any part thereof: Removal and transfer of prisoners undergoing imprisonment

Provided that any prisoner so removed shall be returned, at the expiration of his sentence and if he so desires, at the expense of the Government, to the place whence he was removed.

(2) A prisoner may be brought up for trial, and may be removed by or under the direction of the Officer-in-Charge of the prison in which he is confined from such prison to another, for the purpose of being tried; and no prisoner whilst in the custody of a prison officer shall be

deemed to have escaped, although he may be taken into different jurisdiction or different places of confinement.

Evidence

36. Every order or warrant purporting to be issued in pursuance of this Act and to be under the hand of the Superintendent or Officer-in-Charge of any prison shall be received in evidence in all Courts without further proof, and shall be evidence of all facts therein stated, and all acts done in pursuance of such order or warrant shall be deemed to have been authorised by law.

Illness of
prisoner

37. (1) In the case of serious illness of a prisoner other than a prisoner referred to in subsection (2), confined in a prison in which there is no suitable accommodation for such prisoner, the Officer-in-Charge may, on the certificate of a Medical Officer, make an order for his removal to a Government hospital or, if the approval of the State Secretary is first obtained, to any other hospital.

(2) Where a prisoner confined in a prison appears to the Superintendent on the certificate of a Medical Officer to be a leper the Superintendent may, by order in writing, direct his removal to any leper asylum or settlement, there to be kept and treated until cured of his leprosy.

(3) So long as any prisoner who shall have been removed to any such hospital, asylum or settlement under the provisions of this section shall remain therein, the Medical Officer thereof shall, at the end of every month, transmit to the Officer-in-Charge of the prison whence the said prisoner was removed a certificate signed by him that it is in his opinion necessary that he should remain in such hospital, asylum or settlement.

Return to
prison

38. So soon as, in the opinion of the Medical Officer of any hospital, leper asylum or settlement, it is no longer necessary that any prisoner who shall have been removed to the said hospital, asylum, or settlement should remain therein, he shall transmit to the Officer-in-Charge of the

prison whence the said prisoner was removed a certificate, stating that such necessity has ceased, and thereupon the Officer-in-Charge shall forthwith cause such prisoner to be brought back to the prison if he is still liable to be confined therein.

39. If any prisoner shall escape during such time as he is in any hospital, leper asylum or settlement as aforesaid, no prison officer shall be held answerable therefor, unless such prisoner shall have been in the personal custody of such officer.

Liability for
escape

40. The Medical Officer and other officers of any hospital, leper asylum or settlement shall, in consultation with the Officer-in-Charge, take all reasonable precautions to prevent the escape of prisoners who may at any time be under treatment therein, and it shall be lawful for the said officers to take such measures for preventing the escape of any such prisoners as shall be necessary, if, in the opinion of the said officers, it is likely to be prejudicial to the health of such prisoner, should nothing be done under such authority.

Duty to pre-
vent escape

41. Where in any case from the gravity of the offence for which any prisoner may be in custody or for any other reason the Officer-in-Charge considers it desirable to take special measures for the security of such prisoner while under treatment in any hospital, leper asylum or settlement, it shall be lawful for him to give such prisoner into the charge of prison officers or other fit and proper persons not being less than 2 in number, one of whom at the least shall always be with such prisoner day and night, and such persons shall be vested with full power and authority to do all things necessary to prevent such prisoner from escaping, and shall be answerable for his safe custody until such time as he is handed over to a prison officer on his discharge from such hospital, leper asylum or settlement or until such time as his sentence expires, which ever may first occur.

Special cus-
tody in hos-
pitals

Removal in
vessel

42. (1) Whenever it is necessary for the purpose of this Part to remove any prisoner out of Brunei by sea or by air, he shall be removed in a vessel or aircraft to be appointed for that purpose by order of the Minister.

(2) The time occupied in effecting such removal under this Part shall be deemed to be part of the term of imprisonment of the prisoner so removed; and such prisoner shall be deemed at all times during such removal to be in the legal custody of the person or persons empowered to remove him and to be subject to the same restraint and, in the event of misbehaviour, to the same punishment as if he were detained in prison.

Remission of
sentence

43. A prisoner who, for good conduct, is awarded a remission of part of his sentence under the rules for the time being in force relating to the remission of sentence shall be discharged upon the expiration of so much of his sentence as shall remain after deducting from it such part.

Saving of
powers of
criminal
court

44. Nothing in this Act contained shall be held to lessen or affect the powers of any criminal court to direct persons confined in any prison to be brought before the Court.

PART V

EMPLOYMENT AND PRISON DISCIPLINE

Effect of
sentence of
imprison-
ment

45. (1) Every sentence of imprisonment passed or to be passed upon any prisoner shall subject the prisoner during the term of such sentence to be imprisoned and to work at such labour as may be directed by the Officer-in-Charge and so far as is practicable such labour shall take place in group or groups or outside cells.

(2) The Medical Officer may order any prisoner to be excused labour or to perform light labour, and any prisoner ordered to perform light labour shall be required to

work on any labour prescribed by this Act for which he is certified as fit by the Medical Officer.

46. (1) Persons confined under civil process and persons on remand charged with crimes or offences, or committed to take their trial, or confined for want or sureties shall not ordinarily be associated with convicted prisoners, nor shall they be required to labour beyond such labour as is reasonably proper for keeping their persons and dress in a proper state and keeping the places in which they are confined clean:

Segregation
of prisoners

Provided that should such persons elect to be employed during the period they are confined, they shall receive payment for such employment at such rates as may from time to time be prescribed.

(2) All young prisoners shall, so far as local conditions permit, be kept apart from adults.

47. A prisoner when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer, shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

Custody of
prisoners out-
side the pris-
on

48. (1) An Officer-in-Charge, if of or above the rank of Chief Officer, may punish any prisoner, found after due inquiry to be guilty of a minor offence, by ordering him to undergo one or more of the following punishments —

Punishment
of minor pris-
on offences
by Officer-in-
Charge of
prisons

(a) confinement in a cell on the prescribed restricted diet for a term not exceeding such period as may be prescribed;

(b) forfeiture of remission not exceeding such amount as may be prescribed;

(c) reduction in stage, or forfeiture of privileges, or postponement of promotion in stage, or removal from the earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

(2) An Officer-in-Charge, below the rank of Chief Officer, may punish any prisoner found after due inquiry to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments —

(a) confinement in a cell on a prescribed restricted diet for a term not exceeding such period as may be prescribed;

(b) reduction in stage, or forfeiture of privileges, or postponement of promotion in stage, or removal from the earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

Punishment
of aggravated
prison offence
by a
Chief Officer

49. An Officer-in-Charge, if of or above the rank of Chief Officer, may punish any prisoner found after due inquiry to be guilty of an aggravated prison offence, by ordering him to undergo one or more of the following punishments —

(a) corporal punishment with a rattan not exceeding such amount as may be prescribed;

(b) confinement in a cell on the prescribed restricted diet for a term not exceeding such period as may be prescribed;

(c) forfeiture of remission not exceeding such amount as may be prescribed;

(d) reduction in stage, or forfeiture of privileges, or postponement of promotion in stage, or removal from the earnings scheme, or reduction in

earnings grade, for such period as may be prescribed:

Provided that —

- (i) corporal punishment, whether inflicted under this section or under section 50, shall be inflicted in accordance with such rules as may be prescribed;
- (ii) corporal punishment shall not be inflicted save for mutiny or for offences involving personal violence to prison officers, or other prisoners, or any other person;
- (iii) corporal punishment shall not in any case be inflicted on a person under sentence of death, upon males over 50 years of age or upon females; and
- (iv) no order for the infliction of corporal punishment shall be carried out unless it has been confirmed by the Minister.

50. (1) Where a prisoner is accused of any aggravated prison offence and the Officer-in-Charge is of the opinion, in the circumstances of the case the power of punishment which he possesses is inadequate, he may either submit to the Superintendent a copy of the record of the investigation, and the Superintendent may thereupon decide the matter within the limit of his own power of punishment as conferred by subsection (3); or

Punishment
by Superin-
tendent or by
Visiting Jus-
tices

(2) In the alternative, the Officer-in-Charge may forthwith report the matter in writing to the Visiting Justices, the Visiting Justices shall upon receipt of such report, attend at the prison without undue delay and investigate the charge, and may punish any prisoner whom, after due inquiry, upon oath, they may find guilty of such offence with one or more of the following punishments —

(a) confinement in a cell on the prescribed restricted diet for a term not exceeding such period as may be prescribed;

(b) corporal punishment not exceeding such amount as may be prescribed;

(c) forfeiture of remission not exceeding such amount as may be prescribed;

(d) reduction in stage, or forfeiture of privileges, or postponement of promotion in stage, or removal from the earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

(3) The Superintendent shall have power to investigate and decide complaints respecting any offence against prison discipline; and he may order any prisoner found guilty by him of any such offence to undergo one or more of the punishments prescribed in subsection (2).

(4) Whenever it appears to the Officer-in-Charge that it is desirable for the good order and discipline of the prison for a prisoner to be segregated and not to work or be located in association with other prisoners, it shall be lawful for such officer to order the segregation of such prisoner for such period as may be considered necessary.

Register of
punishment

51. The Officer-in-Charge shall enter in a register to be open to the inspection of the Visiting Justice a record of the punishments imposed by him upon prisoners showing in respect of each prisoner so punished, the name of the prisoner, the nature of his offence and the extent of his punishments.

Detention
after date for
discharge

52. Any punishment lawfully imposed on a prisoner under this Act or any Rules made hereunder may be carried into effect notwithstanding that the carrying into effect

thereof may necessitate the detention of the prisoner beyond the date at which he would have otherwise been entitled to be discharged from prison:

Provided that the period of such detention shall not exceed 48 hours, such period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged:

And Provided that no person shall be confined for a longer period than he would have served if he had earned no remission.

53. Nothing in this Act shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, but no prisoner shall be punished twice for the same offence. Prosecution for offences

54. No prisoner shall be punished until he has had an opportunity of hearing the charge or complaint against him and the evidence in support thereof and of making his defence and of calling evidence in support thereof. Prisoner may make his defence

PART VI

DISCIPLINE AS AFFECTING PRISON OFFICERS

55. (1) No prison officer, nor any Medical Officer, nor any Dental Officer shall sell or offer for sale or supply or offer for supply or receive directly or indirectly any benefit or advantage from the sale or offer of sale or supply or offer of supply of any article to or for the use of any prisoner or for the use of any prison, nor shall any such officer directly or indirectly have any interest in any contract or agreement for the sale or offer of sale or supply of any such article. Offences concerning prison supplies

(2) No prison officer, nor any Medical Officer, nor any Dental Officer, shall directly or indirectly have any

pecuniary interest in the purchase of any prison supplies, or receive any discounts, gifts or other consideration from contractors for or sellers of such supplies, or have any pecuniary dealing with prisoners or with their friends with regard to them or on behalf of any prisoner held any unauthorised communications with any person.

(3) Any person who contravenes any provision of this section shall be guilty of an offence: Penalty, imprisonment for 12 months and a fine of \$1,000 and may in addition be dismissed from his office and all arrears of pay due to him may be forfeited.

(4) In this section references to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

Desertion

56. Any prison officer who unlawfully or in breach of his engagement absents himself from duty under circumstances which show that he has the intention of not returning to his duty shall be deemed to have deserted, and shall be guilty of an offence: Penalty, imprisonment for 12 months, and all arrears of pay due to him shall be forfeited.

Payment of
money
forbidden

57. (1) No money or other consideration shall on any pretext whatsoever be payable, paid, given or promised by or on behalf of any prisoner, either on his entrance into, commitment to, continuance in, or discharge from any prison, to any prison officer; and any prison officer receiving or demanding any such money or other consideration of the promising of such money or other consideration or undertaking any service in consideration of receiving or the promising of such money or other consideration shall be guilty of an offence: Penalty, imprisonment for 6 months and a fine of \$500.

(2) Any prison officer convicted under this section may be dismissed from his office, and all arrears of pay due to him may be forfeited.

58. (1) Every person upon ceasing to be a prison officer shall forthwith deliver up to the Officer-in-Charge of the prison in which he is serving at the time of ceasing to be a prison officer, every article of uniform and clothing and all arms, accoutrements, ammunition, staves and other effects of every kind belonging to the Government which are in his possession or control.

Delivery of uniform, etc., on leaving

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence: Penalty, imprisonment for 3 months and a fine of \$200; and in addition thereto such person shall be liable to pay the value of any article not delivered up, which value shall be summarily ascertained by the Court and shall be recoverable as if it were a fine.

(3) Every person not being a person employed by, in, or under the Prisons Department who shall have in his possession any article being part of the clothing, accoutrements, or other effects supplied to any prison officer and who shall not be able satisfactorily to account for his possession of the same shall be guilty of an offence: Penalty, imprisonment for 3 months and a fine of \$200.

59. Any prison officer below the rank of Principal Officer who commits a disciplinary offence shall be liable, on conviction by a magistrate or by any person empowered by the Rules made under this Act to convict any such officer, but without prejudice to any provision for confirmation or appeal which may be prescribed by such Rules, to such punishment as may be prescribed by the Rules and to dismissal:

Offences by prison officers

Provided that this section shall not be deemed to authorise the prescribing of punishments other than the following —

(a) in the case of conviction by a magistrate, imprisonment for 6 months and a fine of \$500;

(b) in the case of conviction by a prison officer —

- (i) reduction in rank;
- (ii) stoppage, deferment or forfeiture of any increment of salary;
- (iii) forfeiture of pay, whether by deduction or otherwise;
- (iv) compulsory performance of extra duties or drills;
- (v) severe reprimand, reprimand or warning;
- (vi) confinement to barracks not exceeding 14 days;
- (vii) payment of compensation for the destruction or loss of, or for injury to, any Government property, which, in the case of conviction by a magistrate, may be assessed summarily by the court and recovered as if it were a fine;

(c) in lieu of or in addition to any of the aforesaid punishments such prison officer may be dismissed from the Prisons Department.

PART VII

GENERAL

Appointment
of Visiting
Justices

60. (1) The Minister shall for each year appoint a Board to be called "The Board of Visiting Justices".

(2) A Visiting Justice may at any time visit the prison for which he is appointed and may inspect the several wards, cells, yards solitary or punishment cells and other apartments or divisions of the prison, inspect and test the quality and quantity of the prisoner's food, hear the complaints, if

any, of the prisoners, and question any prisoner, and shall ascertain, so far as possible, whether this Act, the Rules made hereunder and Prisons Standing Orders are adhered to, and shall call the attention of the Officer-in-Charge to any irregularity that may be observed in the working of the prison or in the treatment of any prisoner confined therein, and shall exercise and perform such powers and duties as may be prescribed.

(3) The Board shall appoint one or more of its members to be in rotation Visiting Justice or Justices for each month of the year, and such Visiting Justice or Justices shall hear, try and dispose of such prison offences as to which a report under section 50 has been made.

(4) Every Visiting Justice shall, for the purpose of this Act, have power to summon witnesses and to administer oaths.

61. Every Judge may, whenever he thinks fit, enter into and examine the condition of any prison, and the prisoners therein, and he may question any prisoner, and he may enter any observation he thinks fit to make in reference to the condition of the prison in a Visitor's Book to be kept for that purpose by the Officer-in-Charge, which book shall be produced to the Visiting Justices at their next visit.

Visits by
Judges

^{The Min of Home Affairs with the approval of HM The Sultan and YDP}
62. (1) ~~His Majesty in Council~~ may make such Rules, ^{Rules (Am 12/89)} not inconsistent with the provisions of this Act, as he deems necessary for the good management and government of prisons and for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such Rules may prescribe for all or any of the following purposes or matter —

(a) appointments, the conditions of service, training, and the powers, conduct, duties and disci-

pline of prison officers and other persons employed in prisons;

(b) pensions, retiring allowance, gratuities and privileges of all prison officers and the dependants of such officers and all matters connected therewith;

(c) leave of absence;

(d) the medical examination, measuring, photographing, and taking of finger-print impressions or other records of persons confined in a prison or otherwise detained in custody, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to such person with the object of obtaining such statistics and histories;

(e) the persons, if any, to whom such measurements, photographs, finger-print impressions or other records are to be sent or supplied;

(f) the employment, diets, classification, safe custody, separation, treatment and discipline of prisoners;

(g) the kind of labour to be exacted at the different stages of their imprisonment with the manner and place of exacting the same;

(h) the remission of sentences;

(i) the disposal of the products of the labour of prisoners;

(j) the establishment of prisoners' aid associations and societies and for the subsidising of their work and the utilising of the services of such asso-

ciation in connection with prisoners discharged on probation and convicted prisoners whose sentences have expired;

(k) the supply of money, food, clothing or means of travelling to prisoners on their discharge;

(l) the administration of the Prison Officers' Reward Fund;

(m) the duties, powers, proceedings and visits of the Visiting Justices;

(n) any other matter which, under this Act is required or permitted to be prescribed.

SCHEDULE

PRISONS ACT, CAP. 51

(Section 34 (1))

REMOVAL ORDER

To the Medical Officer in Charge of the Hospital at

I, the undersigned*
 hereby certify that I on the day of
 19....., at personally

*Here enter name and official designation

examined‡
 and that the said
 is
 a proper person to be taken charge of and
 detained *under care and treatment
 *for observation

‡Here enter name and residence of person examined

*Strike out the words that are not necessary

and that I have formed this opinion on the following grounds, namely:

STATEMENT

1. Facts indicating mental disorder observed by myself:
 *

*Here state the facts

LAWS OF BRUNEI

36

CAP. 51

Prisons

2. Other facts, if any, indicating mental disorder communicated to me by others —

and I hereby order that the said

..... be

Here state
the
information
and from
whom
derived

received into the Hospital for *care and treatment

*observation

Dated the day of 19

Medical Officer,

..... Prison

- (1) Name
- (2) Address
- (3) Occupation
- (4) Nationality
- (5) Religion
- (6) Married, single or widowed
- (7) How many children; age of youngest
- (8) First attack
- (9) Duration of illness
- (10) Addicted to opium or alcohol
- (11) Epileptic
- (12) Suicidal (if so by what method)
- (13) Dangerous
- (14) Name and address of nearest relatives or friends
- (15) Clinical history, if any

SUBSIDIARY LEGISLATION

Declaration of prisons under section 3 by notification in the *Gazette*

PRISONS (JERUDONG) NOTIFICATION

S.83/80

1. This Notification may be cited as the Prisons (Jerudong) Notification and shall be deemed to have come into force on 1st February 1980. Declaration of Prisons

2. The following places, that is to say —

(a) Jerudong (Male) Prison; and

(b) Jerudong (Female) Prison;

are hereby declared to be prisons for the purposes of the Prisons Act for the imprisonment or detention of persons lawfully in custody.

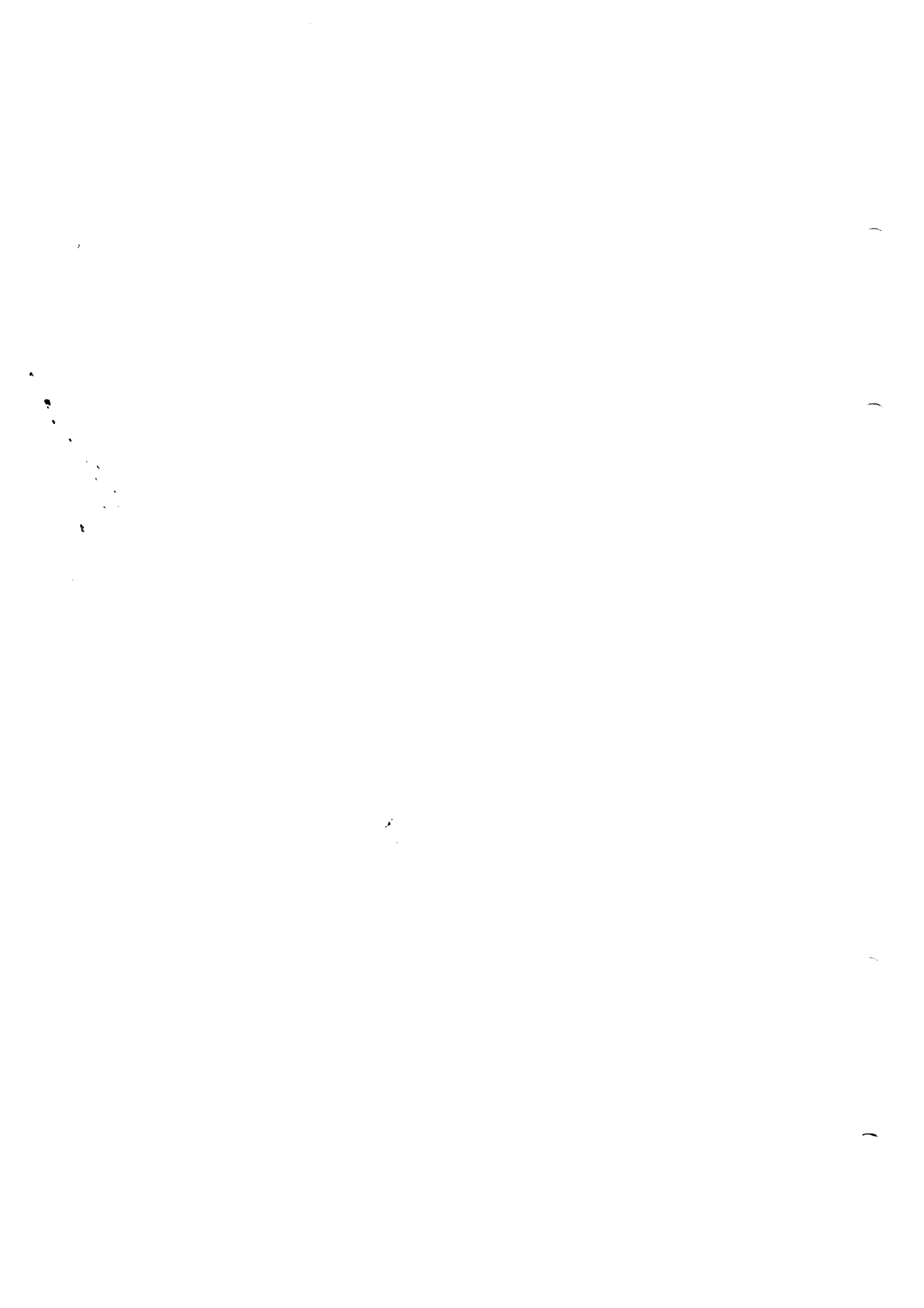
3. The places mentioned in paragraph 2 are shown in *Gazette Plan* No. 515 deposited in the Office of the Surveyor General. *Gazette Plan*

Appointment of police lockups as places of detention under section 7 (1) by notification in the *Gazette*

With effect from 1st July 1979 the police lockups at the following Police Stations have been appointed places for the confinement of persons remanded or sentenced to terms of imprisonment not exceeding one month, that is to say — S.74/79

Bandar Seri Begawan Police Station
 Sengkurong Police Station
 Tutong Police Station
 Muara Police Station
 Kampong Ayer Police Station
 Limau Manis Police Station
 Lamunin Police Station
 Berakas Police Station
 Temburong Police Station
 Airport Police Station
 Panaga Police Station
 Seria Police Station
 Kuala Belait Police Station
 Labi Police Station
 Sungai Liang Police Station.

