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# PRISON RULES

## 1961

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# PRISON RULES, 1961.

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**Isle of Man to Wit.**

By His Excellency Sir Ronald Herbert Garvey, K.C.M.G., K.C.V.O.,  
M.B.E., Lieutenant Governor of the said Isle, &c., &c., &c.

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# PRISON RULES, 1961.

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I, the said Lieutenant Governor, in exercise of the powers conferred upon me by Section 7 of the Prison Act, 1890, and Section 7 of the Prison Act Amendment Act, 1911, and of all other powers me enabling, DO hereby make the following Rules:—

## PART I.

### PRELIMINARY.

1. These Rules are divided into Parts as follows:—

- I. Preliminary.
- II. General Rules for treatment of prisoners.
- III. Special Rules for particular classes of prisoners.
- IV. Staff.
- V. Visiting Justices.

2. (1) In these Rules, unless the context otherwise requires, the words and expressions have the meanings respectively assigned to them as follows:—

“Chaplain” means a clergyman appointed chaplain under Section 4 of the Prison Act, 1890;

“legal adviser” means, in relation to a prisoner, a prisoner’s advocate and includes a clerk authorised by his advocate to interview the prisoner;

“Medical Officer” means the surgeon appointed by the Governor under Section 4 of the Prison Act, 1890.

“officer” means an officer or servant of the Prison.

“Prison” means the Isle of Man Gaol.

“Visiting Justices” mean the visiting committee of the Prison appointed under Section 5 of the Prison Act, 1890.

(2) The Interpretation Act, 1949, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Tynwald commencing after the 24th day of May, 1949.

Citation  
and  
commence-  
ment.

3. These Rules may be cited as the Prison Rules, 1961, and shall come into operation on the 12th day of April, 1961.

4. The Regulations made by the Lieutenant Governor under Section 7 of the Prison Act, 1890, and Section 7 of the Prison Act Amendment Act, 1911, and dated respectively the 1st December, 1928, and the 14th March, 1949(a) are hereby revoked.

## PART II.

### GENERAL RULES FOR THE TREATMENT OF PRISONERS.

5. The Rules in this Part apply to all classes of prisoners except in so far as they are inconsistent with the special Rules.

#### CLASSIFICATION AND TREATMENT.

6. (1) The purposes of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge and fit them to do so.

(2) In order so far as possible to prevent contamination and to facilitate training, the arrangements set out in the following paragraphs of this Rule shall be made in classifying prisoners.

(3) Prisoners under twenty-one years of age shall be placed in the Young Prisoners' Class.

(4) Prisoners of twenty-one years of age and over who have not previously been in any prison on conviction shall be placed in the Star Class unless the Visiting Justices consider that in view of their record or character they are likely to have a bad influence on others. The Visiting Justices may also place in the Star Class a prisoner of twenty-one years of age and over who has previously been in any prison on conviction if they are satisfied having regard to the nature of the previous offence or to the length of time since it was committed or to the prisoner's general record and character that he is not likely to have a bad influence on others.

(5) Other prisoners shall be placed in the Ordinary Class.

(6) The Visiting Justices may in their discretion remove from the Star Class to the Ordinary Class a prisoner whose character has shown him to be unfit to associate with other prisoners of the Star Class.

(7) Arrangements shall be made by the Gaoler to provide where possible for the effective separation of the three classes of convicted prisoners.

(a) Government Circular No. 31/49.

## ACCOMMODATION

7. (1) No sleeping accommodation for prisoners shall be used unless it is certified by the Medical Officer to be of such size and to be lighted, warmed, ventilated and fitted in such a manner as is requisite for health and when such accommodation is locked it shall be furnished with the means of enabling prisoners to communicate at any time with an officer. If the certificate of any cell, room or ward so used is cancelled, that accommodation shall not be used for sleeping unless it is again certified. The certificate shall specify the maximum number of prisoners to be accommodated at any one time in such a room or ward and the number so specified shall not be exceeded without the authority of the Governor. Sleeping accommodation.

(2) Each prisoner shall occupy a cell by himself :

Provided that where it is necessary for special reasons the Governor may authorise the accommodating of not more than three prisoners in a cell.

8. Every prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health. Beds and Bedding.

9. (1) The whole of the premises allocated to women shall be entirely separate and shall be secured by locks different from those used in the men's prison. Women's accommodation.

(2) The keys of the premises allocated to women shall be under the control of women officers and no male officer shall enter the premises except on duty and in the company of a woman officer.

## RECEPTION, REMOVAL AND DISCHARGE

(i) *Reception.*

10. (1) Every prisoner shall be searched when taken into custody by an officer, on reception into the prison, and at such subsequent times as the Gaoler may deem advisable, and all unauthorised articles shall be taken from him.

(2) The searching of a prisoner shall be conducted 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 sight of another prisoner.

(4) A prisoner shall be searched only by officers of the same sex as the prisoner.

11. All money, clothing or other effects belonging to a prisoner which he is not allowed to retain shall be placed in the custody of the Gaoler who shall keep an inventory thereof which shall be signed by the prisoner. Retention of property.

- Recording of particulars. 12. The name, age, height, weight, particular marks and such other measurements and particulars as may be required in regard to a prisoner shall upon his reception and from time to time be recorded by the Gaoler in such manner as the Governor shall determine.
- Photographs. 13. A prisoner may be photographed on reception and subsequently but no copy of the photograph shall be given to a person who is not authorised to receive it.

*Persons in Custody (Photographing and Measuring) Rules.*

Prisoners may be photographed and measured. 14. (1) Subject as hereinafter contained, a prisoner confined in the prison or any Police Station may be photographed and measured at any time during his imprisonment, by any officer of Police with the authority of the Chief Constable or Superintendent or any officer of Police not below the rank of Inspector.

Apprehended aliens may be photographed and measured. (2) Any alien in whose case a certificate has been given by a Court with a view to the making of a deportation order under any Aliens Regulations made by the Governor under the Aliens Restriction Act, 1948, and who is confined in the prison or in any police station until the Governor has decided upon his case, may be photographed and measured in the same way as a prisoner confined in the prison or a police station.

Details of photography. (3) The prisoner or alien shall be photographed either in the dress of the prison, or in the dress he wore at the time of his arrest or trial, or in any other dress suitable to his ostensible position and occupation in life. The photograph to be taken shall include a photograph of the full face, and a photograph of the true profile of the prisoner or alien.

Details of measurements. (4) The measurements to be taken may include:

- The length and breadth of the head ;
- The length and breadth of the face ;
- The length and breadth of the ears ;
- The length of either foot ;
- The length of the fingers of either hand ;
- The length of the cubit and hand, either right or left ;
- The span of the arms ;
- The prisoner's height when standing ;
- The prisoner's height when sitting.
- The size and relative position of every scar and distinctive mark upon any part of the body ;
- The external filament of the fingers and thumbs of both hands to be taken by pressing them first upon an inked plate and then upon paper or cardboard so as to leave a clear print of the skin surface.

