

**PRISONS ACT
(CHAPTER 51)
PRISONS RULES**

S 146/1978
Amended by
S 43/1980
GN 68/1985
S 43/1989
S 25/2014

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SUBSIDIARY LEGISLATION

PRISONS RULES

ARRANGEMENT OF RULES

Rule

PART I

PRELIMINARY

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.

PART III

ADMISSION, DISCHARGE, REMOVAL AND SAFE CUSTODY OF PRISONERS

9. Photographs.
10. Search.
11. Children.
12. Retention of property.
13. Baths.

[Subsidiary]

14. Prison cloth.
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

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

REMISSION SYSTEM

41. Remission.
42. Consecutive and overlapping sentences.
43. Record of remission.
44. Explanation of remission system.
45. Remission for prisoners in psychiatric facility.
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.

PART VII

TREATMENT OF PRISONERS

54. Duty of prison officers.
55. Use of force.
56. Bedding.
57. Clothing.

[Subsidiary]

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 privilege.
91. Letter instead of 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.

[Subsidiary]

- 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 Director or 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 Director.
- 121. Award of punishment by Chief Officer.
- 122. Award of punishment by Chief Officer for aggravated offence.
- 123. Investigation and adjudication by Director.
- 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 year.
128. Visits to prisoners under close confinement.
129. Corporal punishment.
130. Carrying out of punishments.
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.

[Subsidiary]

- 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 Rules.

PART XVII

PERSONS DETAINED WITH 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. Stages 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 remissions.
- 183. Prisoners charged with capital offence.
- 184. Forfeiture of privileges.

PART XIX

PRISONERS UNDER SENTENCE TO DEATH

- 185. Search and accommodation.
- 186. Visit by Minister of Religion.

[Subsidiary]

- 187. Letters.
- 188. Clothing.
- 189. Visits.
- 190. Employment.
- 191. Executions.

PART XX

VISITING JUSTICES

- 192. Visits by Visiting Justices.
- 193. Visiting Justices to be accompanied by prison officer or employee.
- 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.

PART XXII

Section I

Director

- 202. Director 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 prison.
207. Control of officers.
208. Journal.
209. Maintenance of records.
210. Inspection of prison.
211. Prisoners' complaints etc.
212. Inspection of meals.
213. Ensure 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 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 prison in case of absence.
231. Reports to the Director.

[Subsidiary]

- 232. Action in case of emergency.
- 233. Reference to Director.
- 234. Annual report of prison.

Medical Officers

- 235. Attendance at prison.
- 236. Examination of prisoners and visits to prisoners.
- 237. Case Book and Journal.
- 238. Prisoners mentally unsound.
- 239. Sick prisoners.
- 240. Prisoners unfit for prison etc.
- 241. Inspection of prison etc.
- 242. Death of prisoner.
- 243. Examination of food, water, clothing and 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. Medical Officer to be conversant with Rules.
- 251. Dental Officers.

Chief Officer

- 252. Duties and responsibilities.
- 253. Inspection of prison.
- 254. Inspection of prisoners at work.
- 255. Night visits to prison.

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- 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 prison.
- 278. Unauthorised communications.
- 279. Unauthorised gratuities, fees etc.
- 280. Interests in prison contracts, fees etc.
- 281. Report of misconduct etc.

[Subsidiary]

- 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. Subordinate officers 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 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.
- 308. Period of appointment.
- 309. Medical examination.
- 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. Definition of sick leave.
- 325. Medical treatment, illness and sick leave.
- 326. Injuries incurred on duty.
- 327. Quarantine leave.
- 328. Passages on leave and retirement.

[Subsidiary]

Section IV

Discipline and Prison Offences

- 329. Offences and punishments.
- 330. Appeal to Director.
- 331. Adjudication by Director.
- 332. Punishment of Principal Officer.
- 333. Adjudication by Chief Officer.
- 334. Appeal to 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 Prison Officers' Reward Fund.

| | | |
|-----------------|---|---|
| FIRST SCHEDULE | — | DIET SCALES |
| SECOND SCHEDULE | — | FORM I — DECLARATION TO BE MADE BY PRISON OFFICER |
| | | FORM II — SUBORDINATE OFFICERS AGREEMENT FOR PRISON SERVICE |
| THIRD SCHEDULE | — | ADDITIONAL INCREMENTS TO WARDERS AND WARDRESSES |

FOURTH SCHEDULE — ORDERLY ALLOWANCE TO
ALL PRISON OFFICERS OF
OR ABOVE RANK OF CHIEF
OFFICER

SUBSIDIARY LEGISLATION

Rules made under section 62

PRISONS RULES

Commencement: 1st July 1979

PART I

PRELIMINARY

Citation.