Headquarters of Narcotics
 Control Bureau - G.M. 583/90



Rules under section 62

PRISONS RULES

6
S.14~~8~~/78
S.43/80

ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Citation
2. Interpretation
3. General principles of prison administration and application of rules

PART II

ACCOMMODATION

4. Sleeping accommodation
5. Women's accommodation
6. Young prisoners
7. Hospital accommodation
8. Punishment cells

[Subsidiary]

PART III

ADMISSION, DISCHARGE, REMOVAL AND SAFE CUSTODY
OF PRISONERS

9. Photographs
10. Search
11. Children
12. Retention of property
13. Baths
14. Prison clothes
15. Hair cutting
16. Medical examination
17. Vaccination
18. Contagious or infectious diseases
19. Reception Board
20. Information to prisoners
21. Custody during removal, etc.
22. Imprisonment for default or want of sureties
23. Discharge on due date
24. Police supervision
25. Day of release
26. Discharge on holidays
27. Return of clothing and property
28. Gratuity and special gratuity
29. Detention after due date of discharge
30. Transport on discharge
31. Computation of sentences

PART IV

CLASSIFICATION OF PRISONERS

32. Classification of prisoners

PART V

THE PROGRESSIVE STAGE SYSTEM

33. Stages
34. First stage
35. Second stage
36. Third stage
37. Fourth stage
38. Special stage
39. Reduction and postponement of promotion
40. Privileges

PART VI

THE REMISSION SYSTEM

41. Remission
42. Consecutive and over-lapping sentences
43. Record of remission
44. Explanation of remission system
45. Remission for prisoners in Mental Hospital
46. Remission during punishment, etc.
47. Forfeiture or award of remission
48. Release when remission earned
49. Punishment
50. Remission on part sentence
51. Restoration of remission
52. Commuted sentences
53. Quadrennial reports on prisoners

[Subsidiary]

PART VII

TREATMENT OF PRISONERS

54. Duty of prison officers
55. Use of force
56. Bedding
57. Clothing
58. Cleanliness
59. Diets
60. Diet of prisoners on remand, etc.
61. Diet scales to be exhibited
62. Special diet
63. Waste of food
64. Inspection of foodstuffs
65. Trafficking
66. Punishment diet
67. Exercise
68. Prohibited articles
69. Tobacco, spirits, other drugs
70. Searching of persons and vehicles
71. Use of books and writing materials by prisoners

PART VIII

EMPLOYMENT OF PRISONERS

72. General requirement of work
73. Light labour
74. Hours of labour
75. Employment of women prisoners
76. Record of prisoners work
77. Allocation of labour
78. Segregation of prisoners
79. Labour on holidays

PART IX

EARNINGS SCHEME

80. Payment for work
81. Grades
82. Grading and promotion
83. Rates of earnings
84. Savings
85. Prisoners in hospital

PART X

LETTERS AND VISITS TO PRISONERS

86. Prisoners' communications
87. Normal minimum provision: special letters and visits
88. Postponement of letters or visits for misconduct
89. Deferment in case of punishment
90. Additional letters and visits as a privilege
91. Letter instead of a visit: special letters and visits
92. Communications through Officer-in-Charge
93. Number of persons allowed to visit
94. No visits on weekly holidays
95. Time and conditions of visits
96. Letters from ex-prisoners
97. Censoring of letters
98. Supervision of visits
99. Particulars of visitors: powers of Officer-in-Charge
100. Visits by legal adviser
101. Visits by police
102. Serving of writs, etc.
103. Letters and visits to debtors
104. Visits and letters for unconvicted prisoners
105. Prisoners committed in default of payment of fine, etc.
106. Sick prisoners
107. Visits for long sentence prisoners

PART XI

PETITIONS AND COMPLAINTS

108. Petitions
109. Petition by condemned prisoners
110. Complaints by prisoners
111. Requests by prisoners to see Superintendent or a Visiting Justice
112. Applications by prisoners

PART XII

OFFENCES, PUNISHMENTS AND RESTRAINTS

113. Officer-in-Charge to deal with reports
114. Separation of reported prisoner
115. Information to reported prisoners
116. Offence against prison discipline to be reported and investigated
117. Minor prison offence
118. Aggravated prison offences
119. Award of punishment by Officer-in-Charge
120. Investigation by Chief Officer or Superintendent
121. Award of punishment by Chief Officer
122. Award of punishment by a Chief Officer for aggravated offence
123. Investigation and adjudication by the Superintendent
124. Medical examination of prisoner awarded punishment
125. Clothing and bedding for prisoners on punishment
126. Full diet after 3 days punishment diet
127. Maximum period of close confinement in a year
128. Visits to prisoners under close confinement
129. Corporal punishment
130. Carrying out of punishments

LAWS OF BRUNEI

46

CAP. 51

Prisons

[Subsidiary]

- 131. Rules for infliction of corporal punishment
- 132. Remission of corporal punishment
- 133. Record of corporal punishment
- 134. Return of corporal punishment
- 135. Record of punishment
- 136. Prosecution in court
- 137. Restraints
- 138. Restraints not to be used as punishment
- 139. Application of restraints
- 140. Temporary confinement in special cell

PART XIII

ESCAPES

- 141. Security of ladders, etc.
- 142. Action in event of escape
- 143. Escapees' special supervision
- 144. Period of escape not to count as part of sentence

PART XIV

RELIGIOUS INSTRUCTION

- 145. Prisoner to state religious denomination
- 146. Change of religion
- 147. Religious services and instruction
- 148. Visits by Minister of Religion
- 149. Religious Books

PART XV

EDUCATION AND GENERAL WELFARE

150. Evening classes etc.
151. Library
152. Lectures and concerts, etc.
153. Physical training and recreation
154. Voluntary teachers

PART XVI

APPELLANTS

155. Appellants
156. Applications by appellants
157. Treatment of appellants
158. Letters and facilities for appeal
159. Custody of appellants
160. Payment of work to appellants
161. Appellants subject to these Rules

[Subsidiary]

PART XVII

PERSONS DETAINED WITH A VIEW TO BANISHMENT

- 162. Application
- 163. Election to work
- 164. Effect of decision not to work
- 165. Labour in event of non-election or disciplinary proceedings
- 166. Disciplinary powers
- 167. Earnings Scheme
- 168. Purchases in canteen
- 169. Unauthorised purchases
- 170. Stage system
- 171. Stages
- 172. Privileges of various Stages
- 173. Powers to inspect and impound parcels

PART XVIII

DEBTORS, PERSONS ON REMAND OR AWAITING TRIAL,
VAGRANTS AND PERSONS DETAINED FOR SAFE CUSTODY
OR FOR WANT OF SURETIES

- 174. Separation from convicted persons
- 175. Employment
- 176. Pay for voluntary work
- 177. Food and luxuries
- 178. Clothing and bedding
- 179. Prison diets
- 180. Private medical adviser
- 181. Disinfection of clothing
- 182. Unconvicted prisoners to earn no remission
- 183. Prisoners charged with a capital offence
- 184. Forfeiture of privileges

PART XIX

PRISONERS UNDER SENTENCE OF DEATH

- 185. Search and accommodation
- 186. Visit by Minister of Religion
- 187. Letters
- 188. Clothing
- 189. Visits
- 190. Employment
- 191. Executions

PART XX

VISITING JUSTICES

- 192. Visits by Visiting Justices
- 193. To be accompanied by prison officer
- 194. Complaints by prisoners
- 195. Inspection of prisoners
- 196. Abuses
- 197. Minute Book and Case Book

PART XXI

AID ON DISCHARGE AND AFTERCARE OF PRISONERS

- 198. Constitution
- 199. Interview with prisoners
- 200. Special assistance
- 201. Employment

[Subsidiary]

PART XXII

Section I

The Superintendent

- 202. Superintendent inspection and report on prisons
- 203. Rules and uniformity to be enforced
- 204. Duties when visiting

Officer-in-Charge

- 205. Duties of Officer-in-Charge
- 206. Responsible for administration of prison
- 207. Control of officers
- 208. Journal
- 209. Maintenance of records
- 210. Inspection of prison
- 211. Prisoners' complaints, etc.
- 212. Inspection of meals
- 213. To ensure that Act, rules and orders followed
- 214. Interview of prisoners on admission
- 215. Search
- 216. Muster of prisoners
- 217. Death of prisoner
- 218. Magistrate to be informed
- 219. Recommendations by Medical Officer
- 220. Prisoners mentally unsound
- 221. Prisoner's life endangered by imprisonment
- 222. Visitors to view a prison
- 223. Searching of prison officers
- 224. Books
- 225. Inspection of building, machinery, etc.
- 226. Petitions by prisoners

- 227. Prisoners' property
- 228. Requisitions on Storekeeper
- 229. Absence from prison
- 230. Charge of the prison in case of absence
- 231. Reports to the Superintendent
- 232. Action in case of emergency
- 233. Reference to Superintendent
- 234. Annual report of prison

Medical Officers

- 235. Attendance at prison
- 236. Examination of prisoners and visits to prisoners
- 237. Case Book Journal
- 238. Prisoners mentally unsound
- 239. Sick prisoners
- 240. Prisoners unfit for prison, etc.
- 241. Inspection of prison, etc.
- 242. Death of a prisoner
- 243. Examination of food, water, clothing, bedding
- 244. Visits to prisoners on capital charge
- 245. Report to be made on capital charge prisoners
- 246. Medical observation of prisoners
- 247. Infections or contagious diseases
- 248. Medical Officer to report certain matters
- 249. Examination of prison officer
- 250. To be conversant with Rules
- 251. Dental Officers

Chief Officer

- 252. Duties and responsibilities
- 253. Inspection of prison

LAWS OF BRUNEI

52

CAP. 51

Prisons

[Subsidiary]

-
- 254. Inspection of prisoners at work
 - 255. Night visits to prison
 - 256. Complaints or applications by prisoners
 - 257. Inspection of foodstuffs and meals
 - 258. Rations to be in accordance with diet scales
 - 259. Cleanliness of prison and prisoners
 - 260. Punishments of prisoners
 - 261. Books
 - 262. Safe custody of books, etc.
 - 263. Searching prisoners
 - 264. Keys to be checked
 - 265. Sick prisoner
 - 266. Application of Medical Officers' instructions
 - 267. Detail for prison officers
 - 268. Suspension of prison officer
 - 269. Absence from prison

Prison Officers

- 270. Declaration before assuming office
- 271. Liability to serve in any prison
- 272. Quarters and absence
- 273. Illness of officers
- 274. Searching of officers
- 275. Obedience to laws, rules, etc., and to orders
- 276. Absence from duty
- 277. Visitors to the prison
- 278. Unauthorised communications
- 279. Unauthorised gratuities, fees, etc.
- 280. Interests in prison contracts, fees, etc.
- 281. Report of misconduct, etc.
- 282. Communications with relatives of prisoners

- 283. No testimonials to be given to prisoners
- 284. Improper language
- 285. Trafficking with prisoners
- 286. Tobacco or liquors
- 287. Subordinate officers not to punish prisoners
- 288. Not to enter prisoners' cells at night
- 289. Conversing or familiarity with prisoners
- 290. Complaints or applications by prisoners
- 291. Safe custody of prisoners
- 292. Handing over duties
- 293. Rules regarding use of firearms
- 294. Checking of keys
- 295. Not to leave prisoners
- 296. Visitors to the prison
- 297. Prisoners who appear to be in ill-health
- 298. Discipline duty

Matron

- 299. Quarters and absence
- 300. Duties of Matron
- 301. Journal
- 302. Inspection and night visits to prison
- 303. Searching of prisoners
- 304. Punishment Book
- 305. Application of Rules

Appointment, Pay and Allowances

- 306. Candidates for recruitment
- 307. Agreement Second Schedule (Form II)
- 308. Period of appointment
- 309. Medical examination

[Subsidiary]

- 310. Pay
- 311. Free quarters, electricity and water
- 312. Additional increment for warders and wardresses
- 313. Engagement bonuses
- 314. Orderly allowance

Section II

Pensions, Gratuities and Allowances of a like nature

- 315. Circumstances in which pension may be granted
- 316. Pensions, etc. for warders ceased to be efficient
- 317. Application of Pension Act, to pensions etc., granted under this section.
- 318. Pensions Regulations, to apply to subordinate officer regarding pensions, etc.
- 319. Modifications

Section III

Leave, Passages and Medical Aid

- 320. Vacation leave and passages
- 321. Casual leave
- 322. Extraordinary leave
- 323. Withholding of leave
- 324. Sick leave
- 325. Medical treatment
- 326. Injuries incurred on duty
- 327. Quarantine leave
- 328. Passages on leave and retirement

Section IV

Discipline and Prison Offences

- 329. Offences and punishments
- 330. Appeal to Superintendent
- 331. Adjudication by Superintendent
- 332. Punishment of Principal Officer
- 333. Adjudication by Chief Officer
- 334. Appeal to the Minister
- 335. Assault on senior prison officer
- 336. Trafficking
- 337. Procedure

PART XXIII

PRISON OFFICERS' REWARD FUND

- 338. Forfeited pay and fines: Prison Officers' Reward Fund
- 339. Rules for the Prison Officers' Reward Fund

SCHEDULES

APPENDIX OF FORMS



Commencement: 1st July 1979

Am S 43/89 wq 20-12-88

PART I

PRELIMINARY

1. These Rules may be cited as the Prisons Rules. Citation
2. (1) In these Rules — Interpretation
 - “the Act” means the Prisons Act;
 - “Minister of Religion” includes, in relation to a prisoner who professes the Muslim religion, a religious teacher or mentor;
 - “weekly holiday” means Friday and Sunday.
- (2) Life sentence ^{or sentence of imprisonment for life} shall be deemed to be a sentence of 20 years ^{imprisonment. means imprisonment for the remainder of the natural life of the person so sentenced.} Am S 43/89
- (3) Long sentence prisoners shall be prisoners who are sentenced to imprisonment for a period of or exceeding 6 months, or for consecutive periods the total of which amounts to or exceed 6 months.
- (4) Short sentence prisoners shall be prisoners who are sentenced to imprisonment for a period of less than 6 months, or for consecutive periods the total of which is less than 6 months.
3. (1) These Rules shall be applied, with due allowance being made for the difference in character and respect for discipline of various types of prisoners, in accordance with the following principles: General principles of prison administration and application of rules
 - (a) discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life;
 - (b) in the control of prisoners, prison officers should seek to influence them, through their own example and leadership, so as to enlist their willing co-operation;
 - (c) at all times the treatment of convicted prisoners shall be such as to encourage their self-respect and a sense of personal responsibility, so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

[Subsidiary]

(2) These Rules shall apply to every person duly committed to, or ordered to be detained in prison:

Provided that the provisions of any Part of these Rules relating to any particular category of prisoners shall, where the provisions of such Part are in conflict, or are inconsistent, with any other provisions of these Rules, apply to prisoners of such category.

PART II

ACCOMMODATION

Sleeping
accommoda-
tion

4. Every male prisoner shall, if the accommodation of the prison permits, be confined by night in a separate cell certified by the Medical Officer as sufficient to contain one prisoner:

Provided that where it is necessary for special reasons the Superintendent may authorise the accommodation of not more than 3 prisoners in one cell.

Women's
accommoda-
tion

5. (1) Male and female prisoners shall be kept absolutely separate from each other and shall be confined in different buildings.

(2) The wards, cells and yards where women prisoners are confined shall, if possible, be secured by locks different from those securing the ward, cells and yards allotted to male prisoners.

(3) Women prisoners shall in all cases be attended by women prison officers.

(4) A male prison officer shall not enter a prison or part of a prison appropriated to women prisoners except on duty, nor unless accompanied by a woman prison officer.

Young pris-
oners

6. (1) Prisoners appearing to the Officer-in-Charge to be under 18 years of age, whether male or female, shall be kept apart from adults; and confined in separate buildings.

(2) A prisoner who declares himself to be more than 17 years of age but who, in the opinion of the Officer-in-Charge and Medical Officer, should not, having regard to his character, constitution and antecedents, be classed with adult prisoners, shall also be treated as a young prisoner.

7. In every prison, an infirmary or proper place for the reception of sick prisoners shall be provided.

[Subsidiary]
Hospital
accommoda-
tion

8. (1) In every prison special cells shall be provided or appropriated for the confinement of prisoners undergoing punishment for prison offences.

Punishment
cells

(2) Every such cell shall be certified by the Medical Officer that it may be used as a punishment cell.

PART III

ADMISSION, DISCHARGE, REMOVAL AND SAFE CUSTODY OF PRISONERS

9. On admission, and from time to time as may be required, every prisoner shall be photographed and his or her name, age, height, weight, particular marks and general appearance shall be recorded in the Prisoner's Record.

Photographs

10. (1) Every prisoner shall be searched on admission and at such times subsequently as may be directed; and all unauthorised articles shall be taken from him.

Search

(2) The searching of a prisoner shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3) No prisoner shall be stripped and searched in the presence of another prisoner.

(4) Woman prisoner shall be searched only by a woman prison officer.

11. Subject to such conditions as the Superintendent may determine, a woman prisoner may have her baby with her in prison during the normal period of lactation, and longer if required in special circumstances, and the baby may be supplied with clothing and necessaries at the public expense.

Children

12. (1) Except in the case of persons detained for safe custody, the private cloths, money and all other articles whatever in possession of, or sent in to, any prisoner, not expressly allowed by these Rules, shall be

Retention of
property

LAWS OF BRUNEI

60

CAP. 51

Prisons

[Subsidiary]

taken from such prisoner. Such property shall be inventoried in the Register of Prisoner's Property which shall be signed by the prisoner.

(2) Any such article of a perishable or dangerous nature may be destroyed.

Baths

13. Every prisoner shall take a bath on admission and thereafter daily unless it shall be otherwise ordered by the Medical Officer.

Prison cloth

14. Except where detained for safe custody only, prisoners shall be dressed in prison clothes.

Provided that such clothing shall be in accordance with classification and that a prisoner detained under an order of banishment may be required to wear a distinctive mark on his clothing.

Hair cutting

15. (1) Unless hygiene otherwise requires, the hair of —

(a) prisoners due for release in less than a month;

(b) prisoners on remand or whose appeal has not been determined; and

(c) female prisoners,

shall be kept in the state it was on admission.

(2) The hair of prisoners required by religion custom to be maintained in a particular condition or manner shall not be disturbed save:

(a) with the prisoner's consent; or

(b) upon a certificate from the Medical Officer that the action therein specified is necessary on health grounds.

(3) In the rule "hair" includes hair growing on neck, face and head.

Medical examination

16. (1) Every prisoner shall, as soon as possible after his admission, be separately examined by the Medical Officer, who shall enter on the Prisoner's Record particulars of the state of health of the prisoner; whether or not he has been vaccinated, or had smallpox; whether he has been a drug consumer, and to what degree; and any other information which it may seem desirable to record.

(2) No prisoner shall be put to labour until the Medical Officer has certified that he is fit for such labour, and the Medical Officer shall certify whether a prisoner may be employed at hard labour or light labour.

(3) Every prisoner shall be examined by the Medical Officer before being discharged or removed to another prison, and no prisoner shall be removed to another prison unless the Medical Officer certifies that the prisoner is fit for removal.

(4) A prisoner due for discharge who is suffering from any acute or dangerous illness shall be transferred to a Government Hospital.

17. A prisoner may be vaccinated or revaccinated at the direction of the Medical Officer. Vaccination

18. If a prisoner is found to be suffering from any infectious or contagious disease, or to be in a verminous condition, steps shall at once be taken to treat the condition and to prevent it from spreading to other prisoners. Contagious or infectious diseases

19. (1) At every prison there shall be a Reception Board consisting of the Officer-in-Charge and such other persons as the Superintendent may determine, who shall, as soon as possible after the reception of the prisoner, interview every such prisoner, and consider what arrangements are to be made for his training. Reception Board

(2) The Reception Board shall, as soon as possible after reception, classify all prisoners sentenced to imprisonment, having regard to their age, character and previous history.

20. (1) A printed abstract in Malay, approved by the Superintendent, with translations into English, Chinese, and Iban, relating to the treatment and conduct of prisoners, with a copy of the prison dietaries, shall be kept posted in places accessible to the prisoners; and they shall be read to prisoners who cannot read within 24 hours after admission, and once thereafter in every subsequent period of 3 months. Information to prisoners

(2) A verbal translation of the abstract so posted up shall be made to any prisoner who has no knowledge, or an inadequate knowledge, of Malay or of English and Chinese.

21. A prisoner who is being removed or transferred from one prison to another shall, while outside the prison, be kept in the custody of the prison officer directed to convey him. Custody during removal, etc.