- (5) An untried prisoner confined in the prison or in any police station and charged with any of the following offences, namely:—
- Prisoner awaiting trial for offences as shown may be photographed and measured if he does not object.
- Abduction,
  - Abortion,
  - Aggravated assaults,
  - Aliens Restriction Act, 1948, or any Regulations made thereunder, offences by an alien against, with consequent recommendation for deportation,
  - Armed by night,
  - Arson,
  - Assaults (other than common assault),
  - Bankruptcy Act, offences against,
  - Being found on enclosed premises,
  - Bigamy,
  - Breaking and entering,
  - Breaking out after having committed felony,
  - Bribery and corrupt practices,
  - Brothels, keeping or assisting in management of,
  - Burglary,
  - Carnal knowledge,
  - Cattle maiming,
  - Cattle stealing,
  - Child destruction,
  - Coinage, offences against,
  - Compounding a felony,
  - Concealment of birth,
  - Conspiracy of all descriptions,
  - Criminal Code, 1872, offences under Section 420,
  - Cruelty to children,
  - Dangerous Drugs Acts, 1923 to 1947, or any Act amending such Acts, or any Orders or Regulations made thereunder,
  - Defilement of girls,
  - Demanding money with menaces,
  - Embezzlement,
  - Entering with intent to commit a felony,
  - Extortion by threats,
  - False pretences,
  - Falsification of accounts,
  - Felonious wounding,
  - Forgery,
  - Fraud,
  - Frequenting,
  - Horse stealing,
  - Impersonating Police Officers,
  - Incest,
  - Incorrigible rogues,
  - Indecency between males,
  - Indecent assault,
  - Indecent exposure,
  - Infanticide,
  - Larceny,
  - Libel (obscene or defamatory),

Male persons soliciting for immoral purposes,  
 Malicious damage,  
 Malicious wounding,  
 Manslaughter,  
 Misprision of felony,  
 Murder,  
 Official Secrets Acts, 1911 and 1920 (Acts of the Imperial  
 Parliament), or any Act amending such Acts, offences  
 against,  
 Perjury,  
 Poaching,  
 Possessing housebreaking tools,  
 Possessing forged documents,  
 Printing, Procuring, etc., obscene or indecent prints, books,  
 etc.,  
 Procuration of women or girls,  
 Prostitution, living on proceeds of,  
 Rape,  
 Receiving,  
 Robbery,  
 Sacrilege,  
 Sheep stealing,  
 Suspected persons,  
 Taking and driving away motor vehicle without the owner's  
 consent,  
 Threats to murder,  
 Unlawful possession,  
 Unnatural offences,  
 Wounding or  
 Attempting or inciting to commit any of or aiding, abetting,  
 counselling or procuring the commission of the above  
 offences ;

may be photographed and measured by any officer of the police if  
 the untried prisoner does not object.

Procedure  
 when  
 untried  
 prisoner  
 objects.

(6) If an untried prisoner while in the prison or in a police station and charged with any of the offences mentioned in the preceding Rule 14 (5) objects to being photographed and measured, he shall be informed by a Police Officer that an application will be made to a Justice of the Peace for leave to photograph and measure the prisoner, and that if the application is approved, force will if necessary be used for the purpose of obtaining such photographs and measurements. If the untried prisoner, after being so informed, still objects, an application shall be made in writing by the Chief Constable or Superintendent or any Police officer not below the rank of Inspector to a Justice of the Peace, setting forth that from the character of the offence with which the prisoner is charged, or for other reasons, there are grounds for suspecting that he has been previously convicted or has been engaged in crime, or that from any other cause his photograph and measurements are required for the purposes of justice. If a Justice of the Peace approves such application, the photographs and measurements shall be taken by a Police officer and if force is required for the purpose, such force shall be used with care and discretion.

(7) When an untried prisoner who has not been previously convicted of crime shall have been photographed and measured under the preceding Rules 14 (5) or (6) and be discharged by the High Bailiff or by the Justices or acquitted upon his trial, all photographs (both negatives and copies), finger print impressions and records of measurements so taken shall be destroyed in his presence or handed over to the prisoner.

Untried persons to receive all photographs and measurements if acquitted.

15. Every prisoner shall, unless exempted by the Gaoler or Medical Officer, take a hot bath on reception. Every prisoner shall within 24 hours of his imprisonment have his or her hair cut as the Medical Officer may direct.

Baths and hair cut.

16. Every prisoner shall, on the day of his reception as soon as possible after his reception, be separately examined by the Medical Officer, who shall record the state of health of the prisoner and such other particulars as may be directed:

Medical examination.

Provided that when a prisoner is received too late to be examined on the same day he shall be examined as soon as possible on the next day, and in any case within 24 hours of reception.

17. Subject to such conditions as the Visiting Justices 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.

Babies.

(ii) *Information to Prisoners.*

18. (1) Every prisoner on reception will be provided in his cell or room or ward with full information about the Regulations governing the treatment of prisoners and about any other Regulations of which he should have knowledge including those relating to earnings and privileges, to the proper method of submitting petitions to the Governor and of making complaints, to food, clothing, bedding and other necessaries and to the disciplinary requirements of the prison.

Providing and explaining information.

(2) The Gaoler shall personally or through such officer as he may appoint ensure as soon as possible after reception and in any case within 24 hours that every prisoner who can read has read the information so provided. Where a prisoner cannot read or has difficulty in understanding the information so provided, it shall be so explained to him that he may understand both his rights and his obligations.

(iii) *Removal and Discharge.*

19. A prisoner whom the Governor has directed to be taken to any place shall, while outside the prison, be kept in the custody of prison officers.

Custody during removal, etc.

- Protection from public view. 20. When prisoners are being removed to or from prison, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to protect them from insult or curiosity.
- Final interview with Gaoler. 21. Every prisoner shall, before discharge or removal to another prison, be interviewed by the Gaoler, and also may be interviewed by the Visiting Justices.
- Final interview with Medical Officer. 22. (1) Every prisoner shall, as short a time as is practicable before discharge or removal to another prison, be examined by the Medical Officer.  
(2) A prisoner shall not be removed to another prison unless the Medical Officer certifies that he is fit for removal.  
(3) A prisoner due for discharge who is suffering from an acute or dangerous illness shall, unless he refuses to stay, not be sent out of prison until in the opinion of the Medical Officer it is safe to send him out.
- Return of clothes. 23. On the discharge of a prisoner, his own clothes shall be returned to him unless it has been found necessary to destroy or otherwise dispose of them, in which case proper clothing shall be provided. All money or other effects shall be similarly returned to him.

(iv) *Deaths of Prisoners.*

- Record of death. 24. The Medical Officer shall keep a record of the death of any prisoner which shall include the following particulars, that is to say—  
(a) the time the deceased was taken ill,  
(b) when the illness was first notified to the Medical Officer,  
(c) the nature of the illness,  
(d) the time at which and the day on which the prisoner died,  
(e) an account of the appearance of the prisoner after death, where a post mortem examination is carried out, and  
(f) any special remarks that appear to the Medical Officer to be required.
- Notice to Coroner, etc. 25. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Coroner of Inquests, to the Clerks to the Justices, and to the Governor.

DISCIPLINE AND CONTROL.

(i) *General*

- General principles. 26. The Rules in this section shall be applied, due allowance being made for the differences of character and response to discipline of different types of prisoner, in accordance with the following principles, that is to say—

- (1) Discipline and order shall be maintained with firmness but with no more restriction than is required for safe custody and well-ordered community life ;
- (2) In the control of prisoners, officers shall seek to influence them through their own example and leadership and to enlist their willing co-operation ;
- (3) At all times, the treatment of prisoners shall be such as to encourage their self respect and a sense of personal responsibility.

27. (1) The Gaoler shall—

Supervision  
by Gaoler.

- (a) exercise a close and constant personal supervision of the whole of the prison ;
- (b) inspect daily all parts of the prison where prisoners are working or accommodated ;
- (c) give special attention to every prisoner who is under medical care ;
- (d) at least twice a fortnight, visit all parts of the prison during the night and satisfy himself as to its state.

28. In the absence of the Gaoler, the Head Warder, or in his absence, any other warder deputed by the Gaoler, or in the absence of the Gaoler by the Head Warder, shall perform all the duties of the Gaoler.

Performance  
of Gaoler's  
duties by  
Head Warder

29. Women prisoners shall be attended only by women officers and, if working under a male instructor, shall be supervised by a woman officer.

Supervision,  
etc., of  
women.

30. (1) When there are women prisoners, that part of the prison set aside for women shall, under the direction of the Gaoler, be in the charge of a Matron who shall reside within the prison and have the care and superintendence of all women prisoners. The keys of all the locks of that part of the prison shall be in her custody.

