

GOVERNMENT OF MAURITIUS

Government Notice No 19 of 1989.

THE REFORM INSTITUTIONS ACT 1988
Regulations made by the Minister under section 66 of the
Reform Institutions Act 1988

PART I
PRELIMINARY

1. Short title.

These regulations may be cited as the Prison Regulations 1989.

2. Interpretation.

In these regulations—

“Act” means the Reform Institutions Act 1988;

“**adult detainee**” means a detainee who has attained the age of 21;

“**class**”, in relation to a detainee, means the class in which a detainee is placed for the purpose of his accommodation in prison;

“**grade**”, in relation to a detainee, means the grade in which a detainee is classified for the purpose of his participation in an earnings scheme;

“**legal adviser**”, in relation to a detainee, means his counsel or solicitor;

“**near relative**” means the spouse, parent, grandparent, child, brother or sister of a detainee;

“**Permanent Secretary**” means the Permanent Secretary of the Ministry of Social Security, National Solidarity and Reform Institutions;

“**religious ministration**” means religious instruction and training and moral advice as provided in section 44 of the Act.

PART II
GENERAL

3. Duties of prison staff in respect of detainees.

The duties of prison staff in respect of detainees shall be—

- (a) to keep in custody, unconvicted detainees and to make them available for appearance in court as and when required by law;
- (b) to keep in custody, with such degree of control and security as may be appropriate, having regard to the nature of the individual detainee and the offence committed by him, a convicted detainee for the duration of his sentence or for such shorter time as may be permitted under the law;
- (c) to provide for detainees as full a life as is consistent with the fact of custody and in particular to make available to them—
 - (i) the physical necessities of life;
 - (ii) medical care;
 - (iii) advice on and help with personal problems;
 - (iv) work, education, training, exercise and recreation;
 - (v) the opportunity to practise their religion; and

- (d) to enable detainees to retain links with the community and where possible assist them to prepare for their reintegration into the community.

4. Classification of detainees.

- (1) Convicted detainees shall be classified in accordance with the directions of the Commissioner, having regard to their age, character and record, with a view to maintaining good order, security and facilitating the purpose stated in regulation **3(c)** and **(d)**.
- (2) Unconvicted detainees shall be kept out of contact with convicted detainees as far as reasonably possible.
- (3) Young persons shall be kept separate from adult detainees as far as reasonably possible.
- (4) The Commissioner may—
- (a) remove a young person whom he regards as unsuitable for his class and place him in such other class as he may consider appropriate;
- (b) remove a convicted adult detainee from one class to another as he thinks appropriate.
- (5) Nothing in this regulation shall be construed as requiring a detainee to be deprived unduly of the society of other persons within the prison.
- (6) The Commissioner may require convicted detainees of each class to wear a distinctive badge or uniform.
- (7) All *convicted* detainees shall, as soon as possible after admission, be seen for assessment, classification and allocation purposes by such officers as the Commissioner may determine.

(5) Privileges.

The Commissioner shall establish at every prison such systems of privileges as may be appropriate to the classes of detainees held in that prison.

(6) Information to detainees.

- (1) Every detainee shall, on admission, be provided with information in writing about such provisions of these regulations and other matters which are necessary for him to know.
- (2) A detainee committed to prison in default of paying a sum of money or for want of security shall, on admission, be informed of the means whereby he may obtain his release.
- (3) The officer-in-charge of a prison shall ensure that every detainee has, as soon as possible after his admission, and in any case within 24 hours, read the information specified in paragraph (1) or, in the case of a detainee who cannot read or has difficulty in understanding, have it explained to him.

(7) Female detainees.

Where a prison is used for both male and female detainees, that part of the prison used for females shall be—

- (a) entirely separate from the other part; and
- (b) secured by different locks, the keys of which shall be under the exclusive control of lady officers.

(8) Medical services.

- (1) A medical officer shall attend at the prison for which he is responsible either daily or at such other regular intervals as required by the Commissioner.
- (2) A medical officer shall examine a detainee—
- (a) as soon as possible after admission and thereafter as necessary;
- (b) within 24 hours of his complaining of illness;
- (c) to determine his physical and mental fitness for different types of labour or for

confinement to a separate cell;

- (d) daily, when he is confined to a separate cell;
- (e) daily, when he has been placed in handcuffs or under restraint;
- (f) daily, when he is held on a capital charge or sentenced to death;
- (g) within three days of the date he is due to be discharged or to attend court; and
- (h) before and after his transfer to another prison.