1. These Rules may be cited as the Prisons Rules.

Interpretation.

2. (1) In these Rules —

“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 means imprisonment for the remainder of the natural life of the person so sentenced.

[S 43/1989]

- (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.

General principles of prison administration and application of rules.

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 —

(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;

[Subsidiary]

(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.

(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 accommodation.

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 Director may authorise the accommodation of not more than three prisoners in one cell.

[GN 68/1985]

Women's accommodation.

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 prisoner.

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.

Hospital accommodation.

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

Punishment cells.

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

(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

Photographs.

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.

Search.

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.

(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.

Children.

11. Subject to such conditions as the Director 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.

[GN 68/1985]

[Subsidiary]

Retention of property.

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

- (a) whether or not he has been vaccinated, or had smallpox;
- (b) whether he has been a drug consumer, and to what degree; and
- (c) 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.

Vaccination.

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

Contagious or infectious diseases.

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.

Reception Board.

19. (1) At every prison there shall be a Reception Board consisting of the Officer-in-Charge and such other persons as the Director 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.

[GN 68/1985]

(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.

[Subsidiary]

Information to prisoners.

20. (1) A printed abstract in Malay, approved by the Director, 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.

[GN 68/1985]

(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.

Custody during removal etc.

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.

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 proceeding 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 an 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 each 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 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 Director 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.

[GN 68/1985]

Detention after due date of discharge.

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:

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.

Transport on discharge.

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.

[Subsidiary]

Computation of sentences.

31. Sentences shall be computed as follows —

(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 three classes of convicted prisoners.

(5) The Director 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.

[GN 68/1985]

PART V

PROGRESSIVE STAGE SYSTEM

Stages.

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.

(2) There shall be five 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.

First Stage.

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

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

Second Stage.

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

(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.

[Subsidiary]

(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 two red bars on the left sleeve of his jumper and on the left leg of his shorts.

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 three 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 four 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.

(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.

Reduction and postponement of promotion.

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.

(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.

Privileges.

40. (1) The Director 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.

[GN 68/1985]

(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 Director determines.

[GN 68/1985]

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

(a) First Stage and Second Stage —

[Subsidiary]

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 Director.

[GN 68/1985]

PART VI

REMISSION SYSTEM

Remission.

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:

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

Consecutive and overlapping sentences.

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.

(2) Where a prisoner serving two 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 Director.

[GN 68/1985]

Record of remission.

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.

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

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 psychiatric facility. [S 25/2014]

45. A prisoner transferred to a psychiatric facility shall be allowed full remission under these Rules.

[S 25/2014]

[Subsidiary]

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 Director 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.

[GN 68/1985]

Commuted sentences.

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.

Quadrennial report on prisoners.

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.

(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 Director, who shall enter thereon any recommendations he may desire to make and forward it to the Minister.

[GN 68/1985]

(4) His Majesty the Sultan and Yang Di-Pertuan 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

Duty of prison officers.

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.

Use of force.

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.

[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 Director. Additional bedding may be supplied in special circumstances on the recommendation of the Medical Officer.

[GN 68/1985]

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 reissued.

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-General Health Services. The approved diet scales shall be notified published in the *Gazette*.

[GN 274/2002]

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 with the authority of —

(a) the Officer-in-Charge, in special circumstances; or

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

Waste of food.

63. The diet of a prisoner who persistently wastes his food may be reduced on the written recommendations of the Medical Officer.

Inspection of foodstuffs.

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.

(2) Scales and standard weights and measures shall be provided for weighing the food supplied to prisoners.

Trafficking.

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.

(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.

Punishment diet.

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.

Exercise.

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.

Prohibited articles.

68. No prisoner shall have in his possession any unauthorised articles, 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.

[Subsidiary]

Tobacco, spirits other drugs.

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.

(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 Director.

[GN 68/1985]

(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 Director or the Officer-in-Charge:

[GN 68/1985]

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 direct.