Matron.

(2) In the event of there being any women prisoners, the Matron shall—

- (a) exercise a close and constant personal supervision over the whole of the women's part of the prison ;
- (b) visit and inspect daily all parts of the prison where women prisoners are working or accommodated ;
- (c) give special attention to every woman prisoner who is under medical care, under restraint, undergoing cellular confinement or upon restricted diet ;
- (d) attend Divine Service in the Chapel with the prisoners in her charge unless absent by leave or prevented by some duty, the omission and cause being entered in the Gaoler's Journal ;
- (e) at least twice a fortnight, visit the women's part of the prison during the night and satisfy herself as to its state.

(3) Whenever the Matron is absent, her duties shall be performed by a qualified woman officer and that officer shall have all the powers and will perform all the duties of the Matron.

Use of force.

31. (1) No officer in dealing with prisoners shall use force unnecessarily and, when the application for force to a prisoner is necessary, no more force than is necessary shall be used.

(2) No officer shall deliberately act in a manner calculated to provoke a prisoner.

Prisoners not to hold disciplinary posts.

32. No prisoner shall be employed in a disciplinary capacity but prisoners carefully selected by the Gaoler may be given positions of responsibility and leadership within such limits as the Visiting Justices may determine.

Temporary work in cell.

33. (1) If at any time it appears to the Visiting Justices that it is desirable for the maintenance of good order or discipline or in the interests of a prisoner that he should not work in association with other prisoners, the Visiting Justices may authorise the Gaoler to arrange for that prisoner to work temporarily in a cell or other room or ward and not in association with other prisoners.

(2) It shall be within the discretion of the Gaoler to arrange for such a prisoner again to work in association whenever he considers this desirable and he shall do so in any case if the Medical Officer so advises on medical grounds, or at the expiration of one month, unless further authority is given from month to month by the Visiting Justices.

(ii) *Remission.*

Conditions of remitting sentence and gratuities on discharge.

34. (1) A prisoner sentenced to a term of imprisonment, whether by one sentence or cumulative sentences, exceeding one calendar month shall be eligible, by special industry and good conduct, to earn a remission of a portion of his sentence, not exceeding one-third of the whole sentence; provided that such remission shall not be granted as will reduce any period of imprisonment to be served to less than thirty days.

(2) A prisoner who has been detained in the Prison for a minimum period of fourteen days, whether on remand or otherwise, shall be eligible for a gratuity on discharge.

(3) A daily record of the industry and conduct of prisoners shall be kept by the Gaoler in a register provided for the purpose. Two marks per diem shall be allowed for conduct and two for industry. For a slight breach of conduct a prisoner will be awarded one mark only for the day for conduct; but for a serious matter he will receive no mark. If a prisoner's industry has been only fair he will receive one mark for industry, and if bad he will be given no mark.

(4) On Sundays, only conduct marks will be recorded.

(5) (a) For every week in which a prisoner, during his imprisonment earns 14 marks for conduct AND only 11 for industry, he shall forfeit two days' remission of sentence and 25 marks in the calculation of his gratuity.

(b) For every week in which a prisoner, during his imprisonment, earns only 13 marks for conduct AND 12 for industry, he shall forfeit two days' remission of sentence and 25 marks in the calculation of his gratuity.

(c) For every week in which a prisoner, during his imprisonment, earns only 13 marks for conduct AND 11 for industry, he shall forfeit four days' remission of sentence and 50 marks in the calculation of his gratuity.

(d) For every week in which a prisoner, during his imprisonment, earns only 12 marks or less for conduct OR 10 marks or less for industry, he shall forfeit two weeks' remission of sentence and 100 marks in the calculation of his gratuity.

(6) The gratuity given to a prisoner on discharge shall be calculated on the following basis:—

(a) for every hundred marks earned by him during the first eight weeks of his imprisonment a prisoner shall receive a gratuity of three shillings.

(b) after the prisoner has served eight weeks of his sentence and provided he maintains a satisfactory standard of effort, he shall receive a gratuity of five shillings for every hundred marks earned by him.

(7) Marks for remission and gratuity shall be awarded to a prisoner in respect of any period during which he has been in the Prison prior to his sentence and which is taken into account by the Court as part of the sentence, provided the prisoner has, during that period, qualified through conduct and industry for marks.

(8) At least seven days before a prisoner's earliest date of discharge the Gaoler shall submit to the Government Secretary, on a prescribed form, particulars of the prisoner's conduct and industry, as represented by marks. The Gaoler will then receive instructions in writing as to the commands of His Excellency the Lieutenant Governor concerning the prisoner in question.

35. (1) After considering the industry and good conduct of a prisoner serving a sentence of imprisonment of not less than six months, and his character, conduct and prospects, the Governor after considering the recommendations of three Visiting Justices and the Medical Officer may direct that instead of being granted remission of his sentence under the foregoing Rule, the prisoner shall be released on licence under the following provisions of this Rule, provided the prisoner has served not less than six months of his sentence.

Release on licence of persons sentenced to terms of imprisonment.

(2) A person released on licence under this Rule shall until the expiration of his sentence, be under the supervision of such person or body of persons as may be specified in the licence, and shall comply with such other requirements as may be so specified:

Provided that the Governor may at any time modify or cancel any such requirements.

(3) If, before the expiration of his sentence, the Governor is satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, the Governor may by order recall him to the prison; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence, and if at large shall be deemed to be unlawfully at large, and may be arrested by a Constable without warrant and taken to the prison and delivered up to the Gaoler or other Prison Officer.

(4) This rule shall not apply to a person committed to prison in default of payment of a sum adjudged to be paid by a conviction.

(5) For the purposes of this Rule, consecutive terms of imprisonment shall be treated as one term.

(iii) *Offences Against Discipline.*

Release on parole.

36. (1) A prisoner serving a sentence of imprisonment may be allowed by the Visiting Justices to be temporarily absent from prison on parole for such time or times and subject to such conditions as they may determine—

- (a) for the purpose of engaging in employment or receiving instruction or training;
- (b) in such other circumstances as the Visiting Justices may approve.

(2) If the Visiting Justices are satisfied that a prisoner absent on parole has broken any of the said conditions, he shall notwithstanding that the stated length of time has not expired be liable to be recalled to prison.

(3) The functions of the Visiting Justices under this Rule shall be exercised by not less than three and not more than five of such Justices acting together and they may take evidence on oath.

(4) If a prisoner does not surrender to the Prison on the expiration of his parole or on his recall he shall be deemed to be unlawfully at large and may be arrested by a Constable without warrant and taken to the Prison and delivered up to the Gaoler or other Prison Officer.

Gaoler to deal with reports.

37. No report against a prisoner shall be dealt with by any officer except the Gaoler or the Head Warder or any other officer who, under Rule 28, has authority to perform the duties of the Gaoler.