LAWS OF BRUNEI

62

CAP. 51

Prisons

[Subsidiary]

Imprisonment for default or want of sureties

22. A prisoner committed to prison in default of paying a sum of money or for want of surety shall, on admission, be informed of the means whereby he may obtain his release but, until he obtains his release, every such prisoner shall be subject to these Rules.

Discharge on due date

23. The Officer-in-Charge shall be responsible especially for the due discharge of all prisoners immediately on their becoming entitled to release, whether from expiration of the periods of sentences, or by pardons or commutations, or from remissions of sentences earned under these Rules; and, to ensure accuracy in regard to such remissions, he shall, at least one month before the date of release, check the remission earned by each prisoner.

Police supervision

24. The Officer-in-Charge shall, one week before the discharge of any prisoner who has been directed to be subject to the supervision of the police for any period commencing from the expiration of any sentence passed upon him, notify the Commissioner of Police of the day on which, and the hour at which, such discharge is expected to take place, and shall further ask such prisoner to what place he proposes to proceed on discharge, and shall inform the Commissioner of Police of the prisoner's answer to the question.

Day of release

25. A prisoner shall be released from prison in the morning of the day on which, under these Rules, he is due for release:

Provided that a failure to comply with this rule shall not be deemed to confer any right or remedy on such prisoner.

Discharge on holidays

26. If the date of a prisoner's release falls on a weekly holiday or a public holiday, the prisoner shall be released on the preceding day.

Return of clothing and property

27. On the discharge of a prisoner, all articles of clothing and property shall be returned to him unless it has been found necessary to destroy any article of clothing, in which case he shall be provided with such clothing as is suitable.

Gratuity and special gratuity

28. (1) A gratuity in accordance with the Progressive Stage System shall be paid on release to every prisoner sentenced to imprisonment (whether originally, or in default of payment of a fine or fines) for one month, but less than 6 months, and such a prisoner who spends the whole of such term in hospital shall be eligible for the gratuity.

(2) A sum not exceeding \$50 may be awarded to a prisoner who has undergone a sentence of 4 years and upwards and who has shown

[Subsidiary]

special zeal and skill, accompanied by exemplary conduct, in any branch of prison industries:

Provided that such sum shall only be granted with the approval of the Superintendent and on the recommendation of the Prisons Discharge Board, and that it shall be applied to the purchase of tools and other equipment which will assist the rehabilitation of the prisoner.

29. Any punishment lawfully imposed on a prisoner in accordance with the provisions of the Act may be carried into effect notwithstanding that the carrying into effect thereof may necessitate the detention of the prisoner beyond the date at which he would otherwise be entitled to be discharged from prison: Detention after due date of discharge

Provided that the period of such detention shall not exceed 48 hours, such period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged;

And, provided that no person shall be confined for a longer period than he would have served if he had earned no remission.

30. A prisoner discharged from a prison in a place other than that in which he was sentenced shall be provided with free transport back to the place where he was sentenced, or to his home, whichever is nearer. Transport on discharge

31. Sentences shall be computed as follows — Computation of sentences

(a) a term of imprisonment shall be deemed to run from the first moment of the day on which the sentence begins;

(b) a prisoner shall not be legally entitled to discharge until the end of the last day of his sentence, and he may be detained until any hour on that day; and

(c) a sentence expressed in terms of one month or so many months, or one year or so many years, shall run to the date in the month or year in which it expires preceding that on which it commenced, whatever be the number of days in the month or months, or year or years.

PART IV

CLASSIFICATION OF PRISONERS

Classification
of prisoners

32. (1) With a view to facilitating the training of convicted prisoners and minimising the danger of contamination, prisoners shall be classified, having regard to their age, character and previous history, in accordance with the following provisions —

(a) Young Prisoner Class, which shall consist of convicted prisoners under the age of 17 years; who shall be distinguished by the “Y.P.” above the stage bars;

(b) Star Class, which shall consist of —

(i) first offenders; and

(ii) well behaved prisoners who have no vicious tendencies or habits, who shall wear a red star above the stage bars;

(c) Ordinary Class, which shall consist of all other convicted prisoners, who shall wear a black spot above the stage bars; and

(d) Unconvicted Class, which shall consist of all debtors, persons on remand or awaiting trial, vagrants or persons detained for safe custody or for want of sureties, who have not been convicted.

(2) A prisoner may be removed from any class if, in the opinion of the Officer-in-Charge, his character renders him unfit to associate with the prisoners in that class.

(3) Arrangements shall be made whereby the prisoners in each class are segregated, where practicable, and conditions allow, both at labour and in location.

(4) Arrangements shall be made at all prisons to provide, so far as practicable, for the effective segregation at all times of the 3 classes of convicted prisoners.

(5) The Superintendent may institute such other classes as may in his opinion be necessary for improving the method of classification, and he may, in his discretion, authorise in particular cases, or at particular prisons, departure from the provisions of this rule.

PART V

THE PROGRESSIVE STAGE SYSTEM

33. (1) These shall be established at every prison a system of progressive stages with increasing privileges to the higher stages (in these Rules referred to as the "Progressive Stage System"). Stages

(2) There shall be 5 stages of imprisonment, namely, "First Stage", "Second Stage", "Third Stage", "Fourth Stage" and "Special Stage".

(3) Promotions from Second Stage onwards shall depend upon good conduct, industry and length of service in each stage.

(4) The whole term which a prisoner is liable to serve under consecutive or overlapping sentences shall be treated as one sentence for the purpose of the Progressive Stage System.

34. (1) First Stage shall consist of short sentence prisoners, and such prisoners shall be employed at hard labour or light labour. First stage

(2) A prisoner in this Stage shall, subject to good conduct and industry, be eligible to receive, on release, a gratuity of 6 dollars for each month in this Stage.

(3) A prisoner in this Stage shall wear one red bar on the left sleeve of his jumper and on the left leg of his shorts.

35. (1) The Second Stage shall consist of long sentence prisoners. Second stage

(2) A prisoner on admission shall remain in this Stage for the first 3 months of his sentence, and shall not be entitled to participate in the Earnings Scheme.

(3) A prisoner in this Stage shall be employed at hard labour or light labour.

(4) A prisoner shall be eligible for promotion to the Third Stage provided he has not had a disciplinary charge against him for a period of at least one month.

(5) A prisoner in this Stage shall wear 2 red bars on the left sleeve of his jumper and on the left leg of his shorts.

[Subsidiary]

Third stage 36. (1) After serving 3 months in the Second Stage with good conduct and industry, a prisoner shall be eligible for promotion to the Third Stage; and, in the Third Stage, prisoners may be employed on hard labour or light labour, or they may be placed upon constructive work, as the Officer-in-Charge may direct.

(2) A prisoner in this Stage shall be eligible to be placed on the Earnings Scheme, subject to good conduct and industry.

(3) A prisoner shall remain in this Stage for 15 months and shall be eligible for promotion to the Fourth Stage provided he has not had a disciplinary charge against him for a period of at least 3 months.

(4) A prisoner in this Stage shall wear 3 red bars on the left sleeve of his jumper and on the left leg of his shorts.

Fourth stage 37. (1) After serving 15 months in the Third Stage (or normally, 18 months of his sentence) a prisoner shall be eligible for promotion to the Fourth Stage, subject always to good conduct and industry.

(2) A prisoner in the Fourth Stage may be employed at hard labour or light labour, or may be employed in a trade, as the Officer-in-Charge may direct.

(3) In this Stage, a prisoner shall be eligible for promotion in the Earnings Scheme if his conduct is excellent and he reaches a high standard of skill at his work.

(4) A prisoner shall be eligible for promotion to Special Stage provided he has not had a disciplinary charge against him for a period of at least 6 months.

(5) A prisoner shall remain in the Fourth Stage for 18 months.

(6) A prisoner in this Stage shall wear 4 red bars on the left sleeve of his jumper and on the left leg of his shorts.

Special stage 38. (1) When a prisoner has completed 18 months in the Fourth Stage (or, normally, when he has served 3 years of his sentence) he shall be eligible for promotion to the Special Stage. He shall be employed upon a trade or such labour as the Officer-in-Charge may direct and, subject to good conduct and the maintenance of his standard of skill at his trade, he shall be eligible for promotion in the Earnings Scheme.

[Subsidiary]

(2) A prisoner in the Special Stage, whose conduct has been continuously excellent from the time of his entering the Fourth Stage, shall, if he has been in the Special Stage for at least 2 years, be eligible to be discharged 7 days earlier from the date of his discharge.

(3) A prisoner in this Stage shall be an Honour Prisoner and shall wear a special blue uniform.

39. (1) As a result of a disciplinary charge or for continued slackness at labour, a prisoner may be reduced in Stage or have his promotion to another Stage postponed by the Officer-in-Charge for a period not exceeding 3 months, and by the Visiting Justices for a period not exceeding 6 months. Reduction and postponement of promotion

(2) A prisoner reduced to a lower Stage shall not be entitled to restoration until he has completed at least 3 months without a disciplinary charge, or if reduced from the Special Stage, until he has completed at least 6 months without disciplinary charge.

(3) A prisoner reduced in Stage shall also be liable to forfeiture of earnings, reduction in Earnings Grade, or removal from Earnings Scheme for a period not exceeding 3 months.

(4) A prisoner in the Special Stage who is reduced a second time shall not be eligible for restoration until he has completed at least 12 months without a disciplinary charge.

(5) The Progressive Stage System shall be explained to every prisoner on first admission, and the Officer-in-Charge shall ensure that it is thoroughly understood.

40. (1) The Superintendent shall, in the interest of good conduct and training, establish at every prison such system or systems of privileges as may be appropriate for different classes of prisoners and different methods of training. Privileges

(2) Every such system shall include arrangements under which sums paid to prisoners under these Rules may be spent on such articles and subject to such conditions as the Superintendent determines.

(3) The privileges of prisoners in the various Stage shall be as follows —

[Subsidiary]

(a) First and Second Stage —

A prisoner in these Stage may receive library books as the Officer-in-Charge may direct.

(b) Third Stage —

A prisoner in this Stage shall be eligible to be placed on the Earnings Scheme and to attend cinemas and lectures, and to attend school at the discretion of the Officer-in-Charge, and to receive library books as often as practicable.

(c) Fourth Stage —

A prisoner in this Stage shall be eligible to attend concerts, cinemas and lectures and may attend school if he so desires. He may have approved means of recreation in his cell, and may be permitted to partake in both indoor and outdoor recreation; he may also receive library books as often as practicable.

(d) Special Stage —

A Special Stage prisoner may attend concerts, cinemas and lectures. He may attend school, partake in indoor and outdoor recreation and receive such number of library books as he may require. A prisoner in this Stage shall not be locked in his cell at midday or until one hour after the normal hour of lockup. Similar facilities shall be afforded at weekends. A Special Stage prisoner may be permitted to move about the prisons without escort when sent on official business. An extra blanket and a sleeping mat may be issued to him.

(4) Prisoners in all Stages shall be eligible to receive suitable books or periodicals from home.

(5) Prisoners in all Stages shall be eligible to receive such other privileges as may, from time to time, be approved by the Superintendent.

PART VI

THE REMISSION SYSTEM

41. With a view to encouraging good conduct and industry and to facilitate reformatory treatment, a convicted prisoner sentenced to a term of imprisonment exceeding one month shall be entitled to be granted a remission of one third of his sentence:

Remission

Provided that, in no case, shall any remission granted result in the release of a prisoner until he has served one calendar month.

42. (1) Where one term of imprisonment is consecutive to another term, such terms shall be treated as one term for the purpose of remission; and where one sentence is partly concurrent with, but overlaps another, the latter sentence shall be added to the period of the former actually served when the latter commenced, and remission shall be calculated on the total period.

Consecutive and overlapping sentences

(2) Where a prisoner serving 2 or more sentences is further convicted and sentenced to imprisonment and the court orders the fresh sentence "To commence at the expiration of the sentence the prisoner is now serving", the order of the court shall be interpreted literally.

(3) Where a prisoner is sentenced to several terms of imprisonment on different courts, such sentences shall be consecutive unless the court orders otherwise.

(4) Where a prisoner is sentenced to several terms of imprisonment on several warrants at the same time, or is sentenced to a further term or terms of imprisonment before the expiration of his original sentence, his several sentences on all the warrants shall be consecutive, unless otherwise ordered by the court, and the aggregate term shall run from the date of the first warrant.

(5) Any difficulty regarding the computation of sentences and remission shall be referred to the Superintendent.

43. (1) A record shall be kept for each prisoner earning remission showing the sentence, the remission allowed and any forfeitures of remission. The earliest possible date of release shall be recorded as well as the latest possible date of discharge.

Record of remission

(2) Remission of sentence or aggregate of sentences shall be awarded from the date of admission of a prisoner.

LAWS OF BRUNEI

70

CAP. 51

Prisons

[Subsidiary]

Explanation of remission system

44. The Remission System shall be explained to all prisoners on admission, and when, for any reason, remission is forfeited, the Officer-in-Charge shall ensure that a prisoner is made fully aware of such forfeiture.

Remission for prisoners in Mental Hospital

45. A prisoner transferred to a Mental Hospital shall be allowed full remission under these Rules.

Remission during punishment, etc.

46. (1) A prisoner who is confined in hospital through his own fault or malingering shall not be allowed to earn any remission in respect of the period during which he is so confined.

(2) A prisoner undergoing confinement in a punishment cell shall not earn remission in respect of the period during which he is undergoing such punishment.

Forfeiture or award of remission

47. (1) All or any part of the remission for which a prisoner may be eligible may, on commission of any grave offence, be cancelled by the Minister:

Provided that in no case shall any forfeiture exceed the amount of remission earned at the time of commission of the offence.

(2) Remission without limit may be granted for special services by His Majesty the Sultan and Yang Di-Pertuan in Council.

Release when remission earned

48. A prisoner on the remission system shall be entitled to release on the day after he has completed earning his remission.

Punishment

49. A prisoner allowed to earn remission under these Rules may be punished for any prison offence by the forfeiture of such remission, not exceeding 7 days for any one such offence in addition to or in lieu of any punishment which may be inflicted under the Act or these Rules, other than a forfeiture of remission.

Remission on part sentence

50. When a prisoner avails himself of the right to obtain his earlier release by part payment of a fine or any other sum of money which he has been ordered to pay, he shall be allowed to earn remission for industry and good conduct on the full period of his sentence or sentences, less that part for which he has paid; if such balance of the term of imprisonment is more than one calendar month.

Restoration of remission

51. The Minister on the recommendation of the Superintendent may, in his discretion, restore to any prisoner all or part of any remission, not exceeding one month, which such prisoner has forfeited during his sentence.

[Subsidiary]

52. Whenever a sentence is commuted to a sentence of imprisonment for a term of years, such sentence so commuted shall, for the purpose of the remission system, be deemed to be, and shall be treated as, a sentence passed by a court.

Commuted sentences

53. (1) The Officer-in-Charge shall, every month, prepare a report on every prisoner who has, during the previous month, completed 4, 8, 12, 16, or 20 years of his sentence, or, having served 7 or more years of his sentence, has attained, or is believed to have attained, the age of 60 years.

Quadrennial reports on prisoners

(2) Each such report shall include —

(a) a statement by the Officer-in-Charge on the work and conduct of the prisoner; and

(b) a statement by the Medical Officer on the mental and bodily condition of the prisoner, with particular reference to the effect of imprisonment on his health.

(3) The Officer-in-Charge shall forward every such report to the Superintendent, who shall enter thereon any recommendations he may desire to make and forward it to the Minister.

(4) His Majesty may remit the remainder of the prisoner's sentence or may direct at what later time or times the case shall again be submitted for his consideration and in that event he may at any later date either remit part or the remainder of the prisoner's sentence.

PART VII

TREATMENT OF PRISONERS

54. It is the duty of all prison officers to treat all prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances but at the same time to be firm in maintaining order and discipline, and enforcing the provisions of the Act, these Rules and Prisons Standing Orders.

Duty of prison officers

55. (1) No officer shall strike a prisoner unless compelled to do so in self-defence, or in defence of another person or prisoner, or when ordered to inflict corporal punishment.

Use of force

LAWS OF BRUNEI

72

CAP. 51

Prisons

[Subsidiary]

(2) A prisoner struck by a prison officer in self-defence or in defence of another person shall be examined as soon as possible by the Medical Officer, and immediate report of the incident shall be made to the Officer-in-Charge.

Bedding 56. Every prisoner shall be supplied with bedding adequate for warmth and health in accordance with a scale approved by the Superintendent. Additional bedding may be supplied in special circumstances on the recommendation of the Medical Officer.

Clothing 57. The clothes of a prisoner shall be changed and washed daily, and bed clothes shall be aired and washed as often as the Officer-in-Charge may direct. The prison clothing discarded by a prisoner on discharge shall be thoroughly washed, dried and disinfected before being returned to store or re-issued.

Cleanliness 58. The prison and every room and part thereof shall be kept clean, and every prisoner shall keep his cell, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be directed, and shall clean and sweep the yards, passages and other parts of the prison as he may be ordered.

Diets 59. The food of a prisoner shall be in accordance with the diet scales by the Minister on the recommendation of the Director of Medical Services. The approved diet scales shall be notified in the *Gazette*.

Diet of prisoners on remand etc. 60. Debtors, prisoners awaiting trial, prisoners on remand, and all others committed for safe custody who do not elect to provide their own food shall be supplied with the same diet scales as prisoners undergoing sentence.

Diet scales to be exhibited 61. A copy of the diet scales shall be displayed in conspicuous parts of the prison.

Special diet 62. No prisoner shall receive or have in his possession any food other than that authorised by the diet scales, except —

(a) with the authority of the Officer-in-Charge in special circumstances; or

(b) with the authority of the Medical Officer if a variation of diet is desirable on medical grounds for an individual prisoner.

63. The diet of a prisoner who persistently wastes his food may be reduced on the written recommendations of the Medical Officer. [Subsidiary]
Waste of food
64. (1) Care shall be taken that all provisions supplied to prisoners be of proper quality and weight, and in all cases food shall be given to prisoners before the day's work begins. Inspection of foodstuffs
- (2) Scales and standard weights and measures shall be provided for weighing the food supplied to prisoners.
65. (1) No prisoner shall give, barter or sell to any other prisoner any portion of his food or any liquor or tobacco which he may be allowed to receive. Trafficking
- (2) If any prisoner who is permitted to provide himself with food, liquor or tobacco commits a breach of this rule, he shall forfeit that privilege for such period as the Officer-in-Charge may direct, and any money belonging to him in the hands of the Officer-in-Charge may be applied in defraying the cost of the prison diet which he shall then receive.
66. A prisoner ordered punishment diet shall have substituted for his ordinary diet the punishment diet as prescribed under rule 59, unless otherwise ordered by the Medical Officer. Punishment diet
67. Arrangements shall be made so far as practicable for every prisoner, unless excused by the Medical Officer on medical grounds, to take exercise and physical recreation daily. Exercise
68. No prisoner shall have in his possession any unauthorised article, and no money, food, clothing, provisions, liquor, tobacco, letters, papers, books, stupefying drink, drug or other articles whatsoever shall be conveyed or thrown into or out of the prison, or conveyed to a prisoner while in custody outside the prison, unless expressly allowed by these Rules or for a lawful purpose and under restrictions as may be laid down by the Officer-in-Charge. Any article brought, thrown, conveyed or carried contrary to this rule shall be confiscated by the Officer-in-Charge. Prohibited articles
69. (1) No prisoner other than a person confined on civil process or a prisoner awaiting trial, shall, under any pretence whatever, be allowed any spirits, wine, beer or other intoxicating or stupefying drink, drug or matter, except such, and in such quantities, as may be directed in particular cases by the Medical Officer by order in writing. Tobacco, spirits, other drugs

LAWS OF BRUNEI

74

CAP. 51

Prisons

[Subsidiary]

(2) No prisoner shall be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Officer-in-Charge with the approval of the Superintendent.

(3) No person shall, except as provided in this rule, bring, throw or attempt by any means whatever to introduce into any person any spirituous or fermented liquor, intoxicating drug or poisonous drug.

Searching of persons and vehicles

70. (1) All persons or vehicles entering or leaving a prison may be examined and searched, and any person suspected of bringing any prohibited article into a prison, or of carrying out any prohibited article or any property belonging to a person, shall be stopped and immediate notice thereof shall be given to the Officer-in-Charge.

(2) The Officer-in-Charge may refuse admission to a prison of a person who is not willing to be examined and searched.

(3) The Officer-in-Charge may direct the removal from prison of a person who, while in the prison, is not willing to be examined, searched or whose conduct is improper.

Use of books and writing materials by prisoners

71. Any prisoner may have the use of books and writing materials received or secured through the Principal Officer with the permission and approval of the Officer-in-Charge as far as is consistent with the proper discipline of the prison.

PART VIII

EMPLOYMENT OF PRISONERS

General requirement of work

72. Every prisoner shall be required to engage in useful work, all of which, so far as practicable, shall be spent in group or groups outside the cells, and no prisoner shall be employed on any work not authorised by the Superintendent or the Officer-in-Charge:

Provided that the Medical Officer may excuse a prisoner from work on medical grounds, and no prisoner shall be required to do any work unless he has been certified as fit for that type of work by the Medical Officer.

Light labour

73. A prisoner certified not to be fit for hard labour by the Medical Officer may be employed in one or more of the following forms of light labour, namely, sewing, gardening, laundry work, cleaning and white-washing the prison, conservancy and any such similar services as the Officer-in-Charge may from time to time direct.