Hours of labour.

74. The hours of labour for prisoners shall be as directed by the Director.

[GN 68/1985]

Employment of women prisoners.

75. Female prisoners shall be employed only within the precincts of the prison.

Record of prisoners work.

76. At each prison, a record of daily work of the prisoners shall be kept in such form as the Director may direct.

[GN 68/1985]

Allocation of labour.

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.

Segregation of prisoners.

78. (1) If, at any time, it appears to the Director 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.

[GN 68/1985]

(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.

Labour on holidays.

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.

[Subsidiary]

(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 fasting month 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

Payment for work.

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.

Grades.

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

(a) 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;

(b) 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

(c) 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 Director for promotions to Grade A on the basis of exemplary conduct and skill at work and such recommendations may be approved by the Director.

[GN 68/1985]

Rates of earnings.

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

[GN 68/1985]

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

Prisoners' communications.

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.

Normal minimum provision: special letters and visits.

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

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

(a) 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;

[Subsidiary]

(b) 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;

(c) 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;

(d) 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;

(e) Special Stage: A prisoner in this stage shall be entitled to write one letter every week and to receive it at any time and 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.

Postponement of letters or visits for misconduct.

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 privilege.

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

[GN 68/1985]

Letter instead of 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.

Communications 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 three persons shall be allowed to visit a prisoner at one time.

No visits on weekly holidays.

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.

Censoring of letters.

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.

Supervision of visits.

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.

Particulars of visitors: powers of Officer-in-Charge.

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

[Subsidiary]

her admission, and the grounds of any such proceedings, with the particulars thereof, shall be entered in his journal.

Visits by legal adviser.

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.

(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 purposes of this rule, "legal adviser" means the prisoner's advocate or the authorised clerk of the advocate.

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 (Chapter 7) 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 letters for unconvicted prisoners.

104. An unconvicted prisoner, as defined in Part XVIII, other than a debtor, shall have all reasonable facilities for seeing his relatives, 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 prisoners.

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.

Visits for long sentence prisoners.

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 Director 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 three in number at any one time, for such period as the Director may prescribe:

[GN 68/1985]

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

[Subsidiary]

PART XI

PETITIONS AND COMPLAINTS

Petitions.

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

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 the Sultan and Yang Di-Pertuan 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.

Petition by condemned prisoners.

109. A prisoner under sentence of death may freely petition His Majesty the Sultan and Yang Di-Pertuan while under such sentence.

Complaints by prisoners.

110. A prisoner may make complaints to a Visiting Justice, the Director, 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.

[GN 68/1985]

Requests by prisoners to see Director or Visiting Justice.

111. Arrangements shall be made that any request by a prisoner to see the Director, 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 Director or member of the Visiting Justices when he next visits the prison of every such request of a prisoner to see him.

[GN 68/1985]

Applications by prisoners.

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.

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, a Sunday or a public holiday.

Minor prison offence.

117. The following shall be minor prison offences —

- (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, 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;
- (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;

[Subsidiary]

- (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;
- (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 offences.

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 complain 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.

Award of punishment by Officer-in-Charge.

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 —

- (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.

Investigation by Chief Officer or Director.

[GN 68/1985]

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 Director, as the circumstances of the case may require.

[GN 68/1985]

Award of punishment by Chief Officer.

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 —

- (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;

[Subsidiary]

(c) reduction in Stage, 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.

Award of punishment by 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;

(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 Director.

[GN 68/1985]

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 Director a copy of the record of the investigation, together with his recommendations thereon, and the Director may thereupon decide the matter and award the punishment as prescribed by subrule (2); or

[GN 68/1985]

(b) may forthwith report the matter in writing to the Visiting Justice.

(2) The Director 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 subrule (3).

[GN 68/1985]

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

(c) forfeiture of remission not exceeding 3 months;

(d) reduction in Stage, 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.

Medical examination of prisoner awarded punishment.

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.

Clothing and bedding for prisoners on punishment.

125. A prisoner undergoing punishment shall be supplied with such clothing and bedding as may be certified as essential by the Medical Officer.

Full diet after 3 days punishment diet.

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.

Maximum period of close confinement in year.

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 two consecutive sentences shall be separated by a period not shorter than the longer of such sentence.

Visits to prisoners under close confinement.