- (3) A detainee due for discharge shall be transferred to an outside hospital when he is suffering from any acute or dangerous illness or upon the recommendation of the medical officer.
- (4) Where a detainee is found to be suffering from any infectious disease or to be in verminous condition, the officer-in-charge and the medical officer shall take all necessary steps to treat the condition and to prevent it from spreading to other detainees.
- (5) The medical officer shall report to the officer-in-charge whenever he considers that a detainee's physical or mental health has been or will be injuriously affected by continued detention.
- (6) The medical officer shall regularly advise the officer-in-charge upon—
 - (a) the quantity, quality, preparation and service of food;
 - (b) the hygiene and cleanliness of the prison and of the detainees;
 - (c) the sanitation, lighting and ventilation of the prison;
 - (d) the suitability and cleanliness of the detainees' clothing and bedding;
 - (e) the observance of any order concerning physical education and sports.
- (7)(a) The officer-in-charge shall give due consideration to the advice of the medical officer and, where appropriate, take immediate steps to give effect to any recommendation made.
- (b) Where the officer-in-charge is unable to take action to implement a recommendation referred to in subparagraph (a) he shall report the matter to the Commissioner and submit to him the medical officer's advice and recommendation.

9. Notification of death, illness, transfer, etc.

- (1) Upon the death or serious illness of or serious injury to a detainee, or upon his removal to an outside hospital, the officer-in-charge shall at once inform the detainee's spouse, if any, or any other near relative and any other person previously designated by the detainee.
- (2) Upon the death of a detainee in prison—
 - (a) the medical officer shall attend at the prison and record the cause of death and the previous medical history and treatment;
 - (b) the officer-in-charge shall inform the Minister and the Police, and shall cause the death to be registered in accordance with section 41 of the Civil Status Act.
- (3) A detainee shall be informed at once of the death or serious illness of a near relative.
- (4) Every detainee shall have the right to inform his near relative at once of his imprisonment or his transfer to another prison.

PART III PHYSICAL WELFARE AND WORK

10. Clothing and bedding.

- (1) All clothing supplied to convicted detainees shall—

- (a) in no manner be degrading;
 - (b) be kept clean and in proper condition; and
 - (c) be changed at least once a week.
- (2) Every detainee shall be provided with a separate bed and the bedding kept in good order, aired and changed often enough to ensure its cleanliness.
- (3) Where, pursuant to section 26 of the Act, an unconvicted detainee is allowed to wear his own clothing, arrangements shall be made on his admission that it shall be clean and fit for use.
- (4) Suitable protective clothing for work shall be provided, where necessary, to detainees.
- (5) A detainee shall, where necessary, be provided with suitable and adequate clothing on his release.

11. Food.

- (1) Except as is permitted in section 26 of the Act, all detainees shall be provided with two meals a day at such times as the Commissioner may determine.
- (2) The food provided shall be wholesome, nutritious, well prepared, reasonably varied, sufficient in quantity and well served.
- (3) The dietary and ration of every detainee shall be as the Minister may determine.
- (4) Where a detainee complains that he has not received his proper allowance of food, the officer-in-charge shall cause his ration to be weighed or measured in his presence, and the deficit if any, made up.
- (5) Drinking water shall be made available to every detainee.
- (6) Subject to any directions of the Commissioner or of the medical officer, no detainee shall be allowed to have any food other than that ordinarily provided.
- (7) The medical officer shall regularly inspect the food before and after it is cooked and report any deficiency or defect to the officer-in-charge.
- (8) The officer-in-charge shall inspect and sample the food daily.

12. Alcohol, drugs and tobacco.

- (1) No detainee shall be allowed to have any intoxicating liquor or drug except under a written order of the medical officer, specifying the quantity and the name of the detainee.
- (2) No detainee shall be allowed to smoke or to have any tobacco except as a privilege under regulation 5.

13. Accommodation.

- (1) No room or cell shall be used as sleeping accommodation for a detainee unless it has been certified as fit for that purpose by the Commissioner.
- (2) A certificate given under paragraph (1) shall specify the maximum number of detainees who may sleep or be confined at any one time in the room or cell to which it relates, and the number so specified shall not be exceeded without leave of the Commissioner.
- (3) All sleeping accommodation provided for detainees shall meet all requirements of health, due regard being had to cubic content of air, minimum floor space, lighting and ventilation.
- (4) Subject to paragraph (5), all work places shall be well ventilated and shall allow in natural light to enable detainees to work.
- (5) Where artificial light is used, it should be sufficient to enable detainees to work without injury to eyesight.