[Subsidiary]

74. The hours of labour for prisoners shall be as directed by the Superintendent. Hours of labour
75. Female prisoners shall be employed only within the precincts of the prison. Employment of women prisoners
76. At each prison, a record of daily work of the prisoners shall be kept in such form as the Superintendent may direct. Record of prisoners work
77. The Officer-in-Charge shall himself allot to each prisoner the labour for which he is best suited, the first consideration being to give each prisoner the best industrial training which his sentence, his capacity and the resources of the prison will allow. Allocation of labour
78. (1) If, at any time, it appears to the Superintendent or to the Officer-in-Charge that it is desirable for the maintenance of good order or discipline, or in the interests of the prisoner, that he should not be employed in association with others, the Officer-in-Charge may arrange for him to work temporarily in a cell and not in association. Segregation of prisoners
- (2) It shall be within the discretion of the Officer-in-Charge to arrange for such prisoner to be employed in association again whenever he considers this desirable, and he shall do so if the Medical Officer so advises on medical grounds.
79. (1) No prisoner shall be required to do any labour, except such as may be necessary for keeping the efficient running of the prison, on weekly holidays or a public holiday. Labour on holidays
- (2) Jewish prisoners shall not be compelled to work on Saturdays if they claim exemption, and they may also observe such festival days as may be allowed by the Minister.
- (3) All Muslim prisoners shall be allowed to observe the fast of Ramadan, and during the fast shall be required to labour at such reduced task as the Medical Officer considers proper.

PART IX

EARNINGS SCHEME

80. Subject to the provisions of the Progressive Stage System, prisoners shall receive payment for their work and skill at industry in accordance with the rules set out in this Part. Payment for work

LAWS OF BRUNEI

76

CAP. 51

Prisons

[Subsidiary]

Grades

81. (1) Prisoners eligible under the Progressive Stage System shall, for the purposes of the Earnings Scheme, be classified in 3 grades as follows —

Grade A, which shall consist of prisoners who are highly skilled at their trades and whose conduct is excellent. This grade shall be the highest grade;

Grade B, which shall consist of prisoners who are skilled at their trade, but who have not reached the degree of proficiency required for Grade “A”. This grade shall be considered the intermediate grade; and

Grade C, which shall consist of all other prisoners eligible under the Progressive Stage System for inclusion in the Earnings Scheme. This grade will be the normal grade.

(2) Promotion to Grade A and to Grade B shall depend upon skill and conduct and not upon vacancies in those grades.

Grading and promotion

82. (1) All prisoners, on becoming eligible under the Progressive Stage System for the Earnings Scheme, shall be graded as Grade C.

(2) The Officer-in-Charge may, at his discretion, make promotions to Grade B on the basis of good behaviour and progress at work.

(3) The Officer-in-Charge may make recommendations to the Superintendent for promotions to Grade A on the basis of exemplary conduct and skill at work, and such recommendations may be approved by the Superintendent.

Rates of earnings

83. A prisoner shall be eligible to earn such rates of pay as the Superintendent, with the approval of the Minister, may from time to time specify in respect of each grade.

Savings

84. (1) A prisoner in the Earnings Scheme shall be permitted to spend up to a maximum of two-thirds of the total of his monthly earnings upon the purchase of tobacco and such other small luxuries as may be allowed by the Officer-in-Charge.

(2) The balance of the earnings shall be placed to the credit of the prisoner, and the total credit shall be paid to him on release.

Prisoners in hospital

85. (1) No prisoner shall be eligible to be paid for days spent in hospital.

(2) Facilities shall be provided whereby prisoners may make purchases each month in accordance with these Rules.

PART X

LETTERS AND VISITS TO PRISONERS

86. Communications between prisoners and their relatives and friends shall be allowed in accordance with the provisions of this Part, subject to such restrictions as may be necessary for the maintenance of discipline and order in the prisons, and the prevention of crime; and no other person shall be allowed to communicate with a prisoner except by special authority, and no prisoner shall hold any sort of unauthorised communication with any person.

Prisoners' communications

87. (1) On admission or transfer a prisoner shall be entitled to write a "reception letter".

Normal minimum provision: special letters and visits

(2) Visits and letters shall be permitted according to the stage in which a prisoner is serving and shall be granted as follows —

First Stage: A prisoner in this Stage shall be entitled to write and receive one letter once in every 4 weeks and to receive one visit of 15 minutes duration once in every 8 weeks;

Second Stage: Subject to good conduct and industry, a prisoner in this Stage shall be entitled to write and receive one letter once in every 4 weeks and to receive one visit of 20 minutes duration once in every 8 weeks;

Third Stage: A prisoner in this Stage shall be entitled, subject to good conduct and industry, to write and receive one letter once in every 3 weeks and to receive a visit of 20 minutes duration once in every 6 weeks;

Fourth Stage: A prisoner in this Stage shall be entitled, subject to good conduct and industry, to write and receive one letter once in every 2 weeks and to receive one visit of 30 minutes duration once in every 4 weeks;

Special Stage: A prisoner in this Stage shall be entitled to write one letter every week and to receive it at any time, and

LAWS OF BRUNEI

78

CAP. 51

Prisons

[Subsidiary]

shall be entitled to receive one visit of 30 minutes duration once in every 2 weeks.

(3) No other visits or communications shall be permitted without an order in writing from the Officer-in-Charge.

Postpone-
ment of let-
ters or visits
for miscon-
duct

88. The privilege of writing and receiving letters and receiving visits may, at the discretion of the Officer-in-Charge, be postponed at any time in case of misconduct, but shall not be subject to forfeiture.

Deferment in
case of
punishment

89. When a prisoner who becomes entitled to a letter and visit under rule 87 is at the time undergoing punishment, the letter or visit shall be deferred at the discretion of the Officer-in-Charge.

Additional
letters and
visits as a pri-
vilege

90. The Superintendent may allow such additional letters and visits as he may determine, as a privilege for any class of prisoners.

Letter in-
stead of a
visit: special
letters and
visits

91. The Officer-in-Charge may allow any prisoner entitled to a visit to write a letter and receive a reply in lieu of such visit, and may also allow any prisoner to write a special letter and receive a reply or to receive a special visit in any of the following circumstances —

(a) the death or serious illness of a near relative;

(b) business or family affairs of an urgent nature; or

(c) arrangements for obtaining employment or assistance from friends on release.

Communica-
tions through
Officer-in-
Charge

92. The Officer-in-Charge may at any time communicate to a prisoner, or to his relatives or friends, any matter of importance to such prisoner in case he should not be entitled to write or receive a letter.

Number of
persons
allowed to
visit

93. Not more than 3 persons shall be allowed to visit a prisoner at one time.

No visits on
weekly holi-
days

94. No person shall be allowed to visit a prisoner on weekly holidays, except in cases of emergency.

Time and
conditions of
visits

95. All visits to prisoners shall take place during the normal working hours of the prison and between such hours as the Officer-in-Charge may direct, and in the sight and the hearing of a prison officer.

Letters from
ex-prisoners

96. No communication will be allowed between an ex-prisoner and a prisoner except by the written authority of the Officer-in-Charge.

[Subsidiary]

97. Every letter to or from a prisoner shall be read by the Officer-in-Charge, or by a responsible officer deputed by him for such purpose, and it shall be within the discretion of the Officer-in-Charge of a prison to stop any letter on the grounds that the contents are objectionable or that it is of inordinate length.

Censoring of letters

98. The Officer-in-Charge or a subordinate officer detailed by him, together with an interpreter in the case when such officer does not understand the language spoken, shall be within the sight and hearing during the whole of every interview unless the Officer-in-Charge by an order in writing otherwise directs.

Supervision of visits

99. The Officer-in-Charge or a subordinate officer detailed by him shall demand the name and address of every visitor to a prisoner, and when he has any ground for suspicion, he may search or cause to be searched male visitors and may direct a female officer to search female visitors, such search not to be in the presence of any prisoner or of another visitor; and, in case of any visitor refusing to be searched, the Officer-in-Charge may deny him or her admission, and the grounds of any such proceeding, with the particulars thereof, shall be entered in his journal.

Particulars of visitors: powers of Officer-in-Charge

100. (1) Reasonable facilities shall be accorded to the legal adviser of a prisoner who is retained by the prisoner in connection with any legal proceedings, civil or criminal, in which the prisoner is a party, to see the prisoner with reference to such proceedings in the sight, but not in the hearing, of a prison officer.

Visits by legal adviser

(2) The legal adviser of a prisoner may, with the permission of the Officer-in-Charge, see such prisoner with reference to any other legal business in the sight and hearing of a prison officer.

(3) A prisoner who after conviction has given notice of appeal, and a prisoner detained on an order of banishment, shall have all reasonable facilities for seeing his legal adviser and, if an alien, his consular representative, at such times on weekdays as the Officer-in-Charge may approve pending the conclusion of his appeal or the carrying into effect of the order of banishment.

(4) The legal adviser of a prisoner may be accompanied by one person under the direct and immediate control of such legal adviser for the purpose of interpretation.

(5) For the purpose of this rule, "legal adviser" shall mean the prisoner's advocate or the authorised clerk of such advocate.

LAWS OF BRUNEI

80

CAP. 51

Prisons

[Subsidiary]

Visits by
police

101. (1) On production of an order from the Commissioner of Police, or from the Officer-in-Charge of a Police District, or from a Magistrate, any police officer may, at any reasonable time, visit any prison and interview any prisoner in the sight and hearing of a prison officer for the following purposes —

(a) identifying offenders;

(b) photographing and taking particulars of prisoners who have been directed to be subject to the supervision of the Police;

(c) taking statements from prisoners considered necessary for any investigation under the Criminal Procedure Code, or authorised under any written law; and

(d) any other purpose authorised in writing by the Officer-in-Charge.

(2) The Officer-in-Charge may, at his discretion, direct that such visit to a prisoner shall take place out of the hearing of a prison officer.

Serving of
writs, etc.

102. All officers of the law with a competent warrant or order for serving writs or other legal process on persons within a prison shall be admitted into the prison at any reasonable time for that purpose.

Letters and
visits to
debtors

103. A person committed to prison for debt shall be subject to the same rules as regards receiving visits, and writing and receiving letters, as a prisoner undergoing sentence.

Visits and let-
ters for un-
convicted
prisoners

104. An unconvicted prisoner, as defined in Part XVIII, other than a debtor, shall have all reasonable facilities for seeing his relatives, and friends and legal advisers and, if he is an alien, his consular representative, and for sending and receiving letters, consistent with the discipline of the prison.

Prisoners
committed in
default of
payment of
fine, etc.

105. A person committed to prison in default of the payment of a sum which in pursuance of a conviction or order he is required to pay, or in default of finding surety, shall be allowed to communicate or to have an interview with any of his relatives or friends on any weekday, at any reasonable hour, for the bona fide purpose of providing for the payment or the surety which would procure his release from prison.

Sick prison-
ers

106. If a prisoner dangerously sick desires to be visited by a near relative or friend, the Medical Officer may give an order in writing for the admission of such relative or friend.

[Subsidiary]

107. Where a prisoner serving a long sentence has served for a period of 3 years and, owing to the distance from home, has not received any visits from relatives or friends during such imprisonment, the Superintendent may, at his discretion, order the transfer of such long sentence prisoner to the prison nearest his home and permit such prisoner to be visited by friends or relatives, not exceeding 3 in number at any one time, for such period as the Superintendent may prescribe:

Visits for long sentence prisoners

Provided that, in all such cases, the work conduct and progress of the prisoner merit such privilege.

PART XI

PETITIONS AND COMPLAINTS

108. (1) A prisoner may, if he wishes, petition His Majesty on the subject of his conviction or sentence:

Petitions

Provided that, save as provided in rule 109, any petition by or on behalf of prisoner shall not be presented until the expiration of the 12 months from the date when the last petition was presented.

(2) A prisoner may, if he wishes, petition His Majesty on any other subject at any time:

Provided that no petition shall be permitted if the reply to a previous petition on the same subject is still outstanding.

109. A prisoner under sentence of death may freely petition His Majesty while under such sentence.

Petition by condemned prisoners

110. A prisoner may make complaints to a Visiting Justice, the Superintendent, the Officer-in-Charge and, in the case of a female prisoner, to the Matron, if any but not to any subordinate officer, except to report sickness.

Complaints by prisoners

111. Arrangements shall be made that any request by a prisoner to see the Superintendent, the Officer-in-Charge, or a member of the Visiting Justices, shall be recorded by the officer to whom it is made and conveyed without delay to the Officer-in-Charge, who shall inform the Superintendent or member of the Visiting Justices when he next visits the prison of every such request of a prisoner to see him.

Requests by prisoners to see Superintendent or a Visiting Justice

112. The Officer-in-Charge shall at a convenient hour on every day, other than weekly and public holidays, hear the applications of all prisoners who have requested to see him.

Applications by prisoners

[Subsidiary]

PART XII

OFFENCES, PUNISHMENTS AND RESTRAINTS

- | | |
|---|---|
| Officer-in-Charge to deal with reports | 113. No report against a prisoner shall be dealt with by any officer of the prison other than the Officer-in-Charge or, in his absence, the officer appointed to act for him. |
| Separation of reported prisoner | 114. When a prisoner has been reported for an offence, the Officer-in-Charge may order him to be kept apart from other prisoners pending adjudication. |
| Information to reported prisoners | 115. A prisoner shall, before a report is dealt with, be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts against him, and of being heard in his defence. |
| Offence against prison discipline to be reported and investigated | 116. Every offence against prison discipline shall be reported forthwith and the Officer-in-Charge shall investigate such report not later than the following day, unless that day be a Friday or a Sunday or a public holiday. |
| Minor prison offence | 117. The following shall be minor prison offences — <ol style="list-style-type: none"> (1) talking during working hours or talking loudly, laughing or singing at any time after having been ordered by an officer of the prison to desist; (2) quarrelling with another prisoner; (3) secreting any article whatever; (4) showing disrespect to any prison officer or employee of the prison, or to official visitor; (5) common assault, or taking part in any attack on any other prisoner; (6) answering untruthfully any question put by a prison officer, or other employee of the prison, or an official visitor; (7) holding any communication (in writing, by word of mouth, or otherwise) with any person in disobedience of these Rules or Prisons Standing Orders; |

[Subsidiary]

- (8) abetting the commission of any minor prison offence;
- (9) omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer when called to do so;
- (10) doing any act or using any language calculated to wound or offend the feelings and prejudices of any other prisoners;
- (11) doing any act calculated to create any unnecessary alarm in the mind of any prisoner or any prison officer or other employee of the prison;
- (12) leaving, without permission of a prison officer, the gang to which he is attached, or the part of the prison in which he is confined;
- (13) leaving, without permission of a prison officer, the ward, the yard, the place in file, the seat or berth assigned to him;
- (14) loitering about the yards or lingering in the wards when these are open;
- (15) omitting or refusing to march in file when moving about the prison or proceeding to or returning from work;
- (16) visiting the latrines without the permission of a prison officer, or remaining there longer than is necessary;
- (17) refusing to eat the food prescribed by the prison diet scale;
- (18) eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners;
- (19) removing, without permission of a prison officer, food from the kitchen or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink;
- (20) wilfully destroying food or throwing it away without orders;

LAWS OF BRUNEI

84

CAP. 51

Prisons

[Subsidiary]

- (21) introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (22) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it;
- (23) removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;
- (24) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair;
- (25) omitting or refusing to keep clothing, blankets, bedding or utensils clean, or disobeying any order as to the arrangement or disposition of such articles;
- (26) tampering in any way with prison locks, lamps or lights, or other properties with which he has no concern;
- (27) stealing the prison clothing or any part of the prison kit of any prisoner;
- (28) committing a nuisance in any part of the prison;
- (29) spitting on, or otherwise spoiling, any floor, door, wall or other part of the prison building, or any article in the prison;
- (30) wilfully befouling the walls, latrines, washing or bathing places;
- (31) damaging the trees, shrubs or plants within the prison precincts;
- (32) omitting or refusing to take reasonable care of all prison property entrusted to him;
- (33) omitting or refusing to take reasonable care of, or injuring, or misappropriating, the materials and implements entrusted to him for work;

- (34) omitting to report at once any loss, breakage or injury which he may have caused to prison property or implements;
- (35) manufacturing any article without the knowledge or permission of a prison officer;
- (36) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;
- (37) appropriating any portion of the task performed by another prisoner;
- (38) mixing or adding any foreign substance to the materials issued for work;
- (39) cursing or swearing, or using indecent, violent, threatening or insulting language;
- (40) causing or omitting to assist in suppressing violence or insubordination of any kind;
- (41) immoral, disorderly or indecent behaviour;
- (42) omitting or refusing to help any prison officer in case of an attempted escape, or of an attack upon such officer or another prisoner;
- (43) disobeying any lawful order of a prison officer or other employee of the prison;
- (44) idling or refusing to work, showing negligence in the performance of his allotted task;
- (45) defacing or injuring the walls, furniture or other property of the prison;
- (46) malingering;
- (47) refusing to undergo medical treatment;
- (48) contravening rule 65 or 68;

LAWS OF BRUNEI

86

CAP. 51

Prisons

[Subsidiary]

- (49) any other act or omission to the prejudice of good order or discipline, though not specified in the foregoing paragraphs; and
- (50) attempting to commit any of the foregoing offences.

Aggravated
prison off-
ences

118. The following shall be aggravated prison offences —

- (1) mutiny or incitement to mutiny;
- (2) using personal violence to a prison officer, another prisoner or any other person;
- (3) escape or attempt to escape;
- (4) taking part in an assault or attack on a prison officer;
- (5) aggravated or repeated assault on a prison officer;
- (6) wilful destruction of prison property;
- (7) wilfully causing himself any illness, injury or disability;
- (8) wilfully making a false or groundless accusation or complaint against a prison officer or other employee of the prison;
- (9) repetition of a minor prison offence, after having been twice punished for the same minor offence;
- (10) any act or gross misconduct or insubordination;
- (11) abetting the commission of an aggravated prison offence;
- (12) using grossly abusive or offensive language to a prison officer or other employee of the prison;
- (13) when undergoing, or about to undergo punishment, wilfully making a disturbance tending to interrupt the order of the prison; and
- (14) attempting to commit any of the foregoing offences.

[Subsidiary]

119. An Officer-in-Charge may punish any prisoner, found after due enquiry to be guilty of a minor offence, by ordering him to undergo one or more of the following punishments —

Award of punishment by Officer-in-Charge

(a) confinement in a punishment cell for a period not exceeding 3 days on the punishment diet prescribed under rule 59;

(b) reduction in Stage, or postponement of promotion in Stage, or forfeiture of privileges for a period not exceeding one month;

(c) forfeiture of earnings not exceeding one quarter, removal from the Earnings Scheme for a period not exceeding one month and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade.

120. Whenever a prisoner is accused of any prison offence and the Officer-in-Charge being an officer below the rank of Chief Officer is of the opinion that in the circumstances of the case the power of punishment which he possesses is inadequate, he shall refer the case to a Chief Officer or to the Superintendent, as the circumstances of the case may require.

Investigation by Chief Officer or Superintendent

121. An Officer-in-Charge, if of or above the rank of Chief Officer, may punish any prisoner, found after due enquiry to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments —

Award of punishment by Chief Officer

(a) confinement in a punishment cell for a term not exceeding 7 days on the punishment diet prescribed under rule 59;

(b) forfeiture of remission, not exceeding 14 days;

(c) reduction in Stage, or postponement of promotion in Stage, or forfeiture of privileges;

(d) forfeiture of earnings not exceeding one half, removal from the Earnings Scheme for a period not exceeding 3 months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade.

[Subsidiary]

Award of punishment by a Chief Officer for aggravated offence

122. An Officer-in-Charge, if of or above the rank of Chief Officer, may punish a prisoner found after due enquiry to be guilty of an aggravated prison offence by ordering him to undergo one or more of the following punishments —

- (a) corporal punishment, not exceeding 12 strokes with a rattan, in cases which corporal punishment is authorised by section 49 of the Act;
- (b) confinement in a punishment cell for a term not exceeding 7 days on the punishment diet prescribed under rule 59;
- (c) forfeiture of remission not exceeding 30 days;
- (d) reduction in Stage, or postponement of promotion in Stage, or forfeiture of privileges;
- (e) forfeiture of earnings not exceeding three-quarters, removal from the Earnings Scheme for a period not exceeding 6 months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade.

Investigation and adjudication by the Superintendent

123. (1) Where a prisoner is accused of an aggravated prison offence and the Officer-in-Charge, being of or above the rank of Chief Officer, is of the opinion that, in the circumstances of the case, the power of punishment which he possesses is inadequate, he may either —

- (a) submit to the Superintendent a copy of the record of the investigation, together with his recommendations thereon, and the Superintendent may thereupon decide the matter and award the punishment as prescribed by paragraph (2); or
- (b) may forthwith report the matter in writing to the Visiting Justice;

(2) The Superintendent shall have power to investigate and decide complaints respecting any offence against prison discipline, and may order any prisoner found guilty by him of any such offence to undergo one or more of the punishments prescribed in paragraph (3).

(3) A Visiting Justice shall, upon receipt of the report mentioned in paragraph (1), attend at the prison without undue delay and investigate the charge, and may punish a prisoner whom after due enquiry

[Subsidiary]

upon oath, he may find guilty of such offence with one or more of the following punishments —

(a) confinement in a punishment cell for a term not exceeding 30 days on the punishment diet prescribed under rule 59;

(b) corporal punishment, not exceeding 24 strokes with a rattan, in cases in which corporal punishment is authorised by section 49 of the Act;

(c) forfeiture of remission not exceeding 3 months;

(d) reduction in Stage, or postponement of promotion in Stage, or forfeiture of privileges;

(e) forfeiture of earnings not exceeding three-quarters, removal from Earnings Scheme for a period not exceeding 6 months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade.