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

[Subsidiary]

Medical Officer, and shall have only such outdoor exercise as the latter certified is necessary for health.

(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 alight 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 Director 12 strokes;
[GN 68/1985]

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

(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 punishment.

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

Record of corporal 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.

Return 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 Director or a Visiting Justice, shall be submitted to the Minister monthly.

[GN 68/1985]

Record of 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.

Prosecution in court.

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.

Restraints.

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

Restraints not to be used as punishment.

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

[GN 68/1985]

(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.

[Subsidiary]

Application of restraints.

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 Director.

[GN 68/1985]

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

[GN 68/1985]

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 Director.

[GN 68/1985]

Escapes' special supervision.

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

Prisoner to state religious denomination.

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.

Change of religion.

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.

Religious services and instruction.

147. Provision shall be made for religious services, for the visits of Ministers of Religion and for moral and religious instructions to prisoners.

Visits by Minister of Religion.

148. Ministers of Religion may be admitted at reasonable and proper times to a prison to visit prisoners who may desire their services.

Religious books.

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 Director for use in prisons.

[GN 68/1985]

[Subsidiary]

PART XV

EDUCATION AND GENERAL WELFARE

Evening classes etc.

150. (1) At every prison, programmes of evening educational classes shall be arranged; and reasonable facilities, under such conditions as the Director 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.

[GN 68/1985]

(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.

Library.

151. A library shall be provided in every prison and, subject to these Rules and to such conditions as the Director may determine, every prisoner shall be allowed to have library books and to exchange them as often as practicable.

[GN 68/1985]

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 Director 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.

[GN 68/1985]

PART XVI

APPELLANTS

Appellants.

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

Custody of appellants.

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.

(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.

[Subsidiary]

Payment of work to appellants.

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.

Appellants subject to Rules.

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

PART XVII

PERSONS DETAINED WITH VIEW TO BANISHMENT

Application.

162. This Part shall apply only to such prisoners as are detained in prisons in Brunei Darussalam solely under the provisions of the Banishment Act (Chapter 20) in force in Brunei Darussalam with a view to banishment from Brunei Darussalam, and referred to in this Part as banishment prisoners.

Election to work.

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:

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.

(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, which relate to the Earnings Scheme, shall apply to banishment prisoners who elect to work under rule 163, in so far as those 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 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.

Unauthorised purchases.

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.

[Subsidiary]

Stage system.

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

(2) There shall be three 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.

Stages.

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

(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.

Privileges of various Stages.

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

(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, books or both in every month from friends or relatives;
- (iv) to enjoy outdoor recreation after working hours each day;
- (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, 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, 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

[Subsidiary]

(d) in the Second and Third Stage —

to receive one chair and one table in a cell:

Provided that where three 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 subrule (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.

Powers to inspect and impound parcels.

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.

PART XVIII

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

Separation from convicted persons.

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 Director may prescribe.

[GN 68/1985]

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 luxuries.

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;

(c) spirituous 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

[Subsidiary]

- (iv) may be paid for out of the money belonging to the prisoner in the hands of the Officer-in-Charge.

Clothing and bedding.

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:

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.

Prison diets.

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.

Private medical adviser.

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.

Disinfection of clothing.

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.

Unconvicted prisoners to earn no remissions.

182. Nothing in these Rules relating to remission of sentence or the Progressive Stage System shall apply to an unconvicted prisoner.

Prisoners charged with 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 two 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.

Clothing.

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.

[Subsidiary]

Visits.

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 Director, 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.

[GN 68/1985]

(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.

Employment.

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

Executions.

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.

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

[GN 68/1985]

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

[GN 68/1985]

PART XX

VISITING JUSTICES

Visits by Visiting Justices

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.

Visiting Justices to be accompanied by prison officer or employee.

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 Director shall be forwarded to the Minister immediately after the inspection has taken place.

[GN 68/1985]

(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.

[Subsidiary]

PART XXI

AID ON DISCHARGE AND AFTERCARE OF PRISONERS

Constitution.

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 Director.

[GN 68/1985]

Interview with prisoners.

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.

Special assistance.

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

[GN 68/1985]

Employment.

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

PART XXII

Section I

Director

[GN 68/1985]

Director inspection and report on prisons.

