

Publication in consolidated and revised form authorised by the Governor
Council this 15th day of December, 1998.

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Clerk of Executive Council

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THE PRISONS LAW

(14 of 1975)

THE PRISON RULES

(1999 Revision)

Revised under the authority of the Law Revision Law (19 of 1975).

The Prison Rules, 1981 made the 8th September, 1981.

Consolidated with the -

Prison (Amendment) Rules, 1984 made the 16th October, 1984
Prison (Amendment) Rules, 1988 made the 22nd September, 1988
Interpretation Order, 1989 made the 24th January, 1989
Youth Justice Law, 1995 (part) enacted the 13th September, 1995.

Consolidated and revised this 15th day of December, 1998.

49. No officer shall receive any unauthorised money or any other consideration in connection with his office. **Gratuities**

50. An officer shall submit himself to be searched in a prison if the Director so directs. **Search of officers**

51. (1) No officer shall take part in any business or financial transaction, with or on behalf of a prisoner or a relative of a prisoner, without the permission of the Director. **Business with prisoners**

(2) No officer shall, without authority, bring in or take out any article whatsoever, or knowingly allow any such article to be brought in or taken out, to or for a prisoner, or deposit in any place with intent that it shall come into the possession of a prisoner.

52. No officer shall, without the knowledge of the Director, communicate with any person whom he knows to be a close relative of a prisoner. **Contact with prisoners**

53. No officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or other news media or to any other persons concerning matters which are known to him in the course of his duty, or publish any matter or make any public announcement relating to the administration of any prison. **Public statements**

54. The Governor may approve a disciplinary code for officers concerning the offences and awards which may be made in respect of them and the procedures to be followed. **Disciplinary code**

55. Any article whatsoever, without authority, brought in or out of, thrown into or out of, or deposited in or near, a prison with intent to aid or assist a prisoner in any way whatsoever, or given to a prisoner, may be confiscated by the Director. **Prohibited articles**

56. (1) Any person or vehicle entering or leaving a prison may be stopped, examined and searched. **Control of vehicles and persons**

(2) The Director may order the removal from a prison of any person who does not leave on being directed to do so.

57. No person shall be permitted to view the interior of a prison or to take a photograph or film thereof unless authorised by law, by the Governor or by the Director. **Viewing of prison**

(2) A prisoner may receive, from outside sources or by purchase, books, magazines and newspapers in quantities considered by the Director to be reasonable.

Social welfare

45. (1) Special attention shall be paid to the maintenance of relations between a prisoner and his family, and in so doing the services of appropriate outside agencies may be sought.

(2) A prisoner shall be encouraged to establish and maintain relations with persons and agencies outside the prison which may, in the opinion of the Director, promote the interests of himself and his family.

After-care

46. As soon after reception as is reasonable, a post-release plan for each prisoner shall be established by the Director, and in so doing outside agencies should be involved if appropriate.

Corporal punishment

47. (1) Immediately before any corporal punishment ordered by a court is inflicted, the C.M.O. shall examine the prisoner and satisfy himself that he is mentally and physically fit to undergo such punishment, and shall make such recommendations, for preventing injury to the prisoner's health, as he may consider necessary and these shall be immediately implemented.

(2) Every instrument used for the infliction of corporal punishment shall be examined by the C.M.O., and any recommendations which he may make thereon shall forthwith be implemented.

(3) At any time during the infliction of corporal punishment the C.M.O. may, if he considers it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted and such recommendation shall be forthwith implemented. The balance of the punishment shall be deemed to be remitted.

(4) The Director shall record full details of any corporal punishment in the Corporal Punishment Register.

Duty of officers

48. (1) It shall be the duty of every officer to conform to these rules and to all rules and regulations made under the Law, to assist and support the Director in their maintenance and to obey his lawful instructions.

(2) An officer shall inform the Director promptly of any abuse or impropriety which comes to his knowledge.