124. Every prisoner sentenced to dietary or corporal punishment shall be sent to the Medical Officer for examination, and a certificate that its infliction is not likely to produce any serious or permanent injury shall be obtained by the Officer-in-Charge before it is carried out. Medical examination of prisoner awarded punishment
125. A prisoner undergoing punishment shall be supplied with such clothing and bedding as may be certified as essential by the Medical Officer. Clothing and bedding for prisoners on punishment
126. Whenever a prisoner is sentenced to undergo close confinement in a punishment cell for a period not exceeding 3 days on a punishment diet, he shall be given full diet on every fourth day. Full diet after 3 days punishment diet
127. Confinement in the punishment cells shall not exceed an aggregate of 90 days in a year for any one prisoner, and execution of any 2 consecutive sentences shall be separated by a period not shorter than the longer of such sentence. Maximum period of close confinement in a year
128. (1) A prisoner sentenced to confinement in the punishment cells shall see no one other than prison officers in the execution on their duty, a Minister of Religion and the Medical Officer, and shall have only such outdoor exercise as the latter certified is necessary for health. Visits to prisoners under close confinement

LAWS OF BRUNEI

[Subsidiary]

(2) Every prisoner confined in a punishment cell or subjected to restricted diet shall be visited at least once a day by the Officer-in-Charge and the Medical Officer, and if he is confined in a punishment cell he shall be visited by the appointed prison officer at intervals of not more than 3 hours during the day and night.

Corporal punishment

129. (1) When any sentence of corporal punishment is passed under these Rules upon a prisoner, he shall not be liable to more than one such sentence in respect of the act or acts, or omission or omissions, for which he has been sentenced.

(2) A sentence of corporal punishment in excess of 12 strokes with a light rattan shall not be passed or inflicted on young person, and the maximum number of strokes which may be awarded to young persons shall be as follows —

(a) by a Visiting Justice and the Superintendent..... 12

(b) by an Officer-in-Charge, if of or above the rank of Chief Officer..... 6

(3) Punishment with the rattan shall be inflicted on the buttocks of the offender. In the case of adults, the rattan shall not be more than one-half of an inch in diameter. In the case of young persons a light rattan approved by the Medical Officer shall be used.

Carrying out of punishments

130. Any punishment lawfully imposed on a prisoner may be carried out in any prison, or partly in one prison and partly in another:

Provided that corporal punishment shall not be inflicted in instalments.

Rules for infliction of corporal punishment

131. (1) At the infliction of every sentence of corporal punishment, the Officer-in-Charge and the Medical Officer shall be present, and the Medical Officer shall give such directions for preventing injury to health as he may deem necessary, and the Officer-in-Charge shall carry such directions into effect.

(2) Corporal punishment shall not, except by special order in case of emergency, be inflicted within 24 hours of the sentence being awarded.

Remission of corporal punishment

132. At any time after the infliction of corporal punishment has commenced, the Medical Officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further

[Subsidiary]

punishment be inflicted, and the Officer-in-Charge shall thereupon remit the remainder of the punishment.

133. The Officer-in-Charge shall enter in the corporal punishment book the hour at which the punishment was inflicted, the number of strokes inflicted, and any order which the Medical Officer may have given as to remission.

Record of corporal punishment

134. A return of all corporal punishments inflicted by order of an Officer-in-Charge of or above the rank of Chief Officer, or by order of the Superintendent or a Visiting Justice, shall be submitted to the Menteri Besar monthly.

Return of corporal punishment

135. The Officer-in-Charge shall enter or cause to be entered in the Punishment Book a record of every prisoner punished under these Rules, showing the date and nature of the offence and punishment, the name of the prisoner and of the authority dealing with the case and any directions given by the Medical Officer; and a record of such punishment shall be entered also in the prisoner's personal record.

Record of punishment

136. Nothing in these Rules shall be so construed as to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, but no prisoner shall be punished twice for the same offence.

Prosecution in court

137. No prisoner shall be put under mechanical restraint as a punishment.

Restraints

138. (1) Fetters shall be employed only as a mean of restraint or to prevent escape, and not as a punishment, and only fetters of a pattern which has been approved by the Superintendent shall be used.

Restraints not to be used as punishment

(2) No prisoner shall be kept in fetters unless he has been previously examined and certified fit to undergo such restraint by the Medical Officer.

139. (1) Subject to these Rules, the Officer-in-Charge of the prison at the time may place a prisoner in mechanical restraint in cases of urgent necessity, and not otherwise; and the particulars of every such case shall be forthwith entered in the Journal of the Officer-in-Charge, and notice thereof shall be given immediately to the Medical Officer and to the Superintendent.

Application of restraints

(2) Such restraint shall not be continued for more than 24 hours without an order in writing from the Superintendent specifying the

LAWS OF BRUNEI

92

CAP. 51

Prisons

[Subsidiary]

cause thereof, and the time during which the prisoner is to be kept in such restraint, and a certificate from the Medical Officer certifying the fitness of the prisoner to undergo such restraint, which order and certificate shall be preserved by the Officer-in-Charge as his warrant.

Temporary
confinement
in special cell

140. The Officer-in-Charge may order any refractory or violent prisoner to be temporarily confined in a special cell, however no prisoner shall be confined in such a cell as a punishment but such confinement would be for the safety and well-being of the community in the prison or for longer period than is necessary in the circumstances.

PART XIII

ESCAPES

Security of
ladders, etc.

141. Prison officers shall use the greatest vigilance to prevent the escape of any prisoner, and no ladders, planks, ropes, chains or anything likely to facilitate escape shall be left unsecured in any prison.

Action in
event of
escape

142. On receiving the report of the escape of a prisoner the Officer-in-Charge shall —

(a) order the prison and its neighbourhood to be searched at once;

(b) circulate notification of the escape and prisoner's description to the Police; and

(c) notify the Superintendent.

Escapees'
special super-
vision

143. Male prisoners who, during a previous detention in lawful custody, have escaped or attempted to escape shall be considered and treated as potential prison breakers, unless the Officer-in-Charge for any special reason otherwise directs.

Period of
escape not to
count as part
of sentence

144. The period during which an escapee is at large shall not be counted as part of the sentence he was undergoing at the time of his escape.

PART XIV

RELIGIOUS INSTRUCTION

145. Every prisoner shall be required on reception to state his religious denomination, and shall continue to be treated as the member of the denomination. Prisoner to state religious denomination
146. A prisoner shall not be allowed to change his religion except in any special case in which the Officer-in-Charge is satisfied, after due inquiry, that the change is proposed from conscientious motives and is not sought from any idle whim or caprice, or from a desire to escape from prison discipline. Change of religion
147. Provision shall be made for religious services, for the visits of Ministers of Religion and for moral and religious instruction to prisoners. Religious services and instruction
148. Ministers of Religion may be admitted at reasonable and proper times to a prison to visit prisoners who may desire their services. Visits by Minister of Religion
149. These shall, so far as practicable, be available for the personal use of every prisoner such books of religious observance and instruction recognised for his denomination as are accepted by the Superintendent for use in prisons. Religious Books

PART XV

EDUCATION AND GENERAL WELFARE

150. (1) At every prison programmes of evening educational classes shall be arranged; and reasonable facilities, under such conditions as the Superintendent may determine, shall be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private study, or to practise handicrafts. Evening classes etc.
- (2) Special attention shall be paid to the education of illiterate prisoners, if necessary within the hours normally allotted to work.
- (3) Every prisoner able to profit by the educational facilities provided shall be encouraged to do so.
151. A library shall be provided in every prison, and, subject to these Rules and to such conditions as the Superintendent may determine, Library

LAWS OF BRUNEI

94

CAP. 51

Prisons

[Subsidiary]

every prisoner shall be allowed to have library books and to exchange them as often as practicable.

Lectures and concerts, etc.

152. The Officer-in-Charge may arrange for lectures, concerts and debates for prisoners to take place outside the hours of labour.

Physical training and recreation

153. At each prison facilities shall be provided for physical training, game, and for recreation, both physical and mental, particularly in the case of young prisoners and prisoners serving long sentences.

Voluntary teachers

154. The Superintendent may appoint a sufficient number of prison visitors of both sexes as voluntary teachers for the purpose of visiting prisoners regularly during their imprisonment, and for conducting such classes as may be approved.

PART XVI

APPELLANTS

Appellants

155. An appellant is a person who has been convicted and desires to appeal against his sentence or conviction or both.

Applications by appellants

156. (1) A prisoner becomes an appellant on the day on which the signed notice of appeal, or of application for leave to appeal, or of an application for an extension of time in which to appeal, is despatched to the Court.

(2) In computing the time allowed for giving notice of appeal, the day on which sentence was pronounced will be excluded.

Treatment of appellants

157. An appellant, shall, as far as possible, be kept apart from other classes of prisoners.

Letters and facilities for appeal

158. (1) Paper and all other writing material, to such extent as may appear reasonable to the Officer-in-Charge, shall be furnished to an appellant who requires to be so supplied for the purpose of preparing his appeal.

(2) Any confidential written communication in connection with his appeal prepared for his legal adviser may be delivered personally to such legal adviser or his authorised clerk.

(3) All other written communications are to be considered as letters and shall be treated as such.

[Subsidiary]

159. (1) An appellant who, when in custody, is brought to a place at which he is entitled to be present for the purposes of appeal, or to a place to which the High Court in its appellate jurisdiction or the Court of Appeal, or any Judge thereof, may order him to be taken for the purposes of any proceedings of that Court, shall, while absent from the prison, be kept in the custody of officers directed by the Officer-in-Charge to convey him to that place.

Custody of appellants

(2) An appellant when absent from prison under this rule shall wear his own clothing, or, if his own clothing cannot be used, clothing different from prison clothes.

160. If an appellant is ordered to be released by the High Court in its appellate jurisdiction or by the Court of Appeal, payment may be made to him in respect of his work during the time he has been specially treated under these Rules.

Payment of work to appellants

161. An appellant shall be subject to these Rules, except in so far as they are inconsistent with this part.

Appellants subject to these Rules

PART XVII

PERSONS DETAINED WITH A VIEW TO BANISHMENT

162. This Part shall apply only to such prisoners as are detained in prisons in Brunei solely under the provisions of the Banishment Act in force in Brunei with a view to banishment from Brunei, and referred to in this Part as "banishment prisoners".

Application Cap. 20

163. (1) Every banishment prisoner shall be given the opportunity of electing to perform such work as the Officer-in-Charge in his discretion may require:

Election to work

Provided that —

(a) no such prisoner shall be required to work more than 8 hours in each 24 hours; and

(b) no prisoner shall be required to perform any labour, other than that necessary in the opinion of the Officer-in-Charge to keep his cell, furniture, utensils and the prison clean and in good order or for the preparation of food, on weekly holidays or on a public holiday.

LAWS OF BRUNEI

96

CAP. 51

Prisons

[Subsidiary]

(2) The election of a banishment prisoner to work under this rule shall be recorded in writing and signed by such prisoner.

Effect of decision not to work

164. Every banishment prisoner, who does not elect to work under rule 163, shall thereafter be deemed not to be a prisoner to whom the provisions of this Part apply, and shall be kept segregated from those prisoners who do elect to work.

Labour in event of non-election or disciplinary proceedings

165. Every banishment prisoner, who does not elect to work under rule 163 or who is reduced in Stage or who is ordered by the Officer-in-Charge or by the Visiting Justices under rule 166 not to be a prisoner to whom this Part applies, shall not be permitted to return to his former work as a prisoner when serving a sentence, or his work under rule 163 (as the case may be) until he has undergone such period of penal labour as the Officer-in-Charge may in his discretion order.

Disciplinary powers

166. (1) A banishment prisoner as a result of a disciplinary charge or for continued slackness at labour may —

(a) by order of the Officer-in-Charge have promotion to a higher Stage postponed for a period not exceeding 6 months or be reduced in Stage:

Provided that should he be so reduced his previous service in the Stage to which he is reduced shall not be deemed to be service in such Stage for the purpose of rule 171;

(b) by order of the Officer-in-Charge be deemed for a period not exceeding 3 months not to be a prisoner to whom the provisions of this Part apply; or

(c) by direction of the Visiting Justice be deemed for a period not exceeding 6 months not to be a prisoner to whom the provisions of this Part apply.

(2) This rule shall be in addition to and not in derogation of any provisions of these Rules regarding the punishment of prisoners.

Earnings Scheme

167. The provisions of Part IX of these Rules, which relate to the Earnings Scheme, shall apply to banishment prisoners who elect to work under rule 163, in so far as the said provisions are not inconsistent with the provisions of this Part.

Purchases in canteen

168. Every banishment prisoner who receives money in payment under rule 167 for work performed by him shall be permitted to spend

[Subsidiary]

such money at the prison canteen established by the Officer-in-Charge for the sale of articles and luxuries to such prisoners and for that purpose shall be allowed to visit the canteen at such intervals as the Officer-in-Charge may deem fit.

169. No banishment prisoner shall secure or purchase any articles or luxuries otherwise than from the prison canteen and otherwise than with money paid to him as earnings under rule 167 or as Stage pay under rule 171 or sent to him as a privilege under rule 172. Unauthorised purchases

170. (1) There shall be established a system of progressive stage with increasing privileges attached to the higher Stages. Stage system

(2) There shall be 3 stages of imprisonment, namely "First Stage", "Second Stage" and "Third Stage".

(3) Promotion from the First Stage onwards shall depend on good conduct, industry and length of service in each Stage.

171. (1) The First Stage shall consist of banishment prisoners who under rule 163 elect to perform work. Stages

(2) The Second Stage shall consist of banishment prisoners, who have served 4 months in the First Stage and performed work to the satisfaction of the Officer-in-Charge.

(3) The Third Stage shall consist of banishment prisoners, who have served 8 months in the Second Stage and performed work to the satisfaction of the Officer-in-Charge.

172. (1) The privileges of banishment prisoners at the various Stages shall be as follows — Privileges of various Stages

(a) in the First Stage —

- (i) to receive from, and send to, friends or relatives one letter in every month;
- (ii) to receive one visit from friends or relatives of 15 minutes duration in every month;
- (iii) to receive one parcel of toilet requisites or books or both in every month from friends or relatives;
- (iv) to enjoy outdoor recreation after working hours each day;

[Subsidiary]

- (v) to be credited with Stage pay at the rate of 5 cents for each day spent in this Stage and payable at the same time as earnings under rule 167; and
 - (vi) to receive from friends or relatives money not exceeding \$5 in every month;
- (b) in the Second Stage —
- (i) to receive from, and sent to, friends or relatives one letter in every 3 weeks;
 - (ii) to receive one parcel of toilet requisites or books or both from friends or relatives in every 3 weeks;
 - (iii) to receive a visit from friends or relatives of 20 minutes duration in every 3 weeks;
 - (iv) to enjoy outdoor recreation after working hours each day;
 - (v) to have meals together with other banishment prisoners in the Second Stage on Saturdays and Sundays in each week;
 - (vi) to be credited with Stage pay at the rate of 6 cents for each day spent in this Stage and payable at the same time as earnings under rule 167;
 - (vii) to receive from friends or relatives money not exceeding \$10 in each month;
 - (viii) to be permitted to have photographs of his close relatives in his cell;
- (c) in the Third Stage —
- (i) to receive from, and send to, friends or relatives one letter in every fortnight;
 - (ii) to receive one parcel of toilet requisites or books or both from friends or relatives in every fortnight;
 - (iii) to receive one visit from friends or relatives of 20 minutes duration in every fortnight;
 - (iv) to enjoy outdoor recreation after working hours each day;
 - (v) to have meals together with other banishment prisoners in the Third Stage;

- (vi) to be credited with Stage pay at the rate of 7 cents for each day spent in this Stage and payable at the same time as earnings under rule 167;
 - (vii) to receive from friends or relatives money not exceeding \$15 in each month;
 - (viii) to be permitted to have photographs of his close relatives in his cell; and
- (d) in the Second and Third Stage —
- to receive one chair and one table in a cell;

Provided that where 3 banishment prisoners of good industrious behaviour are accommodated in one cell together the Officer-in-Charge may in his discretion permit such furniture in the cell as he deems fit; and

- (e) in all Stages —
- (i) to be provided with such games in his cell or dormitory as the Officer-in-Charge in his discretion may permit;
 - (ii) to attend such school classes as are organised by the Officer-in-Charge and to make use of the prison library in accordance with such rules as may be made by the Officer-in-Charge.

(2) The Officer-in-Charge may in his discretion permit a banishment prisoner to send one additional letter in lieu of any visit to which he may be entitled and may permit letters to legal advisers and other persons or special visits in addition to the letters or visits specified in paragraph (1).

(3) The Officer-in-Charge may remove a banishment prisoner from meals in association with other banishment prisoner or may curtail any other privilege, if in his opinion the discipline or security of the prison so require.

173. The Officer-in-Charge shall open and inspect the contents of every parcel received by a banishment prisoner and may impound any article, the possession of which is prohibited by these Rules or which, in his opinion, is likely to be dangerous to health or life or facilitate escape from the prison.

Powers to inspect and impound parcels

[Subsidiary]

PART XVIII

DEBTORS, PERSONS ON REMAND OR AWAITING TRIAL,
VAGRANTS AND PERSONS DETAINED FOR SAFE CUSTODY
OR FOR WANT OF SURETIES

Separation
from con-
victed per-
sons

174. (1) Debtors, persons awaiting trial, persons on remand and persons committed for safe custody or for want of sureties, who have not been convicted by any Court in this Part referred to as "unconvicted prisoners", shall in no case be confined in association with convicted prisoners.

(2) Unconvicted prisoners may be permitted during their periods of exercise to associate together in an orderly manner and to smoke under such conditions as the Superintendent may prescribe.

Employment

175. Unconvicted prisoners shall not be required to do any labour other than what is required to keep their rooms, furniture and utensils clean.

Pay for
voluntary
work

176. (1) When it is practicable and safe, employment shall be provided for unconvicted prisoners, in case they desire it, and an account of the value of the daily labour of those accepting it shall be kept by the Officer-in-Charge, and a sum equal to such value shall be paid to each such prisoner upon his discharge.

(2) Further employment may be refused to any such prisoner in case of misconduct during employment.

Food and lux-
uries

177. Unconvicted prisoner may receive or purchase such luxuries, in the way of books and papers, clothing, food and stimulants, as are consistent with good order and discipline of the prison; but all such articles may be received or bought through the Officer-in-Charge subject to the following conditions —

(a) the prisoner shall give such notice beforehand of his requirements as the Officer-in-Charge may prescribe;

(b) at any meal for which the prisoner is not supplied with food at his own expense, he shall receive the ordinary prison diet, but he shall not receive any prison allowance of food at any meal for which he is supplied with food at his own expense;

[Subsidiary]

(c) spiritous liquors shall not be permitted unless otherwise directed in particular cases by the Medical Officer by order in writing; and

(d) articles obtained under this rule —

- (i) shall be received only at the times prescribed by the Officer-in-Charge;
- (ii) shall be inspected by a prison officer;
- (iii) shall be subject to such restrictions as may be necessary to prevent luxury or waste; and
- (iv) may be paid for out of the money belonging to the prisoner in the hands of the Officer-in-Charge.

178. (1) An unconvicted prisoner shall be permitted to wear his own clothes and to procure for himself or to receive at proper hours such articles of clothing as the Officer-in-Charge may approve: Clothing and bedding

Provided that an unconvicted prisoner not having proper clothing of his own shall be provided with prison clothing.

(2) Bedding shall be provided for all unconvicted prisoners.

179. An unconvicted prisoner, who does not elect to provide his own food, shall receive the same scale of diet as a prisoner undergoing imprisonment. Prison diets

180. A prisoner on remand or awaiting trial shall, if necessary for the purposes of his defence, be allowed to see a registered medical practitioner appointed by himself, or by his relatives or friends, or legal adviser, on any weekday at a reasonable hour, in the sight, but not in the hearing, of the Officer-in-Charge or an officer detailed by him. Private medical adviser

181. When an unconvicted prisoner wears his own clothing in prison, the Medical Officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing be disinfected, and, during the process of disinfection, the prisoner shall be allowed to wear prison clothing. Disinfection of clothing

182. Nothing in these Rules relating to remission of sentence or the Progressive Stage System shall apply to an unconvicted prisoner. Unconvicted prisoners to earn no remissions

LAWS OF BRUNEI

102

CAP. 51

Prisons

[Subsidiary]

Prisoners charged with a capital offence

183. (1) A prisoner charged with a capital offence shall be kept under special observation at all times.

(2) All letters written or received by a prisoner charged with a capital offence shall be carefully examined by the Officer-in-Charge personally.

Forfeiture of privileges

184. (1) Any privilege allowed under this Part may at any time be withdrawn by the Officer-in-Charge if satisfied that there has been an abuse thereof.

(2) The Officer-in-Charge may modify the routine of the prison in regard to an unconvicted prisoner so far as to dispense with any practice which, in the opinion of the Officer-in-Charge, is clearly unnecessary or unsuitable in the case of the particular prisoner.

PART XIX

PRISONERS UNDER SENTENCE OF DEATH

Search and accommodation

185. (1) Every prisoner condemned to death shall be thoroughly searched, and any articles shall be removed from him which it is considered dangerous or inexpedient to leave in his possession.

(2) He shall be confined apart from all other prisoners and be under the constant supervision of a prison officer, both by day and by night.

(3) The cell or room in which such prisoner is confined shall on every such occasion be previously examined by the Officer-in-Charge or an officer detailed by him, who is to satisfy himself of its fitness and safety, and make an entry of his having done so in his journal.

(4) The cell or room shall not be unlocked save in the presence of at least 2 prison officers, and it shall be thoroughly examined and searched daily while occupied by a condemned prisoner.

Visit by Minister of Religion

186. A prisoner under sentence of death shall be asked if he wishes to see a Minister of Religion, and, if he so desires, a Minister of the Religion to which he belongs shall, if practicable, be asked to visit the prisoner.

Letters

187. A prisoner under sentence of death shall be allowed special facilities to correspond with his legal adviser, his relatives and friends.