14. Hygiene.

(1) Adequate bathing and shower installations shall be provided so that every detainee may wash as frequently as is necessary for general hygiene.

(2) Every detainee shall wash daily and, unless exempted by the medical officer, bathe at least once a week.

(3) Subject to paragraph (4), every detainee shall, as may be necessary for neatness, be required to be shaved or have his beard trimmed regularly and to have his hair cut.

(4) An unconvicted detainee shall not be required to have his hair cut or any beard or moustaches usually worn by him shaved off except where the medical officer so directs for the sake of health or cleanliness.

(5) A female detainee's hair shall not be cut without her consent, except where the medical officer so directs for the sake of health or cleanliness.

(6) Every detainee shall be provided with toilet articles necessary for his health and cleanliness.

15. Daily exercise.

Every detainee who is not employed on out-door work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

16. Work.

(1) No detainee shall be required to do work of a kind not authorized by the Commissioner.

(2) No detainee shall work in the service of an officer without the authority of the Commissioner.

(3) No detainee shall be employed in any disciplinary capacity.

(4) Detainees may be paid for their work at rates approved by the Minister and in such grades as the Commissioner may determine.

(5)(a) Subject to regulation 12 (2), a detainee may spend up to such sum as may be approved out of his weekly earnings for the purchase of tobacco and such other goods as may be allowed by the Commissioner.

(b) The balance of the earnings shall be placed to the credit of the detainee and shall be paid to him on release.

(6) The medical officer may excuse a detainee from work on medical grounds and no detainee shall be required to do work which is of a class for which he has been found unfit by the medical officer.

(7) The officer-in-charge shall, where possible, allot to every detainee such work for which he is best suited.

(8) The hours of work for detainees shall be as the Commissioner may determine.

(9) Except where the Commissioner otherwise directs, detainees shall not be required to work on a Sunday or other public holiday except for the purpose of keeping the prison clean and preparing food.

PART IV EDUCATION AND SOCIAL WELFARE

17. Education.

(1) Provision shall be made for the education of detainees, particular attention being paid to those in special need.

(2) Detainees may at the discretion of the Commissioner, attend education classes within hours normally allotted to work.

18. Library.

A library of books suitable for the use of detainees shall be provided in every prison and, subject to such conditions as may be approved by the Commissioner, every detainee shall be allowed to borrow books.

19. Religion.

- (1) Adequate arrangements shall be made for religious ministrations to all detainees.
- (2) The religious denomination of every detainee shall be recorded on his admission.
- (3) The Minister of a religious denomination may, with the consent of a Commissioner, appoint a substitute to act for him in his absence.
- (4) On recognised days of religious observance, detainees shall be exempted from work as appropriate and allowed to attend their respective places of worship within the prison.
- (5) The request of detainees to fast for religious reasons shall be acceded to, provided it does not prejudice the good order, discipline and security of the prison.
- (6) Every detainee may be furnished with such religious books recognized by his denomination as may be approved by the Commissioner for use in prison.
- (7) Ministers of religion shall not visit detainees except those of their own persuasion.

20. After-care

From the beginning of a detainee's sentence, consideration shall be given, in consultation with the appropriate after-care organisation, to the detainee's future and the assistance to be given to him on and after release.

PART V

LETTERS AND VISITS

21. Letters and visits generally.

- (1) The Commissioner may, in the interest of good order and discipline or for the prevention of crime or in the interest of any person, impose restrictions upon the communication to be permitted between a detainee and any other person.
- (2) Except as is provided by these regulations or as authorised by the Commissioner, no communication between a detainee and an outside person shall be permitted.
- (3) Except as is provided by these regulations or as directed by the Commissioner, every letter to or from a detainee shall be read by the officer-in-charge or an officer deputed by him, and the officer may, at his discretion, stop any letter or communication on the ground that its contents are objectionable.
- (4) Subject to this Part every visit to a detainee shall take place within the sight and hearing of an officer unless the Commissioner directs otherwise.
- (5) The Commissioner may give directions concerning the days and times when detainees may be visited.

22. Personal letters and visits.

- (1) An unconvicted detainee may send and receive as many letters and may receive as many visits as he wishes within such limits and subject to such conditions as the Commissioner may impose.

(2)A convicted detainee shall be entitled-

- (a) to send and to receive a letter on his admission and, thereafter, once a fortnight;
- (b) to receive a visit on his admission and, thereafter, once every four weeks; and
- (c) to send and receive a letter upon his transfer to another prison.