38. When a prisoner has been reported for an offence, the Gaoler may order him to be kept apart from other prisoners pending adjudication. Separation of reported prisoner.
39. A prisoner shall, before a report against him is dealt with, be informed of the offence for which he has been reported and shall be given a proper opportunity of hearing the facts alleged against him and of presenting his case. Information to reported prisoner.
40. The Gaoler or any other officer may deprive a prisoner of any unauthorised article found in his cell or in his possession. Unauthorised articles.
41. (1) The following shall be offences against discipline:— Offences.
- (a) disobedience of the rules of the prison by any prisoner ;
  - (b) common assaults by one prisoner on another ;
  - (c) profane cursing and swearing by any prisoner ;
  - (d) indecent behaviour by any prisoner ;
  - (e) irreverent behaviour at chapel by any prisoner ;
  - (f) insulting or threatening language by any prisoner to any officer or prisoner ;
  - (g) absence from chapel without leave by any criminal prisoner ;
  - (h) idleness or negligence at work by any convicted criminal prisoner ;
  - (i) wilful mismanagement of work by any convicted criminal prisoner.
- (2) A prisoner shall also be guilty of an offence against discipline if he—
- (a) commits an assault upon an officer ;
  - (b) wilfully disfigures or damages any part of the prison or any property which is not his own ;
  - (c) escapes from prison or from legal custody ;
  - (d) mutinies or incites other prisoners to mutiny ;
  - (e) commits personal violence against an officer ;
  - (f) makes false and malicious allegations against an officer ;
  - (g) attempts to do any of the foregoing things.
42. (1) Every offence against discipline shall be reported forthwith and, save as provided by Rule 44, the Gaoler shall investigate every report of such offence not later than the following day unless that day is a Sunday or a public holiday. Investigation of offences and awards by Gaoler.
- (2) If, upon investigation, the Gaoler considers that an offence under Rule 41 (1) is proved, he shall make one or more of the following awards:—
- (a) caution ;
  - (b) forfeiture or postponement of privileges for a period not exceeding 28 days ;

- (c) exclusion from association work for a period not exceeding 14 days ;
- (d) restricted diet No. 1 for a period not exceeding 3 days ;
- (e) restricted diet No. 2 for a period not exceeding 15 days ;
- (f) cellular confinement for a period not exceeding three days.

Investigation  
of offences  
and awards  
by Visiting  
Justices.

43. (1) Where a prisoner is reported for any of the offences referred to in paragraphs (a), (b), (c) or (f) of Rule 41 (2), or any attempt to commit any of those offences the Gaoler shall refer the case to the Visiting Justices.

(2) Where a prisoner is reported for repeated offences against discipline for which such awards as the Gaoler is empowered to make under the last preceding Rule are in his opinion insufficient, the Gaoler shall, after investigation, refer the case to the Visiting Justices.

(3) The Visiting Justices shall enquire into every case referred to them under paragraphs (1) and (2) of this Rule and for such purposes may take evidence on oath, and, for that purpose, may administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter in respect of which he is examined.

(4) If they find the offence proved, the Visiting Justices shall make one or more of the following awards:—

- (a) caution ;
- (b) forfeiture of remission of sentence for a period not exceeding six months ;
- (c) forfeiture or postponement of privileges ;
- (d) exclusion from associated work for a period not exceeding 28 days ;
- (e) restricted diet No. 1 for a period not exceeding 15 days ;
- (f) restricted diet No. 2 for a period not exceeding 28 days ;
- (g) cellular confinement for a period not exceeding 14 days ;
- (h) stoppage of earnings for a period not exceeding 28 days.

(5) The functions of the Visiting Justices under this and the next following Rule shall be exercised by not less than three and not more than five of such Justices acting together.

Especially  
grave  
offences.

44. (1) Where a prisoner is reported for any of the offences mentioned in paragraphs (d) and (e) of Rule 41 (2), or any attempt to commit any of those offences, the Gaoler shall forthwith refer the case to the Visiting Justices.

(2) The Visiting Justices shall enquire into the case and shall take evidence on oath and, for that purpose, may administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter in respect of which he is examined, and if they find the offence proved,

shall make one or more of the awards set out in paragraph (4) of the preceding Rule, or, in the case of a male prisoner convicted of felony or sentenced to hard labour, order corporal punishment, and if corporal punishment is inflicted, no further punishment by way of confinement in cells or by way of restricted diet shall be imposed.

(3) Where an order for the infliction of corporal punishment is made, the order shall specify the number of strokes not exceeding, in case of a prisoner appearing to them to be not less than 21 years of age, eighteen strokes of a cat-o-nine tails or birch rod, or in the case of a person appearing to them to be under that age, twelve strokes of a birch rod.

45. (1) All corporal punishment shall be attended by the Gaoler and the Medical Officer. Corporal punishment.

(2) The Medical Officer shall immediately before the punishment is inflicted examine the prisoner and satisfy himself that he is both mentally and physically fit to undergo the punishment, and shall make such recommendations for preventing injury to the prisoner's health as he may deem necessary, and the Gaoler shall carry such recommendations into effect.

(3) At any time after the infliction of the punishment has begun, 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 thereupon the Gaoler shall remit the remainder of the punishment.

(4) The Gaoler shall enter in the Corporal Punishment Book the number of lashes or strokes inflicted and any remission that he may have ordered.

(5) Every instrument used for the infliction of corporal punishment shall be of a pattern approved by the Governor.

46. (1) Cellular confinement, corporal punishment or restriction of diet shall in no case be awarded unless the Medical Officer has certified that the prisoner is in a fit condition of health to sustain it. Medical certificates and visits by Gaoler, etc.

(2) Every prisoner undergoing cellular confinement or subjected to restricted diet No. 1 shall be visited at least once a day by the Gaoler and the Medical Officer, and if he is undergoing cellular confinement, he shall be visited by an officer appointed for that purpose at intervals of not more than three hours during the day.

47. (1) A disciplinary award may be remitted or mitigated by the Governor. Remission and mitigation of awards.

(2) A disciplinary award, other than caution, may be determined or mitigated at any time during the currency thereof by the Visiting Justices.

(iv) *Restraints.*

Mechanical restraints.

48. (1) Mechanical restraints shall not be used as a punishment or for any purpose other than safe custody during removal, except on medical grounds by direction of the Medical Officer or in the circumstances and under the conditions stated in the following paragraphs of this Rule.

(2) Where it appears to the Gaoler that it is necessary to place a prisoner under mechanical restraint in order to prevent his injuring himself or others or damaging property or creating a disturbance, the Gaoler may order him to be placed under mechanical restraint and notice thereof shall forthwith be given to the Visiting Justices and to the Medical Officer.

(3) The Medical Officer, on receipt of the aforesaid notice, shall forthwith inform the Gaoler whether he concurs in the order and, if on medical grounds, he does not concur, the Gaoler shall act in accordance with any recommendations which he may make.

(4) No prisoner shall be kept under mechanical restraint longer than is necessary, or for a longer period than 24 hours unless an order in writing from a member of the Visiting Justices is given specifying the cause thereof and the time during which the prisoner is to be so kept, which order shall be preserved by the Gaoler as his warrant.

(5) Particulars of every case of mechanical restraint shall be forthwith recorded by the Gaoler.

(6) No mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Governor.

Temporary confinement.

49. The Gaoler may order any refractory or violent prisoner to be temporarily confined in a special cell certified for the purpose in the same manner as cells to which Rule 7 applies, but no prisoner shall be confined in such a cell as a punishment or after he has ceased to be refractory or violent.

(v) *Complaints by Prisoners.*

Complaints to be recorded and put forward.

50. (1) Every request by a prisoner to see the Gaoler or the Visiting Justices shall be recorded by the officer to whom it is made and conveyed without delay to the Gaoler.

(2) The Gaoler shall at a convenient hour on every day, other than Sundays and public holidays, hear the applications of all prisoners who have made a request to see him and shall inform the Visiting Justices at their next visit to the prison of every request by a prisoner to see such Visiting Justices.

(vi) *Prohibited Articles.*

51. (1) No person shall without authority convey into or throw into or deposit in the prison or convey or throw out of the prison or convey to a prisoner or deposit in any place with intent that it shall come into the possession of a prisoner any money, clothing, food, drink, tobacco, letter, paper, book, tool, or other article whatever. Prohibited articles generally.

(2) Anything so conveyed, thrown or deposited may be confiscated by the Gaoler.

52. (1) A prisoner shall not be given or allowed to have any intoxicating liquor except in pursuance of an order in writing of the Medical Officer specifying the quantity to be given and the name of the prisoner for whose use it is intended. Drink and tobacco.