[Subsidiary]

188. A prisoner under sentence of death shall be provided with the same kind of clothing, food and bedding as convicted persons undergoing imprisonment, and shall be provided with such other articles as may be approved by the Officer-in-Charge. Clothing

189. (1) No person, except the Medical Officer and prison officer, other than temporary officers, in the course of duty, and, if required by the prisoner, a Minister of the religion to which he belongs, shall have access to any prisoner under sentence of death without a written order from the Minister or the Superintendent, and such order shall be granted only to relatives, friends and the legal adviser of the prisoner, upon the request of such prisoner. The Officer-in-Charge or a prison officer detailed by him shall be present during the whole of every such interview. Visits

(2) A visit to prisoners under sentence of death, whether by a legal adviser or others, shall take place in the sight and hearing of a prison officer, notwithstanding that such visit may be in relation to an appeal.

190. A prisoner under sentence of death shall not be subject to employment. Employment

191. (1) The executioner shall be responsible for carrying out executions, and he and the Officer-in-Charge shall make themselves familiar with the instructions for carrying out executions. They shall satisfy themselves that every precaution is taken to ensure executions being carried out with efficiency and despatch in accordance with the instructions, and that all appliances connected with executions are maintained in good condition and order. Executions

(2) All executions shall be carried into effect in accordance with the instructions issued from time to time by the Superintendent, and due decorum shall be observed by all concerned.

(3) Unless authorised by a written order by the Minister no person shall attend any execution other than the Superintendent, the Officer-in-Charge, the Medical Officer, the Chief Officer and such other officers as the Superintendent may direct.

[Subsidiary]

PART XX

VISITING JUSTICES

Visits by
Visiting Jus-
tices

192. (1) Visiting Justices shall visit the prison for which they are appointed once during each month, and shall inspect the several wards, cells, yards, punishment cells and other apartments or divisions of the prison.

(2) They may also inspect the journals, registers and books of the prison.

To be accom-
panied by
prison officer

193. (1) During the visits of inspection, neither the Officer-in-Charge nor the next senior prison officer shall accompany the Visiting Justices, but the Officer-in-Charge or, in his absence, the next senior prison officer shall inform them of any prisoner who wishes to see them and shall afford them every assistance in their inspections and shall detail a prison officer to accompany them.

(2) No person, other than a prison officer or a prison employee, shall be permitted to accompany the Visiting Justices during the course of their inspection.

Complaints
by prisoners

194. The Visiting Justices shall, on every visit, hear any complaint which any prisoner may wish to make, and shall especially enquire into the condition of those prisoners who are undergoing punishment.

Inspection of
prisoners

195. The Visiting Justices shall see and inspect the prisoners at labour, and shall visit the sick in hospital and prisoners in cells.

Abuses

196. The Visiting Justices shall call the attention of the Officer-in-Charge to any irregularity in carrying out these Rules, or in the discipline or behaviour of prison officers, and to any fault in the building which may appear to require attention; and the Visiting Justices may examine into and may enter in the Minute Book any remarks respecting any cause of complaint stated by any prisoner, or respecting any other matter appearing to call for comment.

Minute Book
and Case
Book

197. (1) A Visiting Justices' Minute Book shall be provided in each prison in which the members of the Board of Visiting Justices shall record their visits, the circumstances under which any prisoner may be sentenced to punishment by them and enter any remarks and suggestions which they may have to make. A copy of their remarks with any comments by the Superintendent, shall be forwarded to the Minister immediately after the inspection has taken place.

[Subsidiary]

(2) A Visiting Justices Case Book shall be kept in which shall be recorded all evidence and the punishment awarded in cases tried by Visiting Justices.

PART XXI

AID ON DISCHARGE AND AFTERCARE OF PRISONERS

198. At each prison there shall be established a Discharge Board, (in this Part referred to as "The Board"), which shall consist of the Officer-in-Charge, the Chief Officer and such other prison officers as may be appointed by the Superintendent. Constitution

199. The Board shall interview all prisoners on admission and within 3 months of their due date of discharge, and shall decide the form of assistance to be granted to the prisoner with a view to his rehabilitation in civil life. Interview with prisoners

200. In special cases, the Board may make a recommendation to the Superintendent as they think fit regarding any grant under paragraph (2) of rule 28. Special assistance

201. In the case of prisoners who are proceeding to another part of Brunei on release, the Board shall communicate with the local Labour Department with a view to obtaining employment for the prisoner. Employment

PART XXII

Section I

The Superintendent

202. (1) The Superintendent shall, at least once a year, thoroughly and systematically inspect or cause to be inspected every prison in Brunei. Superintendent inspection and report on prisons

(2) He shall report any matter which he considers should be brought to the notice of the Government and, once a year, forward a full report on the prisoners in Brunei to the Minister.

203. The Superintendent shall, in particular, ensure that the provisions of the Act and of these Rules are strictly carried out, and take the necessary steps to secure uniformity of administration throughout all prisons in Brunei. Rules and uniformity to be enforced

LAWS OF BRUNEI

106

CAP. 51

Prisons

[Subsidiary]

Duties when
visiting

204. On the occasion of each visit to any prison, the Superintendent shall —

(a) see every prisoner, and shall inquire into all complaints and applications which any of the prisoners may make to him;

(b) give special attention to the sick and weakly, and to those who are in punishment cells; and

(c) inspect and initial all journals, registers and books kept in the prison.

Officer-in-Charge

Duties of
Officer-in-
Charge

205. The Officer-in-Charge shall be responsible that all written laws, rules, regulations and orders relating to the prison, prisoners and staff are strictly adhered to, and all records, accounts, documents and correspondence are properly kept, maintained up to date and in safe custody, and he shall pay special attention to the provisions of Chapters XXVIII of the Criminal Procedure Code.

Cap. 7

Responsible
for adminis-
tration prison

206. (1) The Officer-in-Charge shall be responsible for the proper management of the prison to which he shall be appointed.

(2) He shall take care that prisoners are humanely treated, that the discipline is strictly enforced and that economy is duly promoted.

Control of
officers

207. (1) Subject to the orders of the Superintendent, the Officer-in-Charge shall have control of the prison officers of the prison to which he has been appointed; and shall require from them strict obedience to the provisions of the Act, to these Rules and to Prisons Standing Orders.

(2) The Officer-in-Charge shall report to the Superintendent immediately any case of misconduct or neglect of duty by a prison officer.

Journal

208. The Officer-in-Charge shall keep a journal wherein he shall record all matters of importance relating to the prison or prisoners, and such matters of which he is directed to keep a record by these Rules.

Maintenance
of records

209. Every Officer-in-Charge shall be responsible for seeing that proper records are kept of all such circumstances, and of any correspondence connected with such circumstances, as affect the interests of any prisoner, and shall bring the cases to the notice of the Superintendent after

[Subsidiary]

such time, or at each time, or at such intervals, as may be proper in each case.

210. The Officer-in-Charge shall frequently and never less than twice a day, inspect all parts of the prison, and shall see each prisoner once every 24 hours, unless the Superintendent otherwise directs, and shall visit all parts of the prison at an uncertain hour of the night at least once a week, and shall record such inspections and visits in his journal.

Inspection of prison

211. The Officer-in-Charge shall ensure that prisoners who have complaints or applications to make are allowed to make them, and that the Medical Officer's instructions are carried into effect, and shall pay special attention to those prisoners who are in hospital or are undergoing punishment for prison offences.

Prisoners' complaints, etc.

212. (1) The Officer-in-Charge shall, from time to time, and not less than twice in each week, visit the prisoners at their meals, and shall inquire into any complaints that may be made regarding the rations, and shall take immediate action to remove the cause of any such complaints which appears to be justified.

Inspection of meals

(2) The Officer-in-Charge shall ensure that the food stuffs are of good quality, and that every prisoner receives the rations to which he is entitled by law, and that no deviation from the authorised scale is permitted except by written authority of the Medical Officer.

213. (1) The Officer-in-Charge must be familiar with the Act, these Rules, and Prisons Standing Orders, and shall carry them out.

To ensure that Act, rules and orders followed

(2) He shall see that all officers understand their duty and perform it.

(3) Besides performing his regular duties, he shall, from time to time, witness the performance of every duty in the prison, so that he may be familiar with everything that is done therein, and thus be capable of making improvements, or of suggesting them to the Superintendent.

214. The Officer-in-Charge shall take an early opportunity to interview all prisoners after their reception, and he shall again interview them prior to discharge.

Interview of prisoners on admission

215. The Officer-in-Charge shall cause to be examined frequently the state of the cells, bedding, locks, bolts, bars, and other such things, and shall seize all prohibited articles.

Search

LAWS OF BRUNEI

108

CAP. 51

Prisons

[Subsidiary]

- Muster of prisoners 216. The Officer-in-Charge shall receive reports accounting for all prisoners in his custody night and morning, at the closing and the opening of the prison and locking up after return from labour each morning and afternoon.
- Death of prisoner 217. The Officer-in-Charge shall, upon the dangerous illness or death of any prisoner, give immediate notice thereof to the most accessible known relative of the prisoner or the deceased prisoner as the case may be.
- Magistrate to be informed 218. The Officer-in-Charge shall, upon the death of any prisoner, give immediate notice thereof to the nearest magistrate and shall also, as early as he conveniently can, report the death to the Superintendent.
- Recommendations by Medical Officer 219. The Officer-in-Charge shall, so far as practicable, carry into effect any written recommendation made by the Medical Officer, on grounds of health, for the alteration of the discipline or treatment of any prisoner, or for his separation from other prisoners.
- Prisoners mentally unsound 220. The Officer-in-Charge shall, without delay, report to the Medical Officer and to the Superintendent, any case of mental disorder, or apparent mental disorder.
- Prisoner's life endangered by imprisonment 221. The Officer-in-Charge shall, without delay, report to the Superintendent any case in which the Medical Officer is of opinion that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment, or that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline.
- Visitors to view a prison 222. (1) The Officer-in-Charge shall not allow any person to view a prison unless such person shall produce an order in writing from the Minister or the Superintendent authorising him to view the prison.
- (2) Visitors authorised to view a prison shall give their names and addresses and sign their names in the Visitor Book, and shall be liable to be searched by order of the Officer-in-Charge.
- (3) The Officer-in-Charge shall ensure that no person authorised to view a prison makes a sketch, or takes a photograph, or holds any communication with a prisoner.
- (4) Every visitor to a prison shall be accompanied throughout his visit by a prison officer.

[Subsidiary]

(5) The Officer-in-Charge may remove from the prison any visitor to the prison or to a prisoner whose conduct is improper.

223. Any prison officer may be searched by order of the Officer-in-Charge. Searching of
prison
officers

224. The Officer-in-Charge shall keep or cause to be kept — Books

(a) a Prison Record for each prisoner committed, with the sentence, date of commitment and the date at which such sentence will expire, and the name, age, height, weight, particular marks and general appearance of the prisoner, and any other particulars which may be required, and, in the case of prisoners referred to in rule 41, a record of the remission to be earned, and of the forfeitures of remission and of the earliest possible date of release;

(b) a Daily Release Book, in diary form, wherein he shall enter, when admitted the name of every prisoner under the proper date upon which such prisoner is to be released;

(c) a Prisoners' Effects Book to be kept in the approved form;

(d) a Prisoners' Punishment Book, wherein shall be recorded the name of every prisoner punished for prison offences, the punishment inflicted and the officer ordering the punishment, and also the certificate of the Medical Officer as to whether the prisoner is physically fit to undergo the punishment as ordered, and the date;

(e) a petty cash account;

(f) an account of all receipts and disbursements;

(g) an Unofficial Visitors Book, containing a record of all unofficial visitors to the prison;

(h) a Visiting Justices' Minute Book;

(i) a Visiting Justices' Case Book;

(j) an Official Visitors Book;

(k) a list of books and documents committed to his care;

LAWS OF BRUNEI

110

CAP. 51

Prisons

[Subsidiary]

(l) a Fine and Reward Account Book, showing the amount and disposal of all fines and forfeitures levied from the staff; and

(m) such other books or records as the Superintendent may direct.

- Inspection of building, machinery, etc. 225. The Officer-in-Charge shall inspect and ensure that all machinery and all buildings connected with the prison are maintained in a proper state of repair, and that all necessary precautions against accidents to prisoners are duly enforced.
- Petitions by prisoners 226. The Officer-in-Charge shall, without delay, submit to the Superintendent any petition received from a prisoner.
- Prisoners' property 227. The Officer-in-Charge shall take particular care to see that every precaution is taken to ensure the safe custody of prisoner's property, and to prevent the loss or misappropriation of any such property.
- Requisitions on Storekeeper 228. The Officer-in-Charge shall be responsible for checking and approving all demands made for stores and clothing to be used in the prison, and he shall also check and approve all work orders and requisitions in connection with any prison industry.
- Absence from prison 229. The Officer-in-Charge shall not be absent for a night without the prior consent in writing of the Superintendent or a Deputy Superintendent and his leave of absence shall be entered in his journal.
- Charge of the prison in case of absence 230. The charge of the prison shall, in the absence of the Officer-in-Charge, devolve on the next senior prison officer, and such officer shall during such absence be competent to perform, and shall perform, any duty required to be performed by the Officer-in-Charge.
- Reports to the Superintendent 231. The Officer-in-Charge shall report to the Superintendent all escapes, serious assaults, outbreaks of disease or any occurrences of an unusual or serious nature.
- Action in case of emergency 232. In cases of sudden emergency, the Officer-in-Charge shall take such action as may in the circumstances be necessary, entering the particulars in his journal and forthwith making a report of the same to the Superintendent.
- Reference to Superintendent 233. The Officer-in-Charge shall refer to the Superintendent all questions of discipline or interior economy of the prison with which they themselves cannot deal.

[Subsidiary]

234. The Officer-in-Charge shall furnish to the Superintendent, before the 31st day of January in each year, a general report upon the prison under his charge, in addition to such special or periodical reports as may otherwise be required.

Annual re-
port of prison

Medical Officers

235. The Medical Officer shall, if necessary, attend at the prison daily.

Attendance
at prison

236. (1) The Medical Officer shall examine every prisoner as early as possible after admission and make in the Prison Record the entries required by rule 16.

Examination
of prisoners
and visits to
prisoners

(2) He shall examine every prisoner before he is made to undergo labour.

(3) He shall examine every prisoner sentenced to punishment for any prison offence before any such punishment is carried out and certify whether, in his opinion, such punishment can be inflicted without the probability of serious injury being caused thereby.

(4) He shall examine every prisoner prior to discharge.

(5) He shall visit as often as necessary such of the prisoners as are sick.

(6) He shall see every prisoner once a week and every prisoner sentenced to close confinement once a day, and he shall, at uncertain times, inspect the prisoners while at labour, and he shall direct such modifications of labour, diet and punishment as in particular cases he shall deem necessary.

237. (1) The Medical Officer shall enter in a Case Book, to be kept in the prison and accessible to the Officer-in-Charge, an account of the name, disease, state and treatment of every sick prisoner.

Case Book
Journal

(2) He shall keep a Journal in which shall be entered day by day his comments on the stage of the prison and prisoners.

238. (1) The Medical Officer shall report to the Officer-in-Charge the case of any prisoner whose mind has been or appears likely to be injuriously affected, and give such written directions in the case as he may think proper.

Prisoners
mentally un-
sound

LAWS OF BRUNEI

112

CAP. 51

Prisons

[Subsidiary]

(2) He shall report in writing the case of any prisoner appearing to be mentally disordered.

Sick prisoners

239. The Medical Officer shall report in writing to the Officer-in-Charge the case of any prisoner to which he thinks it necessary on medical grounds to draw attention, and shall make such recommendations as he deems needful for alteration of the discipline or treatment of the prisoners, or for the supply of additional articles to the prisoners.

Prisoners unfit for prison, etc.

240. Whenever the Medical Officer is of the opinion that the life of a prisoner will be endangered by his continuance in prison, or that a sick person will not survive his sentence or is totally and permanently unfit for prison discipline, he shall state his opinion, and the grounds therefor, in writing to the Officer-in-Charge, who shall forward the same to the Superintendent.

Inspection of prison, etc.

241. At least once in every month, the Medical Officer shall inspect every part of the prison with special reference to the sanitary state of the prison, the health of the prisoners and adequacy and proper cooking of the diets; and he shall ensure that the body weights of prisoners are properly recorded, and shall periodically review them.

Death of a prisoner

242. The Medical Officer shall forthwith on the death of a prisoner, otherwise than by judicial execution, enter in his Case Book the time when illness, if any, was first observed, when it was first reported to him, when it assumed a dangerous character, the nature of the disease or other cause of death, the time of the death and an account of the appearance after death, together with any special remarks that appear to him to be necessary, and the result of postmortem examination, if any.

Examination of food, water, clothing, bedding

243. The Medical Officer shall frequently examine the food of the prisoners, cooked and uncooked, and shall report in writing to the Officer-in-Charge as to the quality of the provisions, and also as to the sufficiency of clothing and bedding, and any deficiency in the quality, or defect in the quantity, of the water, or any other cause which may affect the health of the prisoners.

Visits to prisoners on capital charge

244. (1) The Medical Officer shall at least once a day visit every person in the prison committed for trial on a capital charge, and shall make such observations and notes thereon as may be requisite to enable him to give evidence as to the mental condition of such person, if required, at the trial and he shall enter such notes day by day in his Case Book.

[Subsidiary]

(2) If a person committed for a trial on a capital charge is transferred to another prison, it shall be the duty of the Officer-in-Charge to obtain certified copies of such notes from the Medical Officer and to send them to the Officer-in-Charge of the prison to which such person is transferred; and such notes shall be brought to the notice of the Medical Officer immediately on the arrival of such person.

(3) If he sees fit, the Medical Officer may apply to the Officer-in-Charge to procure for him a copy of the record of the preliminary inquiry.

(4) If there is no Medical Officer for the prison in which a person committed on a capital charge is detained, the Director of Medical Services shall arrange for him to be visited as often as practicable by a Medical Officer.

245. The Medical Officer shall, at least 4 days before the trial of any person on capital charge, submit a report in writing to the Public Prosecutor on the mental condition of the prisoner, stating whether or not any indication of insanity has been exhibited and whether or not the prisoner is in his opinion fit to plead; and, if the Medical Officer is of the opinion that there is a distinct history of periodical attacks of insanity followed by intervals of mental clearness, and that the prisoner has enjoyed a lucid period whilst under observation in prison, his report shall embody this opinion.

Report to be made on capital charge prisoners

246. (1) The Medical Officer shall keep careful observation on the mental condition of prisoners condemned to death and on long sentence prisoners.

Medical observation of prisoners

(2) In the case of a prisoner condemned to death, he shall, within 3 weeks of the date of the conviction, forward to the Minister a report on the prisoner's mental condition.

247. (1) The Medical Officer shall give directions in writing for separating prisoners having infectious or contagious diseases, for cleansing and disinfecting any room or cell occupied by any such prisoner and for cleansing, disinfecting, or destroying, if necessary, any infected apparel or bedding; which the Officer-in-Charge shall forthwith carry into effect such directions.

Infections or contagious diseases

(2) He shall, in the case of the occurrence of any epidemic, or highly infectious or contagious disease, or of any other circumstances affecting the health of the prisoners requiring unusual measures, make

LAWS OF BRUNEI

114

CAP. 51

Prisons

[Subsidiary]

immediate report to the Officer-in-Charge without waiting for the time of any periodical report.

Medical Officer to report certain matters

248. The Medical Officer shall report to the Officer-in-Charge in writing any irregularity in the prison hospital which may come to his knowledge, and any difficulty or obstruction with which he may meet in the performance of his duties.

Examination of prison officer

249. The Medical Officer shall examine all candidates for employment as prison officers or servants of the prison, and report whether they possess the necessary qualifications as to health and strength.

To be conversant with Rules

250. The Medical Officer shall make himself conversant with these Rules and conform to them, and shall support the Officer-in-Charge in the maintenance of discipline and order and the safe custody of the prisoners.

Dental Officers

251. The rules applicable to Medical Officer shall apply, so far as may be, to Dental Officers.

Chief Officer

Duties and responsibilities

252. (1) For the purpose of these Rules, "Chief Officer" means —

(a) if there is an officer in any prison holding the appointment of Chief Officer or appointed to act as or to discharge the duties of Chief Officer, such officer;

(b) so long as paragraph (a) does not apply, the officer, if any, delegated by the Superintendent to perform the duties of Chief Officer, whether generally or in the absence of the Chief Officer, including a delegate appointed under this paragraph; and

(c) if neither paragraph (a) nor paragraph (b) applies, or upon any occasion upon which there is no Chief Officer as herein before defined able and willing to act, the Officer-in-Charge.

(2) The Chief Officer shall, subject to the instructions of the Officer-in-Charge, carry out the duties assigned to him under the following rules, and such other duties as may be specially assigned to him by the Officer-in-Charge or by or under any written law.

[Subsidiary]

253. (1) The Chief Officer shall visit and inspect the whole of the prison and see every male prisoner at least twice in 24 hours, and in default of such daily visits and inspections, he shall record in his journal how far he has committed them and the cause of such omission.

Inspection of prison

(2) He shall see that everything is clean and in good order and that the means of security in the different yards and elsewhere are effective.

254. The Chief Officer or, in his absence, the next senior officer shall, and as often as may be ordered, visit every party of prisoner while at work, both inside and outside the prison, and see that discipline and order are maintained among them, and report thereon as may be directed by the Officer-in-Charge.

Inspection of prisoners at work

255. (1) The Chief Officer shall inspect every part of the prison at least twice a week between the hours of 11 p.m. and 5 a.m., and shall record in red ink in his journal the time of such visit and the condition of prison.

Night visits to prison

(2) When visiting the Female Prison, he shall be accompanied by a woman prison officer.

256. (1) The Chief Officer shall take care that every prisoner having a complaint to make, or a request to prefer, to him shall have an opportunity of doing so, and he shall either take steps as may appear to him necessary to redress any grievance or shall report the same to the Officer-in-Charge.

Complaints or applications by prisoners

(2) He shall further take care that any prisoner desiring to appeal to the Superintendent, to the Officer-in-Charge or to any Visiting Justice on their visits to the prison shall have an opportunity of doing so.

257. (1) The Chief Officer or next senior prison officer shall, daily inspect and superintend the issuing of the prisoner's meals, and, whenever possible, shall weigh the rations supplied to the prison when delivered by the contractor.