PRISON RULES

(1999 Revision)

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- (g) forfeiture for any period, in the case of a prisoner entitled thereto under the Law or these rules, of -
 - (i) the right to be supplied with meals from outside prison; and
 - (ii) the right to have articles in his possession; and
- (h) in addition to any of the above awards, payment by the prisoner towards the repair or replacement of anything he has damaged or destroyed.

(2) In making a disciplinary award, the views of such officer or person outside the prison service, as appropriate, may be sought.

(3) A prisoner against whom a disciplinary award has been made shall have a right of appeal to the Director.

41. In the case of a prisoner reasonably suspected of committing an offence against any other law or charged with an offence against discipline involving-

Certain offences shall be referred to police

- (a) escaping from prison or legal custody;
- (b) the doing of grievous bodily harm;
- (c) the possession of drugs or an unauthorised article; or
- (d) any other matter deemed serious by the Director,

the Director shall refer the matter to the police for their action.

42. (1) An officer shall not use force unnecessarily in dealing with a prisoner and, when the application of force is necessary, no more force shall be used than is necessary. Any case in which force has been used shall be reported in writing to the Director immediately thereafter.

Use of force or provocation

(2) No officer shall deliberately act in a manner calculated to provoke a prisoner to commit an offence against discipline.

43. (1) Every prisoner shall be encouraged to participate in the educational facilities provided.

Education

(2) Special attention shall be paid to the needs of an illiterate prisoner.

(3) Reasonable facilities shall be provided for those prisoners who wish to improve their education by correspondence course or private study, or to practise handicraft in their leisure time.

44. (1) A library shall be established for the use of all prisoners.

Reading material

- (s) does not return to prison when he should have returned after being temporarily released;
- (t) does not comply with any condition upon which he was so released; or
- (u) attempts to do any of the foregoing.

Disciplinary charges

38. (1) When a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible.

(2) A prisoner may be kept apart from other prisoners pending the investigation of and the enquiry of a charge involving a disciplinary offence.

(3) Every charge shall be enquired into by an officer nominated by the Director.

(4) Save in exceptional circumstances, the enquiry shall commence not later than the next day, not being a Sunday or a public holiday, following the day on which the offence against discipline was committed.

Prisoner

39. (1) When a prisoner is charged with an offence against discipline he shall be informed of the charge, in writing, at least two hours before the enquiry begins.

(2) At the enquiry, he shall be given the full opportunity of hearing what is alleged against him and of presenting his own case, including the right (subject to the approval of the officer nominated to hold the enquiry) to call witnesses.

Disciplinary awards

40. (1) Where an offence against discipline has been proved, any one or more of the following disciplinary awards may be made by an officer nominated by the Director -

- (a) caution;
- (b) forfeiture of any privilege for a period not exceeding twenty-eight days;
- (c) exclusion from associated work for a period not exceeding fourteen days;
- (d) stoppage of earnings for a period not exceeding twenty-eight days;
- (e) cellular confinement for a period not exceeding three days, subject to the approval of the C.M.O.;
- (f) forfeiture of remission, or in the case of a prisoner not then sentenced, of prospective remission, for a period not exceeding twenty-eight days;

PRISON RULES

(1999 Revision)

1. These rules may be cited as the Prison Rules (1999 Revision).

2. In these rules-

“C.M.O.” means the Chief Medical Officer; and

“prison” shall, notwithstanding the definition of “prison” in the Law where the content so admits, be deemed to include-

- (a) the precincts of a prison; and
- (b) any place or area outside a prison where there is a work party.

3. The purpose of training and treatment of prisoners is to encourage and assist them to decide to lead a good and useful life.

4. (1) Order and discipline shall be maintained with firmness, but with no more restrictions than are required for safe custody and a well ordered community life.

(2) In the control of prisoners every officer shall seek to influence them through his own example, and seek to enlist their co-operation.

(3) Every effort shall be made by officers to encourage prisoners to develop a sense of personal responsibility and self-respect.

5. (1) Prisoners shall be classified with regard to their sex, age, temperament, offence and criminal history-

- (a) to assist in the maintenance of good order and discipline; and
- (b) to further the purpose of their training and treatment.