202. (1) The Director shall, at least once a year, thoroughly and systematically inspect or cause to be inspected every prison in Brunei Darussalam.

[GN 68/1985]

(2) The Director 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 Darussalam to the Minister.

Rules and uniformity to be enforced.

203. The Director 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 Darussalam.

[GN 68/1985]

Duties when visiting.

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

[GN 68/1985]

(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 to ensure 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 (Chapter 7).

Responsible for administration 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 Director, 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.

[GN 68/1985]

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

[GN 68/1985]

[Subsidiary]

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

[GN 68/1985]

Inspection of prison.

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 Director 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.

[GN 68/1985]

Prisoners' complaints etc.

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.

Inspection of meals.

212. (1) The Officer-in-Charge shall 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.

(2) The Officer-in-Charge shall ensure that the foodstuffs 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.

Ensure Act, rules and orders followed.

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

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

(3) Besides performing his regular duties, he shall 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 Director.

[GN 68/1985]

Interview of prisoners on admission.

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.

Search.

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.

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 Director.

[GN 68/1985]

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 Director, any case of mental disorder or apparent mental disorder.

[GN 68/1985]

Prisoner's life endangered by imprisonment.

221. The Officer-in-Charge shall, without delay, report to the Director any case in which the Medical Officer is of opinion that the mental state of any prisoner is becoming impaired

[Subsidiary]

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.

[GN 68/1985]

Visitors to view 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 Director authorising him to view the prison.

[GN 68/1985]

(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.

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

Searching of prison officers.

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

Books.

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

(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;
- (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 Director may direct.

[GN 68/1985]

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 Director any petition received from a prisoner.

[GN 68/1985]

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.

[Subsidiary]

Absence from prison.

229. The Officer-in-Charge shall not be absent for a night without the prior consent in writing of the Director or a Deputy Director and his leave of absence shall be entered in his journal.

[GN 68/1985]

Charge of 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 Director.

[GN 68/1985]

231. The Officer-in-Charge shall report to the Director all escapes, serious assaults, outbreaks of disease or any occurrences of an unusual or serious nature.

[GN 68/1985]

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 action to the Director.

[GN 68/1985]

Reference to Director.

[GN 68/1985]

233. The Officer-in-Charge shall refer to the Director all questions of discipline or interior economy of the prison with which they themselves cannot deal.

[GN 68/1985]

Annual report of prison.

234. The Officer-in-Charge shall furnish to the Director, before the 31st 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.

[GN 68/1985]

Medical Officers

Attendance at prison.

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

Examination of prisoners and visits to prisoners.

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.

- (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.

Case Book and Journal.

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.

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

Prisoners mentally unsound.

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.

(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 opinion and ground to the Director.

[GN 68/1985]

[Subsidiary]

Inspection of prison etc.

241. At least once in every month, the Medical Officer shall inspect every part of the prisons with special reference to the sanitary state of the prisons, 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.

[GN 68/1985]

Death of 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 and 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.

(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-General of Health Services shall arrange for him to be visited as often as practicable by a Medical Officer.

[GN 274/2002]

Report to be made on capital charge prisoners.

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.

Medical observation of prisoners.

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

Infections or contagious diseases.

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.

(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 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.

Medical Officer 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.

[Subsidiary]

Dental Officers.

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

*Chief Officer***Duties and responsibilities.**

252. (1) For the purposes 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 Director 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
[GN 68/1985]

(c) if neither paragraph (a) nor (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.

Inspection of prison.

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.

(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.

Inspection of prisoners at work.

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 prisons, and see that discipline and order are maintained among them, and report thereon as may be directed by the Officer-in-Charge.

Night visits to prison.

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.

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

Complaints or applications by prisoners.

256. (1) The Chief Officer shall take care that every prisoner having a complaint to make, or a request to refer 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 complaint or request to the Officer-in-Charge.

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

[GN 68/1985]

Inspection of foodstuffs and meals.

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 weight the rations supplied to the prison when delivered by the contractor.

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

Rations to be in accordance with diet scales.

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.

(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 —

[Subsidiary]

(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;
 - (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;
- (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.

Safe custody of books etc.

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.

Searching prisoners.

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 any thing

forbidden by these Rules, or in his opinion objectionable, or any thing likely to facilitate escape, are taken from the prisoner.

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

Keys to be checked.

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

Sick prisoner.