(2) A prisoner shall not be allowed to smoke or be given or be allowed to have in his possession any tobacco except in accordance with such orders as may be given by the Governor.

(vii) *Control of Admission.*

53. (1) All persons and vehicles entering or leaving the prison may be examined and searched. General restrictions.

(2) Any person suspected of—

- (a) bringing any prohibited article into the prison ;
- (b) carrying out a prohibited article or any property belonging to the prison ;
- (c) while in a prison, being in possession of a prohibited article ;
- (d) being in improper possession of any property belonging to the prison ;

shall be stopped and immediate notice thereof shall be given to the Gaoler who may order that such person shall be examined and searched.

(3) The Gaoler may refuse admission to the prison of a person who is not willing to be examined and searched.

(4) The Gaoler may direct the removal from the prison of any person who, while in the prison, refuses to be examined and searched or whose conduct is improper.

54. (1) The Gaoler shall not, except as directed by the Governor or the Visiting Justices, allow any person to view the prison. Visitors viewing prison.

(2) The Gaoler shall ensure that no person authorised to view the prison makes a sketch, or takes a photograph, or holds communication with a prisoner unless authorised to do so by the Governor or the Visiting Justices.

## WORK.

General requirement of work.

55. Subject to Rule 33 every prisoner shall be required to engage in useful work for not more than 10 hours a day, of which so far as practicable at least 8 hours shall be spent in associated or other work outside the cells:

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

Unauthorised work.

56. (1) No prisoner shall be set to any type of work not authorised by the Visiting Justices.

(2) Except with the authority of the Governor, no prisoner shall work in the service of another prisoner or of an officer or for the private benefit of any person.

(3) A prisoner shall be deemed to be in legal custody while he is confined in or is being taken to and from the Prison and while he is working or is, for any reason, outside the prison in the custody or under the control of an officer or of an officer of Police.

(4) Prisoners may receive payment for work in accordance with rates approved by the Governor.

## RELIGION, EDUCATION AND WELFARE.

## (i) Religion.

Recording of denomination.

57. The religious denomination of every prisoner shall be ascertained and recorded on his reception and he shall be treated as a member of the denomination then recorded unless and until he satisfies the Visiting Justices that he has good grounds for desiring the record to be altered.

Visits by special ministers.

58. Where a prisoner is recorded under the last preceding Rule as belonging to a religious denomination other than the Church of England for which no prison minister has been appointed, the Gaoler shall, if the prisoner so requests, arrange for him, so far as possible, to be visited by a minister of that denomination, and every such prisoner shall be informed of this Rule on reception.

Chaplain and ministers to hold services, etc.

59. (1) The Chaplain shall conduct Divine Service for prisoners belonging to the Church of England at least once on every Sunday and on Christmas Day and Good Friday and such celebrations of Holy Communion and such services on weekdays as may be arranged.

(2) The Gaoler may from time to time arrange for Divine Service to be held for prisoners belonging to any religious denomination other than the Church of England by a minister of such denomination.

60. Every prisoner shall, so far as practicable, be regularly visited at proper and reasonable times by the Chaplain or, if he is recorded as belonging to any religious denomination other than the Church of England, by a minister of his own denomination. Visits by Chaplain, etc.
61. There shall, so far as practicable, be made available for the personal use of every prisoner such of the Scriptures and books of religious observation and instruction recognised for his religious denomination as are accepted by the Prison Commissioners for use in English prisons. Religious books.
62. (1) The Chaplain shall— Interviews, visits to sick, etc.
- (a) interview individually every prisoner recorded as belonging to the Church of England as soon as possible after the prisoner's reception, a short time before his discharge, and from time to time as often as practicable during his imprisonment ;
  - (b) visit as often as may be necessary any such prisoner who is sick, under restraint or undergoing cellular confinement ;
  - (c) if no other arrangements are made, read the Burial Service at the funeral of any prisoner.
- (2) Where a prisoner is recorded as belonging to a religious denomination other than the Church of England, the Gaoler shall, as far as is practicable, arrange for a minister of that prisoner's denomination to carry out, in relation to that prisoner, any of the duties which the Chaplain is required under paragraph (1) of this Rule to carry out in relation to a prisoner belonging to the Church of England.
- (3) When a prisoner not recorded as belonging to the Church of England is sick, or under restraint, or undergoing cellular confinement, and is not regularly visited by a minister of his own denomination, the Chaplain shall visit him if the prisoner is willing.
- (4) The Chaplain shall make a written report to the Governor at the end of each year with regard to the religious instruction of the prisoners during that year and any other matter as directed from time to time by the Governor and may set out in such report any observations and recommendations he may care to make.
63. Arrangements shall be made for avoiding all unnecessary work by prisoners of the Christian religion on Sunday, Christmas Day and Good Friday and by prisoners recorded as belonging to other religions on their recognised days of religious observance. Sunday work, etc.
64. (1) Such person as the Governor approves may officiate in the Chaplain's absence. Substitute for Chaplain or minister.
- (2) A minister of religion may, with the consent of the Visiting Justices, appoint a substitute to act for him in his absence.

(ii) *Education and Libraries.*

Evening classes, etc.

65. (1) Programmes of evening education classes may be arranged, and reasonable facilities, under such conditions as the Governor determines, after considering any recommendations made by the Visiting Justices, may be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private study or to practise handicrafts.

(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.

66. A library shall be provided in the prison and every prisoner shall be allowed to have library books and to exchange them as often as practicable.

Books, etc., from outside.

67. Prisoners may receive books or periodicals from outside the prison under such conditions as the Visiting Justices determine.

(iii) *Social Relations and After-Care.*

Family relationships, etc.

68. (1) Special attention shall be paid to the maintenance of such relations between a prisoner and his family as are desirable in the best interests of both.

(2) So far as is practicable, and, in the opinion of the Gaoler, desirable, a prisoner shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the prison as may promote the best interests of his family or the social rehabilitation of the prisoner.

(3) The Gaoler may at any time communicate to a prisoner or to his family or friends any matter of importance to such prisoner.

Information of transfer.

69. A prisoner shall be allowed to inform his family of his transfer to another place of detention.

After-care, etc.

70. From the beginning of the sentence of every prisoner, consideration shall be given, in consultation with the Welfare Officer of any organisation concerned with the after-care of discharged prisoners, to the future of the prisoner and the assistance to be given to him on and after his discharge.

Information to family of death, etc.

71. In the event of—

- (a) the death or serious illness of a prisoner ;
- (b) the certification of a prisoner as insane or mentally defective ;
- (c) any serious injury to a prisoner,

the Gaoler, if the prisoner is married to a person whose address is known, shall at once inform the wife or husband as the case may be, and otherwise shall at once inform the nearest relative whose address is known, and shall in any event inform any other person whom the prisoner has requested may be so informed.

Similar information shall be given to the Government Secretary.

(iv) *Letters and Visits.*

72. (1) Every prisoner shall be allowed to write and receive a letter on reception and thereafter twice in every period of four weeks, to receive a visit once in every period of two weeks, if he is in the young prisoners class or Star Class (first class) and receive a visit once in every period of four weeks if he is in the ordinary class. Normal minimum provision.

(2) The letter and visits to which a prisoner is entitled under the foregoing paragraph of this Rule shall not be liable to forfeiture under Rules 41 and 42.

73. (1) Without prejudice to the provisions of Rule 72, the Visiting Justices, notwithstanding any provision of this and the nine following Rules, or of any special Rule, may impose such restrictions upon and supervision over letters and visits as they consider necessary for securing discipline and good order, for the prevention of crime and criminal associations and for the welfare of individuals. Letters and visits generally.

(2) Except as provided in these Rules, no person shall be allowed to communicate with a prisoner without the authority of the Governor.