(2) Subject to section 12, classifications of prisoners shall be separately accommodated as far as practicable.

6. A system of prisoner privileges shall, with the approval of the Governor, be established by the Director which shall include arrangements under which up to fifty per cent of the money earned by a prisoner may be spent in prison, the other fifty per cent to be saved for post-release use.

7. (1) The minimum number of days to serve will be obtained by deducting one-third (fractions ignored) from the total number of days of the sentence. This

Citation
Definitions

General purpose

Maintenance of order
and discipline

Classification of
prisoners

Privileges

Remission

will give the earliest date of release, whilst the latest date of release will still be the last date of the sentence.

(2) A forfeiture of remission as the result of a disciplinary award will postpone the earliest date of release by the number of days stated in the award, the latest date of release will not be affected.

(3) Days spent unlawfully at large do not count as part of the sentence, so both the earliest and the latest dates of release will be postponed by the number of days so spent:

Provided that the day of any escape from lawful custody and the day of recapture shall not count as part of the sentence.

(4) Where a court has ordered that time spent by a prisoner in custody prior to sentence shall count towards his sentence, then this period of time shall be taken into account when calculating his release date.

Rules to be displayed

8. A copy of these rules shall be displayed in a prison in a place accessible to all prisoners, and shall be brought to the notice of every prisoner within twenty-four hours of reception into prison.

Application to Director

9. A prisoner who has formally requested to see the Director shall be seen by him within twenty-four hours:

Provided that the Director shall not be obliged to see a prisoner on a Sunday or a public holiday.

Female prisoners

10. (1) In a prison accommodating both male and female prisoners, that part of the prison used by the female prisoners shall have different locks, the keys of which shall be under the exclusive control of female officers.

(2) Notwithstanding anything in these rules, female prisoners shall always be under the direct supervision of a female officer, except when being examined by the C.M.O.

(3) A female prisoner who is pregnant shall, when required by the C.M.O., be transferred to hospital for the birth of her child.

(4) The Director may, after consultation with the C.M.O., subject to such conditions as the Director may think necessary, permit a female prisoner to have

Provided that any privilege under this rule (except under paragraphs (e) or (f)) may be withdrawn, at any time, by the Director if he considers it has been abused.

35. A prisoner (not being already a convicted prisoner) who has been remanded during his trial shall, as far as practicable, be kept segregated from convicted prisoners.

Prisoner on trial

36. A civil prisoner shall not associate with any other class of prisoner at a time or in a manner considered by the Director to be prejudicial to good order and discipline.

Civil prisoners

37. (1) A prisoner is guilty of an offence against discipline if he -

Offences against discipline

- (a) mutinies or incites another prisoner to mutiny;
- (b) commits an assault;
- (c) escapes from prison or legal custody;
- (d) absents himself without permission from any place where he is required to be, whether within or outside prison;
- (e) has in his cell or room or in his possession any unauthorised article, or attempts to obtain such an article;
- (f) delivers to or receives from any person any unauthorised article;
- (g) sells or delivers to any person, without permission, anything he is allowed to have only for his own use;
- (h) takes improperly or is in unauthorised possession of any article belonging to another person or to a prisoner;
- (i) wilfully damages or disfigures any part of the prison, or any property not his own;
- (j) makes any false and malicious statement against an officer;
- (k) treats with disrespect an officer or any person visiting a prison;
- (l) uses any abusive, insolent, threatening or improper language or conduct;
- (m) is indecent in language, act or gesture;
- (n) repeatedly makes groundless complaints;
- (o) is idle, careless or negligent at work or, being required to work, refuses to do so;
- (p) disobeys any lawful order or refuses or neglects to conform to any legislative provision relating to the prison;
- (q) in any way offends against good order and discipline;
- (r) omits to assist in the maintenance of discipline by reporting any offence, or to give assistance to an officer when called on to do so;

claimed by that time shall be credited to an account for the benefit of discharged prisoners.