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

(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.

Application of Medical Officers' instructions.

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.

Detail for prison officers.

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

(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 the 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.

[Subsidiary]

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) 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 Darussalam, wheresoever it may seem fit the Director to employ him.

[GN 68/1985]

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.

(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.

Illness of officers.

273. Any prison officer disabled from the regular performance of his duties by illness shall report the disability 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.

Searching 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.

Obedience to laws, rules etc. and to orders.

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.

Absence from duty.

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.

Visitors to prison.

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

Unauthorised communications.

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

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

(b) without the written authority of the Director, 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.

[GN 68/1985]

Unauthorised gratuities, fees etc.

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.

(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.

[Subsidiary]

(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 Director.

[GN 68/1985]

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 Director.

[GN 68/1985]

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.

Subordinate officers 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.

Conversing or familiarity with prisoners.

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.

(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.

Complaints or applications by 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.

Safe custody of 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 —

- (a) on receiving charge of a party;
- (b) on handing over charge; and
- (c) on leaving any building or work.

Handing over duties.

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.

Rules regarding use of firearms.

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

Checking of keys.

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.

[Subsidiary]

Not to leave prisoners.

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

Visitors to 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 Director, given verbally or in writing.

[GN 68/1985]

(2) Subrule (1) 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 work people who may be working in the prisons, 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 work people 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.

(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.

Prisoners who appear to be in ill health.

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.

Discipline duty.

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

Matron

Quarters and absence.

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.

Duties of Matron.

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.

Journal.

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.

Inspection and night visits to prison.

302. The Matron shall inspect every part of the prison occupied by women and see every woman prisoner therein at least three 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.

[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 prisoner's 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 woman 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 the Sultan and Yang Di-Pertuan 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 Director does not conform to paragraph (a), (b) or (c).

[GN 68/1985]

Agreement.

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 year periods.

Medical examination.

309. Before each appointment, a subordinate officer shall undergo a medical examination by a Government Medical Officer.

Pay.

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 the Minister of Home Affairs with the approval of His Majesty the Sultan and Yang Di-Pertuan.

[S 43/1989]

Free quarters, electricity and water.

311. (1) All prison officers shall be entitled to free quarters, electricity and water.

(2) Rent allowance for quarters shall be paid in accordance with the scale prescribed in General Orders if quarters is not provided.

Additional increment for warders and wardresses.

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 Director 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.

[GN 68/1985]

(2) A wardress who has served for 20 years continuously in the Prisons Service and is in receipt of an additional increment under subrule (1) may be granted an increment at the rate set out in the Third Schedule if the Director is satisfied as provided under subrule (1).

[GN 68/1985]

(3) If, at any time, the Director ceases to be satisfied as provided under subrule (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.

[GN 68/1985]

Engagement bonuses.

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.

(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.

[Subsidiary]

Orderly allowance.

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.

Section II

*Pensions, gratuities and allowances of a like nature***Circumstances in which pension may be granted.**

315. Without prejudice to rule 326(3), 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 Director having either — [GN 68/1985]

(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 Director 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, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, 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.

[GN 68/1985; S 43/1989]

Application of Pension Act to pensions etc. granted under this section.

317. (1) Sections 9, 11, 12, 13, 14, 15, 16 and 17 of the Pensions Act (Chapter 38) 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 the Minister of Home Affairs with the approval of His Majesty the Sultan and Yang Di-Pertuan thereon shall be final.

[S 43/1989]

Pensions Regulations to apply to subordinate officer regarding pensions etc.

318. (1) The Pensions Regulations (Rg 1 of Chapter 38) 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 (Chapter 38) and Pensions Regulations, and as if provision had been made therein for the grant of pensions, gratuities and allowances to the subordinate officers.

(2) In giving effect to this rule, the modifications in the next rule and any other modification which the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may deem necessary for applying the Pensions Act (Chapter 38) and Pensions Regulations, to subordinate officers shall likewise have effect.

[S 43/1989]

Modifications.

319. The modifications referred to in rules 317 and 318 shall be —

(a) regulation 15 of the Pensions Regulations (Rg 1 of Chapter 38) shall be construed as if the proviso to regulation 15(1) had enabled a break caused by an event in sub-paragraph (i), (ii) or (iii) to be disregarded for the purposes 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) regulation 21(a) of the Pensions Regulations shall not apply;

(d) regulation 25 of the Pensions Regulations shall not apply;

(e) whenever it appears to the Director 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 Director may dismiss such subordinate officer from the Prisons Department by giving one month's notice in writing;

[GN 68/1985]

[Subsidiary]

(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.