(3) Every letter to or from a prisoner shall (except as hereafter provided in these Rules in the case of certain communications to a legal adviser) be read by the Gaoler or by a responsible officer deputed by him for the purpose and it shall be within the discretion of the Gaoler to stop any letter on the ground that its contents are objectionable.

74. Except as hereafter provided in these Rules, in the case of a legal adviser or certain medical advisers, visits to a prisoner shall be in the sight and in the hearing of a prison officer: No private visits.

Provided that the Visiting Justices may allow exceptions from this Rule.

75. When a prisoner who becomes entitled to a letter or visit under any provision of these Rules is at the time undergoing cellular confinement, the letter or visit may in the Gaoler's discretion be deferred until such confinement has expired. Deferment in case of cellular confinement.

76. The Governor may allow such additional letters or visits as he determines as a privilege for any class of prisoners. Additional letters or visits as privilege.

Letter instead of visit. 77. The Gaoler may allow a prisoner who is entitled to a visit to write a letter and receive a reply instead of such visit.

Discretionary letters and visits. 78. A prisoner may be allowed at the discretion of the Gaoler to have special letters and visits for any purpose which in the opinion of the Gaoler is likely to promote the best interests of the prisoner or his family either during his sentence or after discharge.

(v) *Visits for Special Purposes.*

Visits by Police. 79. (1) An officer of police may visit any prisoner who is willing to see him on production of an order issued by or on behalf of the Chief Constable and any such visit shall be additional to those allowed under the foregoing Rules.

(2) The Gaoler may, at the request of any prisoner, allow him to be visited by an officer of police.

Persons imprisoned in default of payment. 80. A person committed to prison in default of the payment of a sum which in pursuance of any conviction or order he is required to pay shall be allowed to have an interview with his friends on a weekday at any reasonable hour, or to communicate by letter with them, for the purpose of providing for a payment which would procure his release from prison and every such prisoner shall on his reception be informed of this Rule.

Visits by legal adviser. 81. (1) Reasonable facilities shall be allowed for the legal adviser of a prisoner who is party to legal proceedings, civil or criminal, to interview the prisoner with reference to those proceedings in the sight but not in the hearing of an officer.

(2) The legal adviser of a prisoner may, with the permission of the Governor, interview the prisoner with reference to any other legal business in the sight and hearing of an officer.

Special purpose visits not to be forfeited. 82. All visits for special purposes to which the last two foregoing Rules refer shall be additional to the visits allowed in any other of the foregoing Rules and shall not be liable to forfeiture under Rules 42 and 43.

PHYSICAL WELFARE.

(i) *Medical Services.*

Hospital accommodation. 83. Noble's (Isle of Man) Hospital and Dispensary and the Ramsey Cottage Hospital and any other hospital suitably equipped and furnished and staffed by suitably trained officers and designated by the Governor shall be used for the medical care and treatment of sick prisoners.

84. The Medical Officer shall have the care of the mental and physical health of the prisoners and shall every day visit every sick prisoner, every prisoner who complains of illness and every other prisoner to whom his attention is specially directed, and may authorise the removal of a sick prisoner to a designated hospital.

Medical Officer ;  
general  
duties.

85. (1) The Medical Officer shall attend at once on receiving information of the illness of a prisoner.

Immediate  
attendance  
and con-  
sultations.

(2) The Medical Officer may at his discretion call into consultation another medical practitioner and shall do so before a serious operation is performed upon a prisoner, unless in his opinion it is essential for the operation to be performed immediately.

(3) The Medical Officer shall keep a record of occasions on which in accordance with this Rule he consults another medical practitioner and of the circumstances in which serious operations are performed without such consultation.

86. The Medical Officer shall report to the Gaoler any matter which appears to him to require the consideration of the Visiting Justices on medical grounds and the Gaoler shall send such report to the Visiting Justices.

Duty to  
report.

87. Whenever the Medical Officer has reason to believe that—

- (a) a prisoner's mental or physical health is likely to be injuriously affected by continued imprisonment or by any conditions of imprisonment ;
- (b) that the life of a prisoner will be endangered by imprisonment ;
- (c) that a sick prisoner will not survive his sentence or is totally or permanently unfit for imprisonment ;

Report on  
danger to  
health, etc.

he shall without delay report the case in writing to the Gaoler with such recommendations as he thinks fit and the Gaoler shall forthwith forward such report and recommendations to the Governor.

88. The Medical Officer shall report in writing to the Gaoler 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 the alteration of the diet or treatment of the prisoner, his separation from other prisoners or for the supply to him of additional clothing, bedding, or other articles and the Gaoler shall, so far as practicable, carry such recommendations into effect.

Recommen-  
dations on  
diet, etc.

89. The Medical Officer shall draw the attention of the Gaoler to any prisoner who he may have reason to think has suicidal intentions in order that special observation may be kept on such prisoner, and the Gaoler shall, without delay, direct that such prisoner be observed at frequent intervals, and, if so advised by the Medical Officer remove from the person of the prisoner all articles which might be used for the purpose of committing suicide.

Suicidal  
prisoners.

- Mental illness. 90. The Medical Officer shall keep under special observation every prisoner whose mental condition appears to require it and shall take such steps as he considers proper for his segregation and, if necessary, his certification under the Acts relating to lunacy or mental deficiency.
- Medical attention and care. 91. A person detained in prison after being found not guilty by reason of insanity or while awaiting the presentation of a petition under Section 57 of the Mental Diseases Act, 1924, shall receive the special attention of the Medical Officer and until such person is removed to an appropriate institution such steps for his care and accommodation shall be taken as the Medical Officer considers necessary.
- Serious illness. 92. The Medical Officer shall give notice to the Gaoler and the Chaplain when a prisoner appears to be seriously ill.
- Painful tests. 93. The Medical Officer shall not apply any painful tests to a prisoner for the purpose of detecting malingering or for any other purpose except with the authority of the Governor.

(ii) *Hygiene.*

- Supervision of hygiene. 94. The Medical Officer shall oversee and shall advise the Gaoler about the hygiene of the prison and the prisoners including arrangements for cleanliness, sanitation, heating, lighting and ventilation.
- Washing, shaving and hair cutting. 95. Arrangements shall be made for every prisoner to wash at all proper times, to have a hot bath at least once a week and for men (unless excused or prohibited on medical or other grounds) to shave or be shaved daily and to have their hair cut as required. The hair of a male prisoner may be cut as short as is necessary for good appearance but the hair of a female prisoner shall not be cut without her consent except by direction of the Medical Officer for the eradication of vermin, dirt or disease, which direction shall be given in writing.
- Toilet articles. 96. Every prisoner shall be provided on admission with such toilet articles as are necessary for health and cleanliness, and arrangements shall be made for the replacement of these articles when necessary.

(iii) *Exercise.*

- Exercise to be regular. 97. (1) Prisoners who are not engaged in outdoor work shall be given one hour's exercise in the open air, weather permitting:

Provided that in special circumstances the Visiting Justices may authorise the reduction of the daily period to half an hour.

(2) Wherever practicable, prisoners of suitable age and physical condition shall receive physical training during some part of the daily exercise period.

(3) The Medical Officer shall decide on the fitness of every prisoner for exercise and to undergo physical training and may on medical grounds modify the exercise of a prisoner or excuse a prisoner from exercise.

(iv) *Food.*

98. The food provided for prisoners shall be of a nutritional value adequate for health and strength and of wholesome quality well prepared and served, and reasonably varied. Quality of food.

99. The Medical Officer shall frequently inspect the food, cooked and uncooked, provided for prisoners, and shall report to the Visiting Justices on the state and quality of the food and on any deficiency in the quantity or defect in the quality of the water provided for prisoners. Inspection of food.

100. Except as provided under Rules 42 and 43 for an offence against discipline or on the written recommendation of the Medical Officer in the case of a prisoner who persistently wastes his food or on medical grounds by direction of the Medical Officer, no prisoner shall have less food than is provided in the normal prison diet. No private food.