Death sentence

31. (1) Notwithstanding rules 20 and 21, a prisoner under sentence of death shall be given all necessary facilities to enable him to correspond with and to receive visits from his legal adviser and other persons.

(2) Every such visit, other than that from his legal adviser or a minister of religion, shall take place in the sight and within the hearing of an officer.

(3) He shall not be required to work, but shall, if he so requests, be given work to do in his cell.

(4) No person, other than an officer so authorised, may visit a prisoner under sentence of death without the permission of the Director.

Young persons

32. (1) A young person shall be given his own cell.

(2) He shall be given work to do and be encouraged to participate in the activities of the daily regime as far as practicable.

Appellants

33. In addition to such visitors as he may be allowed under rules 21 and 22, a prisoner who is appealing shall be allowed all reasonable facilities to communicate with or receive visits from such persons who may assist him in his appeal.

Privileges of unconvicted prisoner

34. A prisoner, not being a convicted prisoner -

- (a) shall be required to keep his cell and its contents clean;
- (b) may, subject to rule 29, have his possessions in his cell;
- (c) may opt to work but is not required to do so;
- (d) shall be allowed all reasonable facilities, including writing materials and telephone calls (where convenient) made on his behalf by an officer in connection with the preparation of his defence;
- (e) notwithstanding rule 20, shall be allowed to send to and receive from his legal adviser letters which shall not be opened:
 - Provided that the Director may open any letter if he has reason to believe it is not wholly connected with his defence; and
- (f) shall, except where it is inconsistent with this rule, be subject to the same discipline as a convicted prisoner:

her newly born child with her in prison for a short period, and everything necessary for the child's care and maintenance shall be provided.

11. (1) A prisoner shall be treated as being of the religious persuasion declared by him on his reception into prison.

Religion

(2) A prisoner may apply to the Director to have the entry in his personal file amended to another persuasion or to no religion, and the Director may do so after consultation with the appropriate ministers of religion.

12. (1) The C.M.O. shall visit the prison on a specified day each week and shall attend to all prisoners who ask to see him.

Medical

(2) The C.M.O. shall visit the prison to deal with an emergency if requested to do so by the senior rank officer on duty.

(3) The C.M.O. shall regularly inspect, and advise the Director upon-

- (a) the quantity, quality, preparation and service of food and drinks;
- (b) the hygiene and cleanliness of the prisoners and the prison;
- (c) the sanitation, temperature, lighting and ventilation of the prison;
- (d) the suitability and cleanliness of the prisoners' clothing and bedding;
- (e) the daily regime, particularly in respect of the work, physical education and recreational programmes; and
- (f) any other matter he thinks necessary.

(4) The C.M.O. shall report to the Director on any prisoner whose health is likely to be affected by continued imprisonment or by any of the conditions of imprisonment. The Director shall forthwith transmit this report to the Governor along with his own recommendations.

(5) The C.M.O. shall pay special attention to any prisoner whose mental condition appears to require it, and shall advise the Director of any special arrangement, on or off the Islands, that he considers necessary or advisable for the supervision or care of such prisoner.

(6) A prisoner suspected of having suicidal tendencies shall be placed under special observation.

(7) The services of a qualified dental officer shall be available to every prisoner.

(8) An unconvicted prisoner requiring the services of a medical practitioner or dentist of his choice and who is able and willing to pay for the same may be allowed to be treated by him, in consultation with the C.M.O.

Clothing

13. (1) Prison clothing and footwear issued under the Law shall include suitable protective clothing for use at work.

(2) Every prisoner shall wear only prison clothing, except when appearing before a court or as directed by the Director.

(3) A prisoner may be provided, if necessary, with suitable and adequate clothing at public expense on release.

Food and meals

14. (1) No prisoner shall be given food other than that which is ordinarily provided. Any variation to the diet must be authorised by the C.M.O.

(2) Food shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.

(3) The Director shall inspect daily the menu book and sample a prepared meal.

(4) If a prisoner refuses a meal, the supervisory officer shall enter these details in the Refused Meal Book which shall be inspected daily by the Director.