Inspection of foodstuffs and meals

(2) A record shall be made of such check in a book kept for the purpose.

258. (1) The Chief Officer shall take care that every article of food supplied for the use of the prisoners is sound and of good quality, and that the scales, weights and measures in use in the prison are accurate and in proper order.

Rations to be in accordance with diet scales

LAWS OF BRUNEI

116

CAP. 51

Prisons

[Subsidiary]

(2) Such Officer shall take special care to see that the rations issued are strictly in accordance with the prescribed scale of diet to which he is entitled.

Cleanliness
of prison and
prisoners

259. The Chief Officer shall enforce the highest possible degree of cleanliness in every part of the prison, in the persons of the prisoners and in their clothes and bedding, and shall see that the bedding and clothing are kept perfectly clean and proper repair.

Punishments
of prisoners

260. The Chief Officer shall specially attend to the carrying out of the orders of the Officer-in-Charge as to punishments to be inflicted on prisoners, and see that prisoners undergoing punishment have opportunities for taking such exercise as the orders prescribe.

Books

261. The Chief Officer shall keep —

(a) a Journal, in which he shall record all such matters as he is directed to record therein by these Rules, and all other occurrences of importance within the prison; and these entries he shall date and sign daily. The entries shall include —

- (i) the number of prisoners, counted thrice daily;
- (ii) the actual hours at which prisoners go to labour, return from labour, go to exercise and return from exercise;
- (iii) what parts of prison are searched and names of officers detailed for the purpose;
- (iv) the names of the officers deputed daily to take ordinary visits;
- (v) particulars of any special visit held, and names of the officers detailed to supervise it;
- (vi) particulars of escorts despatched, and by whom inspected;
- (vii) hours of opening and final closing of the prison, and checking of keys; and
- (viii) any unusual or important occurrence;

(b) a record of the location of every prisoner;

(c) a record of work upon which the prisoners have been employed;

[Subsidiary]

(d) an account of the estimated value of the labour of prisoner;

(e) an inventory of all furniture and moveable property belonging to the prison;

(f) an ammunition ledger;

(g) a record of all arms belonging to the prison; and

(h) a list of books and documents committed to his care.

262. The Chief Officer shall be responsible for the safe custody of all journals, registers, records, papers, books and documents of the prison committed to his care. Safe custody of books, etc.

263. (1) The Chief Officer shall ensure that every prisoner is strictly searched on admission, and that all knives, weapons, instruments, money, opium, tobacco, or anything forbidden by these Rules, or in his opinion objectionable, or anything likely to facilitate escape, are taken from the prisoner. Searching prisoners

(2) The Chief Officer may, with the written approval of the Officer-in-Charge, cause any dangerous or objectionable article to be destroyed.

264. The Chief Officer shall check the keys in the custody of the gatekeeper at the opening and closing of the prison each day. Keys to be checked

265. (1) The Chief Officer shall report immediately to the Medical Officer and to the Officer-in-Charge any case of apparent mental disorder. Sick prisoner

(2) The Chief Officer shall also report immediately to the Medical Officer any illness of any prisoner, and shall deliver to the Medical Officer, daily, a list of prisoners who are ill or who complain of illness, and a list of prisoners detained in cells.

266. The Chief Officer shall carry into effect all written directions of the Medical Officer respecting alterations in the diet or treatment of any prisoner, and shall see that no prisoner is ordered to labour until the Medical Officer has certified that the prisoner is fit for such labour. Application of Medical Officers' instructions

267. (1) The Chief Officer shall open the prison every morning for the parade of prison officers. Detail for prison officers

LAWS OF BRUNEI

118

CAP. 51

Prisons

[Subsidiary]

(2) The Chief Officer shall himself detail all uniformed officers for their duties, and shall satisfy himself that the duties are properly carried out.

(3) On parading the prison officers, both for day and night duty, the Chief Officer or an officer deputed by him shall see that they are in all respects fit for, and properly acquainted with, their duties.

(4) The Chief Officer shall also read to them any new orders from Order Book of the Officer-in-Charge.

Suspension of
prison officer

268. The Chief Officer may temporarily relieve any subordinate officer from duty and exclude him from the prison in case of misconduct, but shall report the particulars without delay to the Officer-in-Charge.

Absence
from prison

269. (1) The Chief Officer shall not be absent from his quarters at night during the hours when the prison is closed without permission from the Officer-in-Charge, and during such absence the officer next in seniority shall be in charge of the prison.

(2) Every such absence shall be entered in his journal, and if absent without leave at night from unavoidable necessity, he shall report the absence and the cause of it to the Officer-in-Charge as early as possible.

(3) The Chief Officer shall communicate to the Officer-in-Charge every circumstance which may come to his knowledge likely to affect the security, health or discipline of the prisoners, or the efficiency of the prison staff, or anything which may in any way require his attention.

Prison Officers

Declaration
before
assuming
office

270. Every prison officer shall, before entering on the duties of his office, make before a magistrate a declaration in the form prescribed in the Second Schedule (Form I) to these Rules or a translation thereof in the language which such prison officer understands.

Liability to
serve in any
prison

271. Any subordinate officer on entering the Prisons Department may be employed in any part of Brunei, wheresoever it may seem fit to the Superintendent to employ him.

Quarters and
absence

272. (1) All prison officers shall live in such quarters as the Government may assign to them, and shall not sleep out of such quarters without the permission of the Officer-in-Charge.

[Subsidiary]

(2) No prison officers shall permit any person, not being a regular member of his household, to remain for the night in his quarters without the permission of the Officer-in-Charge.

273. Any prison officer disabled from the regular performance of his duties by illness shall report the same in writing to the Officer-in-Charge and, if unable to appear in person, shall remain in his quarters until seen by the Medical Officer, who may, if necessary, order his removal to a Government Hospital.

Illness of officers

274. Every prison officer shall submit himself to be searched within a prison or within his quarters by the Officer-in-Charge, or by any other prison officer in accordance with such directions as the Officer-in-Charge may see fit to give.

Searching of officers

275. Subordinate officers shall strictly conform to all written laws, rules, standing orders and regulations relating to prison, and shall obey all lawful orders, written or verbal, of officers senior to them in the service.

Obedience to laws, rules, etc., and to orders

276. Subordinate officers shall not be absent from the prison during hours of duty without leave from the Officer-in-Charge, and before leaving the prison at any time, they shall leave their keys, arms and books in the place appointed.

Absence from duty

277. Subordinate officers shall not receive visitors in the prison.

Visitors to the prison

278. No prison officer or any person employed in the prison shall —

Unauthorised communications

(a) make any unauthorised communication concerning any prison or prisoner to any person whatever; or

(b) without the written authority of the Superintendent, communicate to the public press information derived from official sources or connected with his duties or the prison, and any such communication by an officer without authority, shall be regarded as a breach of confidence, and shall render him liable to dismissal.

279. (1) No prison officer shall receive any fee or gratuity, or have any money dealings whatever with, or on behalf of, any prisoner, or any visitor to any prisoner.

Unauthorised gratuities, fees, etc.

LAWS OF BRUNEI

120

CAP. 51

Prisons

[Subsidiary]

(2) No prison officer shall borrow money from any person connected with a contract for the supply of food or other articles for the use of any prison.

Interests in prison contracts, fees, etc.

280. (1) No prison officer, and no member of the family of any prison officer, shall directly or indirectly have any interest in any contract or supply connected with any, prison, nor shall he, under any pretence whatever, receive any fee or gratuity from any person connected with any such contract or supply.

(2) Each prison officer shall be responsible for the acts of his family.

Report of misconduct, etc.

281. No prison officer shall, on any pretence whatever, fail to make an immediate report to his superior officer of any misconduct or wilful disobedience of these Rules, or any abuse or impropriety which may come to his knowledge.

Communications with relatives of prisoners

282. No prison officer shall correspond with, or hold any communication with, the friends or relatives of any prisoner, unless expressly authorised by the Superintendent.

No testimonials to be given to prisoners

283. No prison officer shall give any certificate or testimonial to, or in respect of, any prisoner as regards his conduct in prison, or otherwise.

Improper language

284. A prison officer who is guilty of improper language or behaviour in any part of any prison provided by the Government for the use or occupation of persons employed in the prison shall liable to be punished by the Officer-in-Charge in the same manner and to the same extent as for a breach of prison discipline.

Trafficking with prisoners

285. No subordinate officer shall convey any communication, parcel, or article to or from any prisoner without the order of the Superintendent.

Tobacco or liquors

286. A prison officer shall not use tobacco or spirituous or fermented liquors within the precincts of any prison, which shall not for the purpose of this rule, include any quarters allocated to a prison officer.

Subordinate officers not to punish prisoners

287. No subordinate officer shall punish a prisoner except when ordered to do so.

Not to enter prisoners' cells at night

288. No subordinate officer shall enter a prisoner's cell at night without being accompanied by another officer, except in case of imperative necessity, and in such circumstances, he shall make a written report to the Officer-in-Charge as soon as possible.

[Subsidiary]

289. (1) No prison officer shall unnecessarily converse with a prisoner, or by word, gesture or demeanour do anything which may tend to irritate a prisoner. Conversing or familiarity with prisoners

(2) No prison officer shall allow any familiarity on the part of prisoners towards himself or any other prison officer, or on any account speak of his duties or of any matters of discipline or prison arrangement within hearing of the prisoners.

290. A subordinate prison officer shall, without delay, inform the Officer-in-Charge of the name of any prisoner who desires to see him, or to make any complaint, or to prefer any request to superior authority. Complaints or applications by prisoners

291. Subordinate officers shall be responsible for the safe custody of prisoners under their charge, and with this in view they shall count the prisoners at least once every half hour, and always — Safe custody of prisoners

(a) on receiving charge of a party;

(b) on handing over charge; and

(c) on leaving any building or work.

292. All subordinate officers, on being relieved from any particular duty or transferred to any other part of the prison, shall point out to their successors all matters of special importance connected with their duties, and explain any directions of the superior officers affecting any particular prisoner. Handing over duties

293. Prison officers shall make themselves familiar with the provisions of section 26 of the Act, and when carrying firearms shall use them only in strict conformity with the provisions of the Act. Rules regarding use of firearms

294. Subordinate officers shall be properly dressed when on duty or in uniform, and shall check all keys when handing or taking over, and report immediately any defect, and see that no prison key is, under any circumstances, allowed to pass into the possession of any prisoner or other unauthorised person. Checking of keys

295. No prison officer shall, whilst in charge of prisoners outside the precincts of any prison, leave such prisoners under any pretext whatsoever from the time of their departure from the prison until they return thereto, nor shall he for any purpose whatsoever enter any house, store, yard or premises (not being the place appointed for the labour of such Not to leave prisoners

[Subsidiary]

prisoners) within the period during which he shall be in charge of such prisoners.

Visitors to
the prison

296. (1) The subordinate officer acting as gatekeeper of any prison (in this rule referred to as "the gatekeeper") shall not allow any person, not being a prison officer or a prisoner, to enter the prison without the sanction of the Superintendent, given verbally or in writing.

(2) Paragraph (1) of the rule shall not apply to —

(a) the Chief Justice;

(b) any judge, magistrate, or Medical Officer having jurisdiction in the place where the prison is situated; or

(c) any Visiting Justice of the prison.

(3) The gatekeeper shall keep a record of all persons, other than prison officers, entering or leaving the prison, and he shall require all such persons to write their names in a book provided for that purpose.

(4) The gatekeeper shall not allow any person other than a prison officer to enter the prison without being accompanied by a prison officer.

(5) The gatekeeper shall not allow any prisoner to pass out of the gate unaccompanied by a prison officer.

(6) The gatekeeper shall carefully examine the orders for the admission of prisoner's friends, checking their names and identity cards with the name on the order, and if he is not satisfied that the order relates to the person tendering the same, he shall immediately report the matter to the Officer-in-Charge for his instructions.

(7) The gatekeeper shall ascertain the names of all workpeople who may be working in the prison, and he shall warn them that they are not allowed to speak to, or give anything to, any prisoner without proper authority.

(8) The gatekeeper shall satisfy himself that workpeople passing out of the prison correspond to those who entered.

(9) The gatekeeper shall take charge of all letters, parcels, or other articles sent for any prisoner, and he shall deliver them to the Chief Officer.

[Subsidiary]

(10) The gatekeeper shall examine all articles brought into the prison, and shall stop and prevent any person bringing spirits or other prohibited articles into the prison.

(11) The gatekeeper shall not allow any article whatever to be taken out of the prison without the permission of the Chief Officer, or the production of a Gate Pass duly signed.

297. Every prison officer shall direct the attention of the Officer-in-Charge or of the Chief Officer to any prisoner who may appear not to be in good health, although not complaining of sickness, or whose state of mind may appear deserving of special notice and care, in order that the opinion and instructions of the Medical Officer may be taken on the case.

Prisoners
who appear
to be in ill-
health

298. Every prison officer is liable for discipline duty, if required.

Discipline
duty

Matron

299. The Matron shall reside in such quarters as may be assigned to her. She shall not be absent from her quarters without leave in writing from the Officer-in-Charge except during such hours as shall from time to time be fixed by him; and in such absence the next senior woman officer shall have the same powers and be subject to the same responsibilities as a Matron.

Quarters and
absence

300. The Matron shall exercise a close and constant supervision over the whole of the women's prison; she shall visit and inspect twice daily all parts of the prison where woman prisoners are working or accommodated, and she shall give special attention to every woman prisoner who is sick or is under restraint or is confined in a punishment cell, or is on punishment diet.

Duties of
Matron

301. The Matron shall keep a journal, in which she shall record the state of the women's prison at each inspection, all important occurrences and all absences. The Rules for the conduct of the Chief Officer shall apply to such Matron so far as may be.

Journal

302. The Matron shall inspect every part of the prison occupied by women and see every woman prisoner therein at least 3 times in every 24 hours and shall at least twice in each month, between the hours of 11 p.m. and 5 a.m., go through all parts of the women's prison and shall record the time of such visit, in red ink, in the journal.

Inspection
and night
visits to
prison

LAWS OF BRUNEI

124

CAP. 51

Prisons

[Subsidiary]

Searching of prisoners

303. The Matron shall search, or cause to be searched, every woman prisoner on admission and so often afterwards as may be directed by the Officer-in-Charge or as she thinks necessary, and shall see that they are bathed and properly clothed in the prison dress, and shall see that all women prisoners' clothing and bedding is kept scrupulously clean at all times.

Punishment Book

304. The Matron shall keep a Punishment Book for women prisoners in the same form as the Punishment Book required to be kept by the Chief Officer in respect of male prisoners.

Application of Rules

305. These Rules in so far as they apply to the administration of a woman's prison and to the treatment of women prisoners shall apply to the Matron to the same extent as they apply to the Officer-in-Charge; and in these Rules "Officer-in-Charge" includes a Matron where the context so requires or admits.

Appointments, Pay and Allowances

Candidates for recruitment

306. Candidates for recruitment as subordinate officers shall be subjects of His Majesty, and shall conform to the following standards —

(a) Age — between 18 and 25 years;

(b) Height — minimum 5 feet 2 inches;

(c) Chest — minimum deflated 31 inches;

(d) Passed physically fit by a Government Medical Officer;

Provided that the Superintendent who does not conform to paragraph (a), (b) or (c).

Agreement Second Schedule (Form II)

307. An agreement, as in Form II in the Second Schedule shall be signed on first and every subsequent appointment.

Period of appointment

308. (1) The period of first appointment to subordinate officers shall be 3 years.

(2) Subsequent appointments shall be for 3 years periods.

Medical examination

309. Before each appointment, a subordinate officer shall undergo a medical examination by a Government Medical Officer.

[Subsidiary]

310. Rates of pay and allowances for all members of the Prisons Service shall be in accordance with such financial provision as may from time to time be made by ~~His Majesty in Council~~ the Minister of Home Affairs with the approval of His Majesty The Sultan and Yang Di Pertuan.

Pay

Am S. 43/89

311. (1) All prison officers shall be entitled to a free Government quarters, electricity and water.

Free quarters, electricity and water

(2) Rent allowance for quarters shall be paid in accordance with the scale prescribed in Government General Orders if quarters is not provided.

312. (1) A warder or wardress who has served for 15 years continuously in the Prisons Service may be granted an additional increment at the rate set out in Third Schedule if the Superintendent is satisfied that he or she shows outstanding zeal, intelligence and proficiency in the performance of his or her duties, and that he or she has conducted himself or herself satisfactorily.

Additional increment for warders and wardresses

(2) A wardress who has served for 20 years continuously in the Prisons Service and is in receipt of an additional increment under paragraph (1) may be granted an increment at the rate set out in the Third Schedule if the Superintendent is satisfied as provided under paragraph (1).

(3) If, at any time, the Superintendent ceases to be satisfied as provided under paragraph (1), he may withdraw any additional increment payable under this rule and, in such event, such increment may not be re-granted until one year has elapsed since the date of such withdrawal.

313. (1) On completion of the first appointment of 3 years, subordinate officers shall be eligible for a bonus equal to 2 months' pay of the rank held at the completion of the appointment.

Engagement bonuses

(2) On completion of each subsequent appointment of 3 years, they shall be eligible for a bonus equal to one months' pay of the rank held at the completion of each appointment.

314. Orderly allowance will be paid to all prison officers of or above the rank of Chief Officer at the rate set out in the Fourth Schedule.

Orderly allowance

LAWS OF BRUNEI

126

CAP. 51

Prisons

[Subsidiary]

Section II

Pensions, Gratuities and Allowances of a like nature

Circumstances in which pension may be granted

315. Without prejudice to paragraph (3) of rule 326 no pension gratuity or other allowance shall be granted under this section to any subordinate officer unless he retires from the department in one of the following circumstances —

(a) on or after attaining the age of 45 years and having completed 15 years' service;

(b) he retires with the consent of the Superintendent having either —

(i) attained the age of 45 years and completed 10 years' service; or

(ii) completed 15 years' service; or

(c) on the abolition of his office.

Pensions, etc. for warders ceased to be efficient

316. Where a subordinate officer is discharged by the Superintendent on the ground that he is unlikely to become, or has ceased to be, an efficient prison officer and a pension gratuity or other allowance cannot otherwise be granted to him in accordance with these Rules ~~(His Majesty in Council)~~ may, if he considers it justifiable in all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks just and proper.

& the Min of Home Affairs with the approval of HM The Sultan and JDP (Am. S. 42/89)

Application of pension Act, to pensions etc., granted under this section. Cap. 38

317. (1) Sections 9, 11, 12, 13, 14, 15, 16 and 17 of the Pensions Act, shall apply to pensions gratuities and allowances granted under this Part in like manner as if they had been incorporated herein with all modifications necessary to make them applicable.

(2) If any question arises as to what modifications are necessary the decision of ~~(His Majesty in Council)~~ thereon shall be final.

& the Min of Home Affairs with the approval of HM The Sultan and JDP

Pensions Regulations, to apply to subordinate officer regarding pensions, etc. Cap. 38

318. (1) The Pensions Regulations shall apply to the grant, to subordinate officers, of pensions, gratuities and allowances and to the calculation and payment thereof in like manner as if officers thereof held pensionable offices within the meaning of the Pensions Act and Pensions Regulations, and as if provision had been made therein for the grant of pensions, gratuities and allowances to the subordinate officers.

[Subsidiary]

(2) In giving effect to this rule, the modifications in the next rule and any other modification which ~~His Majesty in Council~~ may deem necessary for applying the Pensions Act and Pensions Regulations, to subordinate officers shall likewise have effect.

the Min. of Home Affairs
with the approval of HM
Cap. 38 The Sultan and JDP

319. The modifications referred to in rules 317 and 318 shall be —

Modifications

(a) regulation 15 of the Pension Regulations shall be construed as if the proviso to paragraph (1) thereof had enabled a break caused by an event in subparagraphs (i), (ii) or (iii) of this rule to be disregarded for the purpose of determining whether service had been continuous but to be nevertheless excluded for the purposes of calculating a pension, gratuity or allowance as expressly provided by paragraph (b);

(b) in reckoning the service of any subordinate officer for the purposes of calculation of pension or gratuity, there shall be excluded therefrom all periods during which the officer has been absent from duty for any of the following reasons —

- (i) imprisonment for any cause, save that of detention while awaiting any trial which results in his acquittal or discharge;
- (ii) desertion;
- (iii) absence without leave exceeding 48 hours;

(c) paragraph (a) of regulation 21 of the Pensions Regulations shall not apply;

(d) regulation 25 of the Pensions Regulations shall not apply;

(e) whenever it appears to the Superintendent that any subordinate officer who has completed 10 years' service is unable to discharge efficiently the duties of his office owing to ill health, the Superintendent may dismiss such subordinate officer from the Prisons Department by giving one month's notice in writing.

(f) a reference to compulsory retirement for the purpose of facilitating improvement in the organisation of a department designed to effect greater efficiency or economy shall be construed as a reference to discharge on re-organisation or reduction of establishment of the Department.

LAWS OF BRUNEI

128

CAP. 51

Prisons

[Subsidiary]

Section III

Leave, Passages and Medical Aid

Vacation
leave and
passages

320. (1) The Superintendent, Deputy Superintendent and Chief Officer shall be eligible for leave, passages and medical aid and attention in accordance with Government General Orders.

(2) (a) All prison officers below the rank of Chief Officer shall be eligible for one month's vacation leave on full pay in respect of each completed year of service.

(b) In special circumstances, and with the consent of the Superintendent, such leave may be accumulated up to a maximum of 3 months, but shall not be taken in periods of less than one month at a time.

(3) Leave prior to retirement on pension or gratuity shall be proportionate to the applicant's length of service since his appointment or last return from leave, but shall not exceed 3 months.

Casual leave

321. (1) In addition to vacation leave, casual leave not exceeding 6 days in a calendar year may be granted to all prison officers below the rank of Chief Officer.