(3)The officer-in-charge may allow a detainee an additional letter or visit where necessary for his welfare or that of his family.

(4)The officer-in-charge may allow a detainee entitled to a visit to send and receive a letter in lieu of the visit.

(5)The Commissioner may allow additional letters and visits in relation to any detainee or class of detainees.

(6)The officer-in-charge may defer the right of a detainee to a visit until the expiration of any period of confinement to a separate cell.

(7)No detainee shall be allowed to receive more than three persons on a visit at any time.

(8) A detainee shall not be entitled under this regulation to communicate with any person other than a relative or friend, except with the leave of the Commissioner.

(9)Any letter or visit under regulation 24 or 25 shall not be counted as a letter or visit for the purpose of this regulation.

23. Police interviews.

A police officer may, on production of a written authority from the Commissioner of Police, interview any detainee with his consent.

24. Securing release.

Any detainee may communicate with or be visited at any reasonable time on a weekday by any relative or friend to arrange for any lawful payment which would secure his release from prison.

25. Legal advisers and diplomatic representatives.

(1) The legal adviser of a detainee in any legal proceedings to which the detainee is a party shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing but within the sight of an officer.

(2) The legal adviser of a detainee may, with the permission of the officer-in-charge, see the detainee with reference to any other legal business, within the sight and hearing of an officer.

(3) Where a detainee has been ordered to be deported, he shall be given all reasonable facilities to see his legal adviser or the diplomatic representative of his country, concerning the order, and such visit shall take place within the sight but not within the hearing of an officer.

PART VI

REMOVAL, RECORD AND PROPERTY

26. Custody outside prison.

(1) Where any detainee is taken to or from the prison in custody he shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from being molested.

(2) A detainee required to be taken in custody to any court shall be permitted to wear his own clothing.

27. Search.

(1) Every detainee shall be searched on admission and subsequently as the officer-in-charge thinks necessary.

(2) No detainee shall be strip-searched in the sight of another detainee.

28. Record and photograph.

- (1) A personal record of every detainee shall be kept in such manner as the Commissioner may direct.
- (2) Where a detainee is photographed under section 23 of the Act, no copy of the photograph shall be given to any person not authorized to receive.

29. Detainee's property.

- (1) Subject to any directions of the Commissioner, an unconvicted detainee may have supplied to him at his expense and retain for his own use, books, newspaper and writing materials which do not appear objectionable to the Board or, pending consideration by the board, to the officer-in-charge.
- (2) Any cash which a detainee has at a prison shall be paid into an account under the control of the Commissioner and the detainee will be credited with the amount in the books of the prison.
- (3) The officer-in-charge may confiscate any unauthorized article found in the possession of a detainee or concealed or deposited anywhere within a prison.

30. Money and articles received by post.

- (1) Any money or other article, other than a letter or other communication, sent to a detainee through the post office shall be dealt with in accordance with the provision of this regulation, and the detainee informed of the manner in which it has been dealt with.
- (2) Subject to paragraph (3), any money shall, at the discretion of the Commissioner, be—
 - (a) dealt with in the same manner as in regulation 29(2);
 - (b) returned to the sender; or
 - (c) where the sender's name and address are not known, paid into Government revenue.
- (3) Where cash is received by post in relation to a detainee committed to prison in default of payment of any sum of money, the detainee shall be informed of the receipt of the cash which, unless he objects, shall be applied in or towards the satisfaction of the amount due from him.
- (4) Any other article shall, at the discretion of the Commissioner, be—
 - (a) delivered to the detainee or placed with his property at the prison;
 - (b) returned to the sender; or
 - (c) where the sender's name and address are not known or the article is of such a nature that it would be unreasonable to return it, sold or otherwise disposed of, and the net proceeds of any sale paid into Government revenue.

PART VII

Special Control and Restraint

31. Segregation.

Where an order is made under section 41 of the Act, the officer-in-charge shall immediately inform the medical officer who shall regularly examine the detainee and make such recommendation as he thinks fit.

32. Use of force.

- (1) Where an officer uses force against a detainee he shall -
 - (a) as soon as possible cause the detainee to be examined by a medical officer; and
 - (b) immediately report the occurrence in writing to the officer-in-charge.