(5) No person shall assist in the preparation of food unless he has been approved by the C.M.O.

Alcohol, tobacco and drugs

15. (1) No prisoner shall have any intoxicating liquor, except on the written order of the C.M.O.

(2) No prisoner shall smoke or have any tobacco, except as a privilege under rule 5.

(3) No prisoner shall be given or have in his possession any drug, unless prescribed by the C.M.O.

Sleeping accommodation

16. (1) Each prisoner shall be provided with a separate bed, and with separate bedding adequate for warmth and health.

(2) Any article which a prisoner is not allowed to retain for his own use shall be located in a safe place, but before doing so a descriptive record of any such article shall be made and signed by the prisoner as correct.

(3) Any cash which is in the possession of a prisoner on his reception into prison shall be held to his credit in a prison account.

(4) The Director may confiscate any unauthorised article found in the possession of a prisoner after he has passed through reception.

Money and articles

30. (1) Any money or other article (other than a letter) sent to a prisoner, whether through the post or otherwise, shall be dealt with under this rule and the prisoner shall be so informed.

(2) Any money shall, at the discretion of the Director -

- (a) be placed to the credit of the prisoner in an account in the prison;
- (b) be returned to the sender;
- (c) when the sender's name and address are not known, be credited to an account for the benefit of discharged prisoners; or
- (d) if it is sufficient to discharge any fine imposed by a court, be applied for that purpose unless the prisoner proves to the satisfaction of the Director that it belongs to another person.

(3) Any security for money shall, at the discretion of the Director-

- (a) be delivered to the prisoner or placed in his property under rule 29(2);
- (b) be returned to the sender; or
- (c) be cashed and the proceeds dealt with in accordance with subrule (2).

(4) Any other article shall, at the discretion of the Director -

- (a) be delivered to the prisoner or placed in his property under rule 29(2);
- (b) be returned to the sender; or
- (c) where the sender's name and address are not known or the article is of such nature that the Director considers it would be unreasonable to return it, be sold or otherwise disposed of and the net proceeds thereof applied under subrule (2).

(5) Any property of a prisoner which is still in a prison three years after his date of release shall be sold, and the proceeds thereof plus any money not

To secure release 24. A prisoner confined in a prison in default of finding a surety or payment of a sum of money, shall be allowed reasonable facilities to communicate with, and shall be allowed to be visited, at any reasonable time, by any person to arrange for a surety or for such payment, in order to secure his release.

Custody outside prison 25. (1) A prisoner being taken to or from a prison shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult.

(2) A prisoner required to be in custody outside a prison shall be in the custody of an officer or constable, under circumstances decided by the Director.

(3) A prisoner required to be taken in custody to any court shall wear either his own clothing or clothing different from that worn in prison.

Search 26. (1) Every prisoner shall be searched by an officer of the same sex when taken into custody, on his reception into prison and on such subsequent occasions as the Director directs.

(2) A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) A prisoner shall not be stripped and searched in the sight of another prisoner.

Personal file 27. A personal file on each prisoner shall be prepared and maintained in such manner as the Director shall direct.

Photograph 28. No copy of a photograph taken under section 27A(1) shall be given to any person not authorised to receive it.

Property of prisoners 29. (1) Subject to any general or special directions of the Director, a prisoner may receive and retain for his own use a reasonable quantity of writing material and books and newspapers (not being books or newspapers containing Laws or subsidiary legislation, unless required for the purposes of an appeal by him or for the improvement of his education):

Provided that any item that appears objectionable to the Director may be confiscated.

(2) The number of prisoners who may sleep or be confined at one time in a room or cell shall meet all requirements of health and hygiene in respect of ventilation, floor space and natural light.

17. (1) Every prisoner shall obey the hygiene rules, wash and bathe at proper times and, in the case of a male prisoner (unless excused by the Director or by the C.M.O.) shave or be shaved daily, and have his hair cut as may be necessary for neatness. Hygiene

(2) A female prisoner's hair shall not be cut without her consent, unless the C.M.O. has directed this is to be done for the sake of health or cleanliness.

(3) Every prisoner shall keep his cell and surroundings clean and tidy at all times.

(4) The C.M.O.'s instructions on matters of health shall be obeyed.

18. A prisoner who is not engaged in outdoor activity or who is under cellular punishment shall be given exercise in the open air for not less than a total of one hour daily, if weather permits: Daily exercise

Provided that indoor physical training may be given instead.

19. (1) A convicted prisoner shall not be required to work for more than nine hours per day, and where practicable outside his cell and in association with others. Work

(2) An unconvicted prisoner shall be permitted, if he wishes, to work as if he were a convicted prisoner.

(3) No prisoner shall be required, as far as practicable, to work on one day each week regarded by him as sacred or holy because of his religious persuasion.

(4) Every prisoner shall, as far as practicable, be allowed at least one day of rest per week.

20. (1) Notwithstanding subrules (3), (4) and (5), the Director may, with a view to securing discipline and good order, for the prevention of crime or in the interests of any person or persons, impose restrictions, either generally or in a particular case, upon the letters (which in these rules shall include any form of written communication) to be permitted between a prisoner and any other person. Letters

(2) Every letter to or from a prisoner may be read and examined by the Director or by any officer authorised to do so on his behalf, and the Director may, in his discretion, stop any letter.

(3) A convicted prisoner shall be entitled to send and receive one letter on his reception into prison, and thereafter one letter a week:

Provided that, if a letter is not sent or received at the appropriate time, the entitlement cannot be carried forward to a later time but shall be forfeited.

(4) An unconvicted prisoner shall be entitled to send and receive as many letters as the Director, in his discretion, considers reasonable.

(5) The Director may allow an additional letter, at public expense, in the interests of the welfare of the prisoner or of his family.

(6) All letters shall be written in the English language, except where the prisoner does not understand that language.

(7) The Director may cause translation to be made of a letter not written in the English language.

Visits

21. (1) The Director shall fix and determine the manner, duration, days and times when prisoners may be visited.

(2) Except as provided by these rules, and unless otherwise directed by the Director, every visit to a prisoner shall take place in the sight and within the hearing of an officer.

(3) A prisoner shall not receive more than two visits each week:

Provided that the Director may, in his discretion -

- (a) allow one extra visit per week in the interest and welfare of the prisoner or his family; or
- (b) if the prisoner is an unconvicted prisoner, allow extra visits to deal with family business arising during the detention.

(4) Every visitor shall, on arrival at a prison for a visit, furnish the officer on duty with his name, address and relationship to the prisoner.

(5) Not more than two adults and two children shall be permitted to visit a prisoner at any one time without the permission of the Director or any officer authorised by him.

(6) Every visitor shall submit to a search by an officer of the same sex, if so required by the officer on duty:

Provided that no search shall be made in the presence of a prisoner or any other visitor.

(7) The Director or any officer authorised by him may refuse admission to the prison to any visitor, if, in his opinion, the admission would be prejudicial to the security and good order of the prison.

(8) Only English shall be spoken during visits, except where this is impracticable.

(9) The Director may allow a prisoner to send and receive a letter instead of receiving a visit to which he is entitled, and any such letters shall not be counted as a letter for the purposes of rule 20.

22. (1) The legal adviser of a prisoner who is a party to any legal proceedings, or who is appealing, shall be afforded reasonable facilities to interview him in connection therewith and may do so out of hearing but in the sight of an officer.

Visits by legal adviser

(2) The legal adviser of a prisoner shall be afforded reasonable facilities to interview him in connection with any other legal business, in the sight and within the hearing of an officer.

(3) A legal adviser may use a tape recorder when interviewing a prisoner under subrule (1):

Provided that -

- (a) prior permission has been granted; and
- (b) he has given a written undertaking that the tape will be retained by him and used only in the proceedings to which the prisoner is a party.

23. A constable may, on production of an authority issued by or on behalf of the Commissioner of Police, interview any prisoner wishing to see him.

Police interview