Section III

*Leave, passages and medical aid***Vacation leave and passages.**

320. (1) The Director, Deputy Director and Chief Officer shall be eligible for leave, passages and medical aid and attention in accordance with 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 Director, 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.

[GN 68/1985]

(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.

Extraordinary leave.

322. The grant of extraordinary leave shall be governed by the General Orders from time to time in force.

Withholding of leave.

323. Leave may be withheld if conduct has been unsatisfactory.

Definition of sick leave.

324. For the purposes of this rule, “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 intemperate habits, or, if venereal, has not been concealed or aggravated by any act or default of the officer.

Medical treatment, illness and sick leave.

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.

(2) Prison officers shall report immediately to the senior officer when they are prevented from attending to duty by reason of illness or indisposition.

(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.

(4) Sick leave at any time shall not, ordinarily, exceed 14 days, but subject to subrule (6) with the approval of the Director, 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.

[GN 68/1985]

(5) The aggregate sick leave to which the officer is entitled in any one calendar year shall be 28 days, but, subject to subrule (6), a further 14 days may be granted by the Director in the case of an officer who is confined by illness to house or hospital.

[GN 68/1985]

(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 Director, be treated as sick leave.

[GN 68/1985]

(7) In special cases, the Minister* may grant leave.

* Transferred from the State Secretary to the Minister with effect from 31st December 1983 — [S 32/1983]

[Subsidiary]

(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.

(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.

(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.

(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 Director with the approval of the Minister.

[GN 68/1985]

(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 Director.

[GN 68/1985]

(10) (a) Where an officer is absent from duty on sick leave the Medical Officer attending him shall forward a certificate to the Director.

[GN 68/1985]

(b) The certificate shall be *in lieu* of a formal application for leave, and the Director shall have recorded the leave taken.

[GN 68/1985]

(c) The Director may in his discretion require the prison officer to obtain a certificate of medical fitness before returning to duty.

[GN 68/1985]

(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 Director, be stopped for so long as he is absent from duty.

[GN 68/1985]

(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 Director.

[GN 68/1985]

Injuries incurred on duty.

326. (1) Cases of prison officer rendered sick through injury or exposure whilst on duty shall be reported promptly to the Director for special consideration.

[GN 68/1985]

(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 Minister* may, in his discretion, decide on the recommendation of the Director based on the findings of the Medical Board.

[GN 68/1985]

Quarantine leave.

327. Provided that they would otherwise have returned in good time, detention in quarantine of prison officers 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.

Passages on leave and retirement.

328. Prison officers proceeding on vacation leave or on retirement shall be eligible for the grant of passage expenses in accordance with the General Orders.

Section IV

Discipline and Prison Offences

Offences and punishments.

329. Any prison officer below the rank of Principal Officer who is guilty of any of the following disciplinary offences —

* Transferred from the State Secretary to the Minister with effect from 31st December 1983 — [S 32/1983]

[Subsidiary]

- (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;
- (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 of 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 Director;

[GN 68/1985]

- (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,

is 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 Director, or in the case of an officer on the pensionable establishment, subject to confirmation by the Minister;
[GN 68/1985]
- (ii) reduction in rank, subject to confirmation by the Director;
[GN 68/1985]
- (iii) forfeiture of not more than 15 days pay;
- (iv) extra duties, not exceeding 4 days pay;
- (v) extra drills, not exceeding 7 days pay;
- (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.

Appeal to Director.

[GN 68/1985]

330. (1) Subject to subrule (2), any prison officer below the rank of Principal Officer may appeal to the Director against any punishment ordered under rule 329 and the Director may —

[GN 68/1985]

- (a) confirm any such punishment;

[Subsidiary]

(b) confirm the conviction and impose any punishment which could have been imposed by the Chief Officer; or

(c) quash the conviction and impose no punishment.

(2) Every appeal made under this rule shall be submitted in writing to the Director within 30 days from the date upon which such punishment was ordered.

[GN 68/1985]

Adjudication by Director.