2. No officer shall act deliberately in a manner calculated to provoke a detainee.

PART VIII

OFFENCES AGAINST DISCIPLINE

33. Minor prison defaults.

Any detainee who-

- (a) disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the prison;
- (b) treats with disrespect an officer or any person visiting the prison;
- (c) is idle, careless or negligent at work or, where he is required to work, refuses to do so;
- (d) uses any abusive, insolent, threatening or other improper language;
- (e) is indecent in language, act or gesture;
- (f) assaults another detainee;
- (g) communicates with another detainee, or any other person, without authority;
- (h) absents himself without permission from any place where he is required to be, whether within or outside the prison;
- (i) willfully damages or disfigures any part of the prison or property which is not his;
- (j) has in his cell or room or in his possession any unauthorized article or attempts to obtain such an article;
- (k) delivers to or receives from any person any unauthorized articles.
- (l) sells or delivers to any other person, without permission, anything he is allowed to have only for his own use;
- (m) takes improperly or is in unauthorized possession of any article belonging to another person or to the prison;
- (n) repeatedly makes groundless complaints; or
- (o) in any way offends against good order and discipline, shall commit a minor prison default and shall, on his being found guilty, be liable to the punishment specified in section 37(1) of the Act.

34. Aggravated prison defaults.

Any detainee who-

- (a) mutinies or incites another detainee to mutiny;
- (b) commits or takes part in an aggravated or repeated assault on another detainee;
- (c) commits or takes part in any assault or attack on an officer or other person;
- (d) escapes or attempts to escape from prison or other lawful custody;
- (e) commits any act of gross misconduct or insubordination; or
- (f) makes a false and malicious allegation against an officer or other person,

shall commit an aggravated prison default and shall, on his being found guilty, be liable to the punishment specified in section 37(4) of the Act.

35. Disciplinary charges.

(1) Where a detainee is to be charged with a prison default the charge shall be laid as soon as

possible.

- (2) Any detainee who is to be charged with a prison default may be kept separate from other detainees pending adjudication.
- (3) Every charge shall be inquired into, in the first instance, by the officer-in-charge.
- (4) Except in special circumstances, every charge shall be first inquired into not later than the next day, not being a Sunday or other public holiday, after it is laid.

36. Rights of detainees charged.

- (1) Where a detainee is charged with a prison default, he shall be informed of the charge as soon as possible and, in any case, not later than two hours before the case is heard.
- (2) At the hearing of a charge against a detainee he shall be given a full opportunity of hearing the evidence against him, of questioning witnesses and calling witnesses of his own.
- (3) A detainee who is charged with a prison default shall be given the opportunity of making a statement both before and after any finding of guilt.

37. Confinement to separate cell.

A detainee ordered to be confined to a separate cell shall-

- (a) be allowed to see only officers, a medical officer, ministers of religion and members of the Board;
- (b) do only such physical exercise as the medical officer shall certify as being necessary;
- (c) be visited once a day by the officer-in-charge and a medical officer; and
- (d) be visited at intervals of not more than three hours during the day and night by an officer.

PART IX

DETAINEES UNDER SENTENCE OF DEATH

38. Application of the regulations.

These regulations shall apply in relation to a detainee under sentence of death only in so far as they are compatible with that sentence.

39. Search.

A detainee under sentence of death shall be searched with special care and every article which may be dangerous or inexpedient to leave in his possession shall be taken from him.

40. Confinement.

- (1) A detainee under sentence of death shall –
 - (a) be confined in a separate cell;
 - (b) be kept separate from all other detainees;
 - (c) be kept day and night in the constant charge of two officers; and
 - (d) not be required to work.
- (2) The cell in which a detainee under sentence of death is to be confined shall first be examined by the officer-in-charge who is to satisfy himself of its fitness and safety and make a record of his having done so.

- (3) Where a detainee under sentence of death returns to his cell he shall first be searched by an officer.
- (4) Subject to regulation 41, no person other than a member of the Board, an officer, a medical officer, or if required by the detainee, a minister of the persuasion to which he belongs, shall have access to a detainee under sentence of death.

41. Visits.

- (1) Every visit to a detainee under sentence of death shall take place within the sight and hearing of an officer.
- (2) A detainee under sentence of death may be visited by any relative, friend or legal adviser whom he wishes to see and who is authorized by written order of the Permanent Secretary.
- (3) No detainee under sentence of death shall be compelled to receive any visitor.

42. Correspondence.

A detainee under sentence of death shall be given all necessary facilities to enable him to correspond with his legal advisers, relatives and friends.

PART X
REPEAL

43. Repeal.

The following enactments are repealed-

- The Prisons Regulations 1891.
- The Rodrigues Prison Regulations 1946.