(v) *Clothing.*

101. Every prisoner shall be provided on reception with an outfit of clothing adequate for warmth and health in accordance with a scale approved by the Governor and shall, except as approved by the Governor, wear such clothing and no other No private clothing.

102. The clothing provided shall, when necessary, include suitable protective clothing for use at work. Protective clothing.

PART III.

SPECIAL RULES FOR PARTICULAR CLASSES OF PRISONERS.

UNTRIED PRISONERS.

(i) *General.*

103. (1) The 16 following Rules apply to persons, therein called "untried prisoners", committed to prison in any of the following circumstances: Application of rules.

- (a) on commitment for trial for an indictable offence ;
- (b) pending or in course of the hearing before a court of summary jurisdiction of a charge for an indictable offence or pending or in course of the hearing of an information or complaint ;
- (c) aliens not under sentence who are detained under the Aliens Regulations, 1959 (Government Circular No. 16/59);
- (d) on commitment to await extradition or to await return as a fugitive offender ;
- (e) on commitment under the Bankruptcy Code, 1892 ;
- (f) any person who is being detained in the prison to await the arrival of a naval, military, air force or police escort.

(2) Where any of the circumstances stated in the foregoing paragraph become applicable to a person who is already a convicted prisoner, Rules 116 and 117 shall apply to him as if he were an untried prisoner.

Separation. 104. Untried prisoners shall so far as possible be kept apart from convicted prisoners.

Association. 105. Restrictions on the association of untried prisoners shall be limited to what is necessary to prevent contamination or conspiracy to defeat the ends of justice.

Cells, cell cleaning, etc. 106. The Gaoler or Visiting Justices may, on the application of an untried prisoner, allow him—

- (a) to occupy, on payment of a small sum fixed by the Governor, a suitable room or cell specially fitted for untried prisoners, and furnished with suitable bedding and other articles in addition to or different from those furnished for ordinary cells and to have at his own cost the use of private furniture and utensils approved by the Visiting Justices.
- (b) on payment of a small sum fixed by the Governor, to be relieved from the duty of cleaning his room or cell or from other such tasks or offices.

(ii) *Food and Clothing.*

Food. 107. Subject to such conditions as the Visiting Justices determine, an untried prisoner may be supplied at his own expense or at the expense of friends with food and drink.

Clothing. 108.(1) An untried prisoner may wear his own clothing and have necessary changes of his own underclothing supplied from time to time:

Provided that—

- (a) the clothing is sufficient and suitable ;
- (b) it is not required for the purposes of justice ;
- (c) it shall be disinfected if the Medical Officer so requires.

(2) An untried prisoner who does not wear his own clothing may be required to wear prison dress.

(3) The privilege of wearing his own clothing may under Rules 42 and 43 be forfeited by an untried prisoner for the offence under Rule 41 of escaping or attempting to escape.

(iii) *Health and Cleanliness.*

109. An untried prisoner shall not be required to have his hair cut or, if he usually wears a beard, to shave or to be shaved unless the Medical Officer deems it necessary for purposes of health or cleanliness and his hair shall not be cut closer than is necessary for those purposes. Hair cutting and shaving.

110. If an untried prisoner desires the attendance of an authorised medical practitioner (other than the Medical Officer) or dentist and is able and willing, if so required, to defray the expense thereby incurred, the Visiting Justices may, if they are satisfied that there is reasonable ground for the application, allow him to be visited and treated by that practitioner or dentist in consultation with the Medical Officer. Private medical attendant.

(iv) *Books, etc.*

111. The Gaoler may, on the application of an untried prisoner, allow him so far as is consistent with discipline and the good order of the prison, to have in his room or cell any articles which were in his possession at the time of his arrest and are not required for purposes of justice or reasonably suspected of forming part of property improperly acquired by him. Private property.

112. (1) An untried prisoner may have supplied to him at his own expense books, newspapers, writing materials or other means of occupation except such as appear objectionable to the Visiting Justices, or pending consideration by them, to the Gaoler. Supply of books, etc.

(2) The privilege allowed by this Rule may at any time be withdrawn by the Governor, the Visiting Justices or the Gaoler on proof of an abuse thereof.

(v) *Work.*

113. An untried prisoner shall not be required to work in the service or industries of the prison, but may do so with his own consent and in that event shall receive payment in accordance with rates to be fixed by the Governor. Work not to be compulsory.

(vi) *Visits and Communications.*

114. An untried prisoner may be visited during such hours and under such restrictions as the Governor determines. Visits generally.

- Prisoners in default of bail. 115. Where an untried prisoner is in prison in default of bail, facilities shall be given to him, for the purpose of securing bail, to have an interview on any day at a reasonable hour, or to communicate with friends.
- Private medical adviser. 116. An untried prisoner may for the purposes of his defence receive a visit from an authorised medical practitioner selected by him or by his friends or his legal adviser, under the same conditions as apply to a visit by his legal adviser under the provisions of these Rules.
- Letters and other facilities for defence. 117. (1) An untried prisoner shall be allowed all reasonable facilities, including the provision of writing materials, for communicating by letter with his friends, or for conducting correspondence or preparing notes in connection with his defence.
- (2) A confidential written communication prepared as instructions for the legal adviser of an untried prisoner may be delivered personally to such legal adviser, and shall not be treated as a letter to which paragraph (3) of Rule 72 applies, unless the Gaoler has reason to suppose that it contains matter not relating to such instructions.
- (vii) *Discipline.*
- Forfeiture of privileges. 118. The privileges allowed to untried prisoners by Rules 112, 114 and 117 shall be liable to forfeiture under Rules 42 and 43:
- Provided that such forfeiture shall not affect visits or letters required for the purposes of securing bail or preparing a defence.
- Sale, etc., of articles. 119. The sale or transfer or attempted sale or transfer to any person by an untried prisoner of an article allowed to be introduced into the prison for his use shall be an offence under Rule 41 and upon proof of the offence Rule 40 shall apply as it applies to an unauthorised article.

#### APPELLANTS.

- Application of rules. 120. The five following Rules apply to prisoners who are appellants within the meaning of the Criminal Law Acts, 1872 to 1946, as amended by any subsequent enactment or the Summary Jurisdiction Acts, 1927 to 1960, hereinafter called "Appellants", but their application to prisoners who are under sentence of death shall be subject to the special Rules applying to those prisoners.
- Appellants absent from prison. 121. (1) An appellant who, when in custody, is to be taken to, kept in custody at, or brought back from, any place at which he is entitled to be present for the purposes of the Criminal Law Acts, 1872 to 1946 as amended, or the Summary Jurisdiction Acts, 1927 to 1960, or any place to which the Court of Criminal Appeal or Staff of Government Division or any judge thereof may order him

to be taken for the purpose of any proceedings of such court, shall, while absent from prison, be kept in the custody of the officer designated in that behalf by the Gaoler.

(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 the clothing provided in accordance with the provisions of Rules 101 and 102 (which relate to clothing).

122. If an appellant is ordered to be released by the Court of Criminal Appeal or Staff of Government Division otherwise than on bail pending the hearing of his appeal, payment at a rate fixed by the Governor shall be made to him in respect of his work during the time he has been treated as subject to this section of these Rules. Earnings for work.

123. An appellant may for the purposes of his appeal receive a visit from an authorised medical practitioner selected by him or by his friends or his legal adviser, under the same conditions as apply to a visit by his legal adviser under the provisions of these Rules. Private medical adviser.

124. An appellant may for the purposes of his appeal receive a visit from any other person. Other visitors.

125. (1) Writing materials to such extent as the Gaoler considers reasonable shall be furnished to an appellant who requires them for the purposes of preparing his appeal. Letters and other facilities for appeal.

(2) An appellant may write letters to his legal adviser or other persons for the purpose of his appeal.

(3) A confidential written communication prepared as instructions for the legal adviser of an appellant may be delivered personally to such legal adviser and shall not be treated as a letter to which paragraph (3) of Rule 73 applies, unless the Gaoler has reason to suppose that it contains matter not relating to such instructions.

#### CONVICTED PRISONERS AWAITING SENTENCE, OR REMANDED FOR ENQUIRY.

126. (1) This Rule applies to persons committed to prison in any of the following circumstances:— Facilities for making representations.

- (a) where a Court of General Gaol Delivery postpones sentence on a convicted prisoner until a later date; or
- (b) on commitment by a Court of Summary Jurisdiction for sentence under Section 12 of the Administration of Justice Act, 1951; or
- (c) on commitment under the Prevention of Crime Act, 1926; or
- (d) on commitment or on remand for enquiries after conviction by a Court of Summary Jurisdiction.

(2) A prisoner to whom this Rule applies shall, if he so desires for the purpose of preparing any representations to the Court before which he is to appear to be sentenced or otherwise dealt with, be granted any or all of the facilities which are accorded to appellants under Rules 123 to 125 of these Rules.

#### YOUNG PRISONERS.

Separation, education and training. 127. The Gaoler shall, so far as is practicable, make arrangements for the separation of young prisoners from other prisoners and make special provision for the education and moral, physical and industrial training of such prisoners.

Persons ordered to be sent to Borstal or approved schools. 128. A person ordered to be detained in a Borstal Institution or ordered to be sent to an approved school under any Act for the time being in force relating to young offenders shall, if committed to the prison, until any such order can be carried out, be treated as a young prisoner.

#### PRISONERS CONVICTED OF SEDITION, ETC.

Treatment of prisoners convicted of sedition, etc. 129. Prisoners who have been convicted of sedition, seditious libel or seditious conspiracy shall be treated in such manner and allowed such privileges as the Governor may determine.

#### PRISONERS UNDER SENTENCE OF DEATH.

Search. 130. A prisoner under sentence of death shall immediately on his reception be specially searched and every article shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Separation and supervision. 131. A prisoner under sentence of death—  
 (a) shall be confined in a separate cell and shall be kept apart from all other prisoners ;  
 (b) shall be kept by day and by night in the constant charge of two prison officers ;  
 (c) shall not be subject to the requirement of Rule 54 (which relates to work).

Visits. 132. (1) A prisoner under sentence of death may be visited by such of his relations, friends, and legal advisers as he desires to see and as are authorised to visit him by an order in writing from a member of the Visiting Justices or from the Governor.

(2) The Chaplain shall have free access to every such prisoner unless the prisoner is recorded under Rule 57 as not belonging to the Church of England, in which case—

- (a) The Chaplain shall have free access to him if the prisoner so desires ; and
- (b) if the prisoner is recorded as belonging to a denomination other than the Church of England, a Minister of that denomination shall have free access to him.

(3) No other person except a member of the Visiting Justices and an officer shall have access to the prisoner except by permission of the Governor.

(4) All visits to prisoners under sentence of death shall take place in the sight and hearing of an officer, notwithstanding that such visit is by the prisoner's legal adviser or is in relation to an appeal.

(5) Such a prisoner shall be allowed special facilities to correspond with his legal advisers, his relatives and friends.

#### CIVIL PRISONERS.

133. The four following Rules apply to civil prisoners, that is to say persons detained in a prison who are not serving a sentence, are not imprisoned in default of payment of a sum adjudged to be paid on conviction, and are not the subject of special treatment under any of the foregoing provisions of this Part of these Rules. Application of Rules.

134.(1) Civil prisoners may associate among themselves at such times and in such manner as the Governor may determine. Association and separation.

(2) They shall not be allowed to associate with other than civil prisoners except as provided by paragraph (3) of this Rule.

(3) Where, owing to the small numbers of civil prisoners or otherwise, suitable arrangements for association of such prisoners cannot be made, such a prisoner may, if he so desires, with the approval of the Gaoler, be allowed to associate with prisoners of the Star Class at such times and in such manner as the Governor may determine.

135.(1) A civil prisoner may, if he so desires, wear his own clothing and have necessary changes of his own underclothing supplied from time to time: Clothing.

Provided that—

- (a) the clothing is sufficient and suitable ;
- (b) it shall be disinfected if the Medical Officer so requires.

(2) A civil prisoner who does not wear his own clothing may be required to wear prison dress.

(3) The privilege of wearing his own clothing may under Rules 42 and 43 be forfeited by a civil prisoner for the offence under Rule 41 of escaping or attempting to escape.

Remission. 136. The provisions of Rule 34 relating to remission shall not apply to civil prisoners.

Visits and letters. 137. (1) A civil prisoner may be visited during such hours and under such restrictions as the Governor determines, and may write one letter and receive one letter in each week:

Provided that the Governor or the Visiting Justices may, in a special case for special reasons, allow additional letters to such reasonable extent as they deem advisable.

(2) These privileges shall be liable to forfeiture under Rules 42 and 43:

Provided that, notwithstanding such a forfeiture, the writing or receiving of one letter and the receiving of one visit in four weeks shall be allowed.

#### PRISONERS SENTENCED FOR CONTEMPT OF COURT.

Application of Rules 134, 135 and 137 to prisoners sentenced for contempt of court. 138. The provisions of Rule 134 (which relates to association and separation), Rule 135 (which relates to private clothing) and Rule 137 (which relates to visits and letters) shall apply in relation to any prisoner undergoing a stated term of imprisonment by reason of being committed for contempt of court as those provisions apply to a civil prisoner.

#### PART IV.

#### STAFF.

Officers have the powers of a Police Constable. 139. An officer, while acting as such, shall have all the powers, authority, protection and privileges of an officer of the Isle of Man Constabulary.

General obligations. 140. (1) Every officer shall conform to these Rules and to the regulations of the prison and shall support the Gaoler in the maintenance thereof.

(2) Every officer shall obey the lawful instructions of the Gaoler.

(3) Every officer shall at once communicate to the Gaoler any abuses or impropriety which may come to his knowledge.

Sick prisoners. 141. Every officer shall direct the attention of the Gaoler to any prisoner (whether he complains or not) who appears to be out of health or whose state of mind appears to be deserving of special notice and care and the Gaoler shall without delay bring such cases to the notice of the Medical Officer.

Business transactions. 142. (1) No officer shall without the authority of the Governor carry out any pecuniary or business transaction with or on behalf of a prisoner.

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

143. No officer shall receive any unauthorised fee, gratuity, or other consideration in connection with his duties as an officer. Gratuities.

144. No officer shall knowingly communicate with an ex-prisoner or with the friends or relatives of a prisoner or ex-prisoner except with the knowledge of the Gaoler. Restriction on communications with prisoners, etc.

145. Every officer shall submit himself to be searched in the prison if called upon to do so by the Gaoler. Search if required.

146. (1) No officer or former officer shall, directly or indirectly, make any unauthorised communication to representatives of the press or other persons in reference to matters which have become known to him in the course of his duty as an officer. Communications to press, etc.

(2) No officer or former officer shall without authority publish any matters or make any public pronouncement relating to the administration or the inmates of the prison.

147. (1) Every officer shall occupy such quarters as may be assigned to him by the Governor and shall at any time vacate them if required to do so by the Governor. Quarters.

(2) On the termination of an officer's service, he shall give up the quarters he has occupied as soon as he is required to do so; and on the death of an officer his family shall give up the quarters when required to do so by the Governor.

148. A code of discipline setting out the offences against discipline, the procedure for dealing therewith, and the awards therefor may be formulated by order of the Governor and shall apply to such classes of officers as are stated in the code. Code of discipline.

## PART V.

### VISITING JