



BRITISH ANTARCTIC TERRITORY

THE PRISONS ORDINANCE 2020

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THE PRISONS ORDINANCE 2020

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BRITISH ANTARCTIC TERRITORY

Enacted by the Commissioner,
Ben Merrick,
XX XXXX 2020

Ordinance No. 6 of 2020

THE PRISONS ORDINANCE 2020

AN ORDINANCE to provide for the establishment of prisons within the Territory, for the regulation of prisons and for matters incidental thereto.

Citation and commencement.

1. This Ordinance may be cited as the Prisons Ordinance 2020 and shall come into force on **XXXXXX**.

Interpretation.

2. In this Ordinance, unless the contrary intention appears –

“officer in charge”, in relation to a prison, means the person appointed under section 4(1), or under a regulation made under section 8 in pursuance of section 5, to be in charge of that prison;

“prison” means any premises or place appointed under section 3, or under a regulation made under section 8 in pursuance of section 5, to be a prison for the confinement of prisoners;

“prisoner” means a person who is liable to imprisonment by virtue of the sentence of any court or who is otherwise liable to be held in custody by virtue of any law in that behalf for the time being in force in the Territory;

“the staff of a prison” means the persons appointed as such under section 4(2) or under a regulation made under section 8 in pursuance of section 5; and

“temporary prison” means a prison established under a regulation made under section 8 in pursuance of section 5.

Establishment of prisons.

3. The Commissioner may, by notice which shall be published in the *Gazette*, appoint any premises or place within the Territory to be a prison.

Appointment of officers and staff of prisons.

4. (1) The Commissioner may, by notice which shall be published in the *Gazette*, appoint a person to be the officer in charge of a prison and to be responsible, as such, for the custody, discipline and welfare of the prisoners therein and for the conduct and discipline of the staff of the prison.

(2) The Commissioner may, by notice which shall be published in the *Gazette*, appoint other persons, as necessary, to be the staff of a prison and to be responsible, as such, for assisting the officer in charge in the exercise of his or her functions.

Temporary prisons.

5. The Commissioner may, by regulations under section 8, authorise any public officer, subject to any conditions or restrictions that may be specified in the regulations, to appoint any premises or place within the Territory to be a temporary prison and to appoint a person to be the officer in charge and, as necessary, other persons to be the staff of such temporary prison.

Exercise of functions of officers and staff of prisons.

6. The officer in charge of a prison and the staff of a prison shall exercise their respective functions in accordance with any regulations relating thereto made under section 8 and, subject to any such regulations, in accordance with such general or special directions or instructions as the Commissioner may give to them or, in the case of the staff of a prison (and subject to any such directions or instructions given by the Commissioner), as the officer in charge may give to them.

Assisting prisoner to escape.

7. Any person who aids any prisoner in escaping or attempting to escape from a prison or who, with intent to facilitate the escape of any prisoner, conveys any thing into a prison or to a prisoner or places any thing anywhere outside a prison with a view to its coming into the possession of a prisoner shall be guilty of an offence under this section and shall, on conviction, be liable to a term of imprisonment not exceeding 5 years.

Regulations.

8. (1) The Commissioner may, by regulations which shall be published in the *Gazette*, make such further provision as may be necessary or expedient for the efficient and humane conduct of prisons and for the discipline and welfare of the prisoners therein.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may –

(a) provide, in pursuance of section 5, for the appointment of premises or places to be temporary prisons and for the appointment of persons to be officers in charge and other staff of such prisons;

(b) prescribe the manner in which the officers in charge of prisons and the staff of prisons shall exercise their functions;

(c) generally, and whether or not by the promulgation of standing orders for prisons, regulate the regime to be observed in prisons

and the rights and duties of prisoners and of other persons in relation to prisons and prisoners;

(d) provide for contravention of regulations made under paragraph (b) or paragraph (c) to be offences under this section and, subject to subsection (3), prescribe the penalties for such offences.

(3) Offences under this section may be tried only summarily and the penalty prescribed for any such offence by regulations made under this section, whether a term of imprisonment or a fine, may not exceed the statutory maximum (but the regulations may permit both a term of imprisonment and a fine to be imposed).

(4) Without prejudice to the generality of subsection (1), regulations made under this section may make different provision in respect of different persons or different categories of prisoners.

Exclusion of law
of England on
prisons.

9. For the avoidance of doubt it is hereby declared –

(a) that the foregoing provisions of this Ordinance (being “specific laws” within the meaning of that term in section 5 of the Administration of Justice Ordinance 2020) exclude the operation as part of the law of the Territory, by virtue of section 5(1)(b) of that Ordinance, of the law of England relating specifically to the establishment and the regulation of prisons; but

(b) that the law of England, as for the time being in force in England, is otherwise in force in the Territory by virtue of the said section 5(1)(b) for the purposes of the administration and enforcement of this Ordinance.