[GN 68/1985]

331. (1) If it shall appear to the Officer-in-Charge, if of or above the rank of the 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 Director; and the Director 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 anyone or more of the following punishments —

[GN 68/1985]

(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 Director deems the offence to merit a heavier punishment, he may direct that the person accused be charged before a Magistrate on conviction to a fine of \$1,000 and imprisonment of 6 months; and

[GN 68/1985]

- (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 destroyed, 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.

Punishment of Principal Officer.

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 —

- (a) reprimand;
- (b) severe reprimand; or
- (c) deduction from pay not exceeding 15 days pay.

(2) Subject to subrule (3), any Principal Officer may appeal to the Director against any punishment ordered under this rule and the Director may —

[GN 68/1985]

- (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 subrule (2) shall be submitted in writing to the Director within 30 days from the date upon which such punishment was ordered.

[GN 68/1985]

Adjudication by Chief Officer.

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 Director; and the Director 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 —

[GN 68/1985]

[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 Director deems the offence to merit a heavier punishment, he may direct that the Principal Officer be charged before a Magistrate on conviction to a fine of \$1,000 and imprisonment for 6 months; and
[GN 68/1985]
- (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 subrule (1), the Minister may —

- (a) impose any punishment which the Director could have imposed;
[GN 68/1985]
- (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 paragraph (a), (b) or (c).

Appeal to Minister.

334. (1) Subject to subrule (2), any Principal Officer may appeal to the Minister against any punishment awarded under rule 332 or 333, other or by the Minister.

(2) Every appeal under subrule (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.

Assault senior prison officer.

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 is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months.

(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.

Trafficking.

336. Every person who, without lawful authority —

(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;

(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

[Subsidiary]

(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,

is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months 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 case 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) shall not invalidate the proceedings unless a miscarriage of justice has resulted therefrom.

(2) Nothing in subrule (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 (Chapter 7).

PART XXIII

PRISON OFFICERS' REWARD FUND

Forfeited pay and fines: 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 Director in accordance with rule 339.

[GN 68/1985]

Rules for Prison Officers' Reward 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 Director shall administer the Fund which may be employed for the following objects —

[GN 68/1985]

(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;

[Subsidiary]

(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 Director showing all amounts received, the source from which received, the dates of payment into the Treasury and all payments made therefrom; and the Director shall, at the end of each quarter, furnish copies of the account to the Director of Financial Services and to the Auditor General.

[GN 68/1985; S 43/1989]

(4) The Officer-in-Charge of the prison shall bring to the notice of the Director, without delay, all cases which he considers deserving of reward.

[GN 68/1985]

(5) The Fund shall be subject to audit by the Auditor General.

FIRST SCHEDULE

(rule 59)

DIET SCALES

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 | $\frac{1}{2}$ | ” |

[Subsidiary]

FIRST SCHEDULE — (continued)

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 | 2¼ | ” |
| Fresh fruit | 3 | ” |
| Ghee or dripping | 1 | ” |
| Tea or coffee | ¾ | ” |
| Salt | ½ | ” |
| Sugar | 1½ | ” |
| Milk | 1½ | ” |
| Butter or margarine | ¾ | ” |
| Cheese | ¾ | ” |
| Jam | 1½ | ” |
| Legume (dried green peas, kacang hijau, dhal etc.) | 2¼ | ” |
| Potatoes | 6 | ” |
| Edible cooking oil | ½ | ” |
| Cocoa | ½ | 3 times per week |
| Onions | ¾ | 4 times per week |

FIRST SCHEDULE — (continued)

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 | Daily |
| Cheese or Salt fish | 2 | ” |

5. (Deleted by S 43/1989)

[Subsidiary]

SECOND SCHEDULE

(rule 270)

FORM I

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, 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

FORM II

(rule 307)

SUBORDINATE OFFICERS AGREEMENT FOR PRISON SERVICE

I, do this day engage, under the provision of the Prisons Act (Chapter 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, 20

Signature of
Subordinate Officer

THIRD SCHEDULE

(rule 312)

ADDITIONAL INCREMENTS TO WARDERS AND WARDRESSES

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

(rule 314)

ORDERLY ALLOWANCE TO ALL PRISON OFFICERS OF
OR ABOVE RANK OF CHIEF OFFICER

\$130 per month if an Orderly is not provided.