(2) Such leave shall not be —

(a) accumulated;

(b) granted to an officer who has had more than one month's sick leave during the preceding 12 months; or

(c) granted to an officer who, within the preceding 6 months, has returned from vacation leave.

Extraordin-
ary leave

322. The grant of extraordinary leave shall be governed by the Government General Orders from time to time in force.

Withholding
of leave

323. Leave may be withheld if conduct has been unsatisfactory.

Sick leave

324. For the purpose of this rule, the term "sick leave" means any period during which a prison officer is permitted, on account of sickness, to be absent on full pay from duty without forfeiting leave of any other description, provided that the appropriate Medical Officer certifies that the sickness is not purposely self-inflicted or due to irregular or in-

[Subsidiary]

temperate habits, or, if venereal, has not been concealed or aggravated by any act or default of the officer.

325. (1) Prison officers and their wives and children who require medical treatment shall receive medicines and such medical attendance as the Government has at its disposal free of charge. Medical treatment

(2) Prison officers shall report immediately to the senior officer when they are prevented from attending to duty by reason of illness or indisposition. Illness to be reported

(3) Sick leave shall not be granted except on the written recommendation of a Government Medical Officer, or if no Government Medical Officer is available, on the written recommendation of a hospital assistant. Medical Officer's recommendation

(4) Sick leave at any time shall not, ordinarily, exceed 14 days, but subject to paragraph (6) with the approval of the Superintendent, it may be extended to a maximum of 42 days in the case of an officer who is confined by illness to house or hospital. Period of sick leave

(5) The aggregate sick leave to which the officer is entitled in any one calendar year shall be 28 days, but, subject to paragraph (6), a further 14 days may be granted by the Superintendent in the case of an officer who is confined by illness to house or hospital. Further absence how recorded

(6) In the case of prolonged illness or serious accident, the whole period during which an officer is confined to house or hospital may, with the special approval of the Superintendent, be treated as sick leave. Sick leave in case of prolonged illness or serious accident

(7) In special cases, the State Secretary may grant leave. Special leave

(8) Where on the termination of leave granted to him, a prison officer is certified by a Medical Officer to be still unable to resume duty, he may be granted leave of any other description for which he may be eligible. Other leave in lieu

(9) (a) An officer who is found to be suffering from tuberculosis may be granted sick leave on full pay up to a maximum of 6 months. Tuberculosis

(b) If, at the end of 6 months, the officer is recommended for further treatment by the Medical Officer, he may be granted the full pay leave for which he may be eligible.

[Subsidiary]

(c) If still unfit for duty, and where there is a reason to believe that he will ultimately be fit for further service, thereafter he may be granted a further period of half pay leave up to a maximum of 6 months.

(d) If thereafter the officer is still unfit for duty, but the Medical Officer is of the opinion that there is a possibility of his ultimate recovery, he may be granted a further extension of leave on no pay.

(e) Such extension of leave shall only be granted subject to the recommendation of the Medical Officer and the Superintendent with the approval of the State Secretary.

(f) The date on which an officer, to whom sick leave has been granted in accordance with this rule, resumes duty shall be notified to the Superintendent.

Medical certificates

(10) (a) Where an officer is absent from duty on sick leave the Medical Officer attending him shall forward a certificate to the Superintendent.

(b) The certificate shall be in lieu of a formal application for leave, and the Superintendent shall have recorded the leave taken.

(c) The Superintendent may in his discretion, require the prison officer to obtain a certificate of medical fitness before returning to duty.

(11) Where an illness is caused by irregular or intemperate habits, or is certified by a Government Medical Officer to be due to venereal disease which has become aggravated or been concealed, the officer shall be provided with medical attendance, medical comforts, diet and accommodation in Hospital free of charge, but his pay may, in the discretion of the Superintendent, be stopped for so long as he is absent from duty.

(12) Where an illness has been purposely self-inflicted, the officer shall be liable, in addition to other punishment which may be awarded for a breach of discipline, to pay for his accommodation in hospital and for his diet and shall receive no pay during the period of his absent from duty.

(13) Cases where the period of fully paid leave is exhausted are to be reported at once to the Superintendent.

326. (1) Cases of prison officer rendered sick through injury or exposure whilst on duty shall be reported promptly to the Superintendent for special consideration. Injuries incurred on duty

(2) Where prison officer is absent from duty on account of any injury or sickness received or incurred in the performance of duty, no stoppages of any kind shall be made from his pay so long as he certified by a Government Medical Officer to be unfit for duty on account of the injury so received or the sickness incurred.

(3) Where a prison officer is injured on duty, without negligence on his part, he shall be entitled to reclaim from the Government all hospital charges incurred and may, in addition, be awarded such compensation as the State Secretary may, in his discretion, decide on the recommendation of the Superintendent based on the findings of the Medical Board.

327. Provided that they would otherwise have returned in good time, detention in quarantine of prison officer returning punctually from vacation leave, authenticated by a certificate from the quarantine station shall be recorded as sick leave, or such leave as they may be eligible for. Quarantine leave

328. Prison officers proceeding on vacation leave or on retirement shall be eligible for the grant of passage expenses in accordance with the Government General Orders. Passages on leave and retirement

Section IV

Discipline and Prison Offences

329. Any prison officer below the rank of Principal Officer who shall be guilty of any of the following disciplinary offences, namely — Offences and punishments

- (a) absence from duty without leave or good cause;
- (b) sleeping on duty;
- (c) neglect or disobedience of orders;
- (d) being unfit for duty through the influence of alcohol or drugs;

[Subsidiary]

- (e) insubordination;
- (f) neglect of duty;
- (g) wilful destruction of, or careless loss of, or injury to, Government property;
- (h) malingering;
- (i) using personal violence to any prisoner save in the case repeated refusal to obey a lawful order, self-defence or defence of any other prison officer, person, or prisoner;
- (j) instigating or permitting any prisoner to commit any crime or offence against prison discipline;
- (k) allowing unauthorised persons to communicate with prisoners;
- (l) bringing tobacco, or spirituous or fermented liquor, or any prohibited article, into the prison without lawful authority;
- (m) being improperly dressed when in uniform;
- (n) reporting late for duty;
- (o) losing supervision over the prisoners in his or her charge;
- (p) selling or making away with any part of his or her uniform equipment or accoutrements;
- (q) trafficking with prisoners;
- (r) using personal violence or threats towards any prison officer;
- (s) associating with discharged prisoners without the written authority of the Superintendent;
- (t) making any unauthorised communication concerning the prison to any other person;
- (u) falsehood or prevarication;

- (v) breach of confidence;
- (w) corrupt practice; or
- (x) any other conduct to the prejudice of good order or discipline, or the security of the prison, or in violation of these Rules;

shall be liable on conviction before the Officer-in-Charge if of or above the rank of Chief Officer to any one or more of the following punishments —

- (i) summary dismissal, subject to confirmation by the Superintendent or in the case of an officer on the pensionable establishment, subject to confirmation by the Minister;
- (ii) reduction in rank, subject to confirmation by the Superintendent;
- (iii) forfeiture of not more than 15 days pay;
- (iv) extra duties, not exceeding 4;
- (v) extra drills, not exceeding 7;
- (vi) severe reprimand; and
- (vii) reprimand:

Provided that —

- (a) in case of absence without good cause, forfeiture of pay may extend to the period of absence in addition to any other punishment inflicted; and
- (b) on conviction under paragraph (g), any such officer shall be liable to pay the value of the property destroyed, lost or damaged.

330. (1) Subject to paragraph (2) any prison officer below the rank of Principal Officer may appeal to the Superintendent against any punishment ordered under rule 329 and the Superintendent may — Appeal to Superintendent

- (a) confirm any such punishment;
- (b) confirm the conviction and impose any punishment which could have been imposed by the Chief Officer; or

[Subsidiary]

(c) quash the conviction and impose no punishment.

(2) Every appeal made under this rule shall be submitted in writing to the Superintendent within 30 days from the date upon which such punishment was ordered.

Adjudication
by Superin-
tendent

331. (1) If it shall appear to the Officer-in-Charge, if of or above the rank of Chief Officer, that an offence punishable under rule 329 is of such a grave character as to require a more severe punishment than any therein prescribed, then, such Officer-in-Charge shall forthwith refer the case in writing, submitting the charge and the statements of the officer against whom the charge is made, and of all witnesses, to the Superintendent; and the Superintendent may either direct that the case be dealt with by such Officer-in-Charge, or may, if after hearing the case and being satisfied that the charge is proved, award any one or more of the following punishments —

(a) summary dismissal, subject to confirmation, in the case of pensionable officer, by the Minister;

(b) reduction in rank;

(c) stoppage, deferment, or forfeiture of any increment of salary for which the officer may be eligible;

(d) deduction of pay not exceeding one month's pay;

(e) extra duties;

(f) extra drills;

(g) severe reprimand; and

(h) warning;

Provided that —

(i) if the Superintendent deems the offence to merit a heavier punishment; he may direct that the person accused be charged before a magistrate: Penalty, on conviction, imprisonment for 6 months and fine of \$1,000; and

(ii) if the offence relates to the destruction or loss of, or injury to, Government property, the person convicted shall be liable to pay the value of the property des-

troyed, lost or injured, which value shall be summarily ascertained by the court, and shall be recoverable as if it were a fine.

(2) Any prison officer below the rank of Principal Officer convicted by a magistrate under this rule shall, unless the conviction is reversed on appeal or revision, be dismissed from his office, and all arrears of pay due to him may be forfeited.

332. (1) An Officer-in-Charge, if of or above the rank of Chief Officer, may punish any Principal Officer for any of the offences specified in rule 329 by — Punishment
of Principal
Officer

- (a) reprimand;
- (b) severe reprimand; or
- (c) deduction from pay, not exceeding 15 days pay.

(2) Subject to paragraph (3), any Principal Officer may appeal to the Superintendent against any punishment ordered under this rule, and the Superintendent may —

- (a) confirm any such punishment;
- (b) confirm the conviction and impose a punishment which could be imposed by the Chief Officer; or
- (c) quash the conviction and impose no punishment.

(3) Every appeal made under paragraph (2) shall be submitted in writing to the Superintendent within 30 days from the date upon which such punishment was ordered.

333. (1) If it shall appear to the Officer-in-Charge of or above the rank of Chief Officer that an offence punishable under rule 332 is such of a grave character as to require a more severe punishment than any therein prescribed, then, such Officer-in-Charge shall forthwith refer the case in writing, submitting the charge and the statements of the officer against whom the charge is made, and of all the witnesses, to the Superintendent; and the Superintendent may either direct that the case be dealt with by the Officer-in-Charge, or may, if after hearing the case and being satisfied that the charge is proved, award any one or more of the following punishments — Adjudication
by Chief
Officer

[Subsidiary]

- (a) reprimand;
- (b) severe reprimand;
- (c) deduction of pay, not exceeding the amount of one month's pay;
- (d) stoppage, deferment, or forfeiture of any increment to salary for which such Principal Officer may be eligible; or
- (e) special probation,

or he may refer the case to the Minister, with his recommendations;

Provided that —

- (i) if the Superintendent deems the offence to merit a heavier punishment, he may direct that the Principal Officer be charged before a magistrate: Penalty, on conviction, imprisonment for 6 months and a fine of \$1,000; and
 - (ii) if the offence relates to the destruction or loss of, or injury to, Government property, the person convicted shall also be liable to pay the value of the property destroyed, loss or injured, which value shall be summarily ascertained by the court and shall be recoverable as if it were a fine.
- (2) Any prison officer convicted by a magistrate under this rule shall, unless the conviction is reversed on appeal or revision, be dismissed from his office and all arrears or pay due to him may be forfeited.
- (3) If a case is referred to the Minister under paragraph (1) the Minister may —
- (a) impose any punishment which the Superintendent could have imposed;
 - (b) direct that no punishment shall be imposed;
 - (c) direct that the Principal Officer be charged before a magistrate of any offence created by these Rules or the Act which has been disclosed by the proceedings; or

(d) call upon such Principal Officer to show cause as to why he should not be dismissed, and, after considering such representations, if any, as may be made by the Principal Officer, may either dismiss him or act in accordance with sub-paragraph (a), (b), or (c).

334. (1) Subject to paragraph (2), any Principal Officer may appeal to the Minister against any punishment awarded under rule 332 or 333, other or by the Minister. Appeal to Minister

(2) Every appeal under paragraph (1) shall be submitted in writing within 30 days from the date upon which the punishment was ordered.

(3) Upon any such appeal the Minister may —

(a) confirm any punishment imposed, or confirm the conviction and impose any punishment which the officer from whose decision the appeal is made could have imposed.

(b) allow the appeal and make no further order; or

(c) allow the appeal but direct that proceedings be taken before such specified prison officer as his jurisdiction under these Rules, or before a magistrate, in respect of any offence disclosed by the proceedings, other than the offence charged.

335. (1) Any prison officer who assaults, threatens or insults any officer senior to him in the Prisons Department, when such senior officer is on duty or when, such assault, threat or insult relates to, or be consequent upon, the discharge of duty by the officer so assaulted, threatened or insulted shall be guilty of an offence: Penalty, imprisonment for 6 months and a fine of \$1,000. Assault on senior prison officer

(2) Any person convicted under this rule shall, unless the conviction is reversed on appeal or revision, be dismissed from his office, and all arrears of pay due to him shall be forfeited.

336. (1) Every person who, without lawful authority — Trafficking

(a) conveys, supplies or causes to be supplied or conveyed to any prisoner, or hides or places for his use, any tobacco, money, clothing, provisions or any other article whatsoever;

[Subsidiary]

(b) brings or attempts by any means whatever to introduce into any prison, or places or attempts to place where prisoners shall labour, any letter or document or any intoxicating liquor, tobacco, money, clothing, provisions or other article to be sold or used therein;

(c) brings or attempts to bring out of any prison or conveys from any prisoner, any letter, document or other article; or

(d) communicates with any prisoners; and

every prison officer who, without lawful authority —

(i) knowingly suffers any intoxicating liquor, tobacco, money, clothings, provisions, letter, document or other article to be sold to or received or used by or on behalf on any prisoner;

(ii) lends or gives to any prisoner any such intoxicating liquor, tobacco, money, clothings, provisions or other articles; or

(iii) knowingly suffers any letter, document or other article to be brought out of any prison, or to be conveyed from any prisoner;

shall be guilty of an offence: Penalty, imprisonment for 6 months and a fine of \$1,000; and, if a prison officer, he shall, unless the conviction is reversed on appeal or revision, be dismissed from his office, and all arrears of pay due to him may be forfeited.

Procedure 337. (1) In any proceedings under this Part —

(a) the prison officer about to be charged with a disciplinary offence shall be furnished with particulars in writing of any such offence and informed of the date of hearing;

(b) no documentary evidence shall be used against any officer unless he has previously been supplied with a copy thereof, or been given access thereto;

(c) no oral testimony shall be relied upon unless it is either given in the presence of the officer or he has been given an opportunity of being present and unless, in the former case,

he has been given the opportunity to put questions to any witness;

(d) the opportunity shall be afforded to the officer to make a statement in his own defence and to call witnesses, including witnesses as to character;

(e) a record shall be kept of the substance of any oral testimony and a note made of any documentary evidence adduced;

(f) the officer inquiring into any offence shall record in writing his finding and his reasons therefor;

(g) the case against the officer may be presented by a person authorised to present the same by the Minister, in which case the officer may be represented by an advocate or by any person of his choice who is willing to act, subject, in the case of such person being a public officer to the consent of his head of department;

(h) the officer inquiring into the offence shall at the outset of the proceedings explain to the prison officer charged the procedure provided for by this rule, and his rights hereunder; and

(i) evidence shall not be recorded on oath:

Provided that failure to comply with any provisions of paragraph (e), (f), (g), or (h) of this rule shall not invalidate the proceedings unless a miscarriage of justice has resulted therefrom.

(2) Nothing in paragraph (1) shall apply to any proceedings before a magistrate authorised under this Part, which proceedings shall, for all purposes including the appeal and revision thereof be determined in accordance with the Criminal Procedure Code.

Cap. 7

PART XXIII

PRISON OFFICERS' REWARD FUND

338. All pay which is forfeited by, and all fines inflicted upon, prison officers under these Rules shall be paid into a fund, to be called "The Prison Officers' Reward Fund"; and this Fund shall be administered by the Superintendent in accordance with rule 339.

Forfeited pay
and fines:
Prison
Officers' Re-
ward Fund

LAWS OF BRUNEI

140

CAP. 51

Prisons

[Subsidiary]

Rules for the
Prison
Officers' Re-
ward Fund

339. (1) All sums due to the Prison Officers' Reward Fund are to be paid without any deduction being made into the Treasury to the credit of the Fund.

(2) The Superintendent shall administer the Fund which may be employed for the following objects —

(a) rewards for outstanding acts of initiative and resource on the part of prison officers, or for special skill in the performance in any departmental duty requiring tact or ability;

(b) rewards for any meritorious act of bravery whereby life has been saved or property has been secured from loss or destruction;

(c) entertainments for classes of prison officers on one feast day in each year, being a feast day observed by such class;

(d) prizes for marksmanship;

(e) providing and furnishing recreation rooms for the use of subordinate officers;

(f) purchase of sports and recreation equipment for prison officers and employees.

(3) A Fine and Reward Fund Book shall be kept in the office of the Superintendent showing all amounts received, the source from which received, the dates of payment into the Treasury and all payments made therefrom; and the Superintendent shall, at the end of each quarter, furnish copies of the account to the ~~State Financial Officer~~ ^{Director of Financial Officer} and to the Auditor General.

(4) The Officer-in-Charge of the prison shall bring to the notice of the Superintendent, without delay, all cases which he considers deserving of reward.

(5) The said Fund shall be subject to audit by the Auditor General.

(Am 5 12/89

FIRST SCHEDULE

(Rule 59)

1. Diet for Asian Prisoners other than Brahmins

FOOD	MEASURE (TAHIL)	SCHEDULE
Rice	16	Daily
Salt	$\frac{3}{4}$	"
Coconut oil	1	"
Bean oil	$\frac{1}{2}$	"
Curry stuff	$\frac{3}{4}$	"
Fresh meat	4	3 times per week
Fresh fish	4	3 times per week
Salted fish	3	4 times per week
Liver or other internal organs like kidney or heart	4	Once a week
Green leafy or yellow vegetables	4	Daily
Green peas, beans or pulses	4	"
Bread	3	"
Fresh fruit in season	3	"
Tea or coffee	$\frac{3}{4}$	"
Sugar	$1\frac{1}{2}$	"
Jam, kaya, butter	$\frac{1}{4}$	"
Egg	1 (egg)	3 times per week
Milk	$1\frac{1}{2}$	Daily
Crackers or biscuits	$\frac{1}{2}$	"

2. Diet for European and Eurasian Prisoners

FOOD	MEASURE (TAHIL)	SCHEDULE
Bread	12	Daily
Fresh Meat or Fish	6	"
Green Vegetables (Kangkong, Bayam, Sawi, etc.)	3	"
Non-leafy vegetables	$2\frac{1}{4}$	"
Fresh fruit	3	"
Ghee or dripping	1	"
Tea or coffee	$\frac{3}{4}$	"
Salt	$\frac{1}{2}$	"
Sugar	$1\frac{1}{2}$	"
Milk	$1\frac{1}{2}$	"
Butter or margarine	$\frac{3}{4}$	"
Cheese	$\frac{3}{4}$	"
Jam	$1\frac{1}{2}$	"
Legume (dried green peas, kachang hijau, dhal, etc.)	$2\frac{1}{4}$	"
Potatoes	6	"
Edible cooking oil	$\frac{1}{2}$	"
Cocoa	$\frac{1}{2}$	3 times per week
Onions	$\frac{3}{4}$	4 times per week

LAWS OF BRUNEI

142

CAP. 51

Prisons

[Subsidiary]

3. Special Diet for Brahmin Vegetarian Prisoners

FOOD	MEASURE (TAHIL)	SCHEDULE
Rice	2	Daily
Sugar	4	Weekly
Milk (liquid)	7½	4 times a week
Legume	3	Daily
Wheat Flour	10½	"
Ghee	1¼	"
Coconut oil	¼	"
Green leafy vegetables	4	"
Non-leafy vegetables	4	"
Curry stuff	½	"
Salt	¾	"
Fresh Banana	3	"
Tea	¾	"

4. Punishment Diet for all Prisoners

Bread	13½ Tahil	Daily
Cheese or salt fish	2 Tahil	"

~~5. 5 sticks of cigarettes per adult prisoner per day.~~

~~½ packet of matches per adult prisoner per week.~~

Deleted by
s. 43/89

SECOND SCHEDULE

FORM I

(Rule 270)

DECLARATION TO BE MADE BY PRISON OFFICER

I,
do solemnly, sincerely and truly declare and affirm that I will be faithful
and bear true allegiance to His Majesty the Sultan and Yang Di-Pertuan
of Brunei, His Heirs and Successors, according to law, and that I will
faithfully serve in the office of prison officer.

.....
Signature

Place

Date

Before me
Magistrate

LAWS OF BRUNEI

144

CAP. 51

Prisons

[Subsidiary]

FORM II

(Rule 307)

**SUBORDINATE OFFICERS AGREEMENT
FOR PRISON SERVICE**

I, do this day engage, under the provision of the Prisons Act, Cap. 51, to serve for years from this date as a or in any rank in the Prisons Department to which I may be appointed, promoted or reduced.

Dated this day of 19.....

Signature of
Subordinate Officer.

THIRD SCHEDULE

**ADDITIONAL INCREMENTS — ALL
WARDERS AND WARDRESSES**

(Rule 321)

Warders and Wardresses with 15 years' service \$20 per month

Warders and Wardresses with 20 years' service \$30 per month

NOTE: The above increments shall be part of pensionable emoluments.

FOURTH SCHEDULE

**ORDERLY ALLOWANCE — ALL PRISON
OFFICERS OF OR ABOVE THE RANK OF
CHIEF OFFICER**

(Rule 314)

\$130 per month if an Orderly is not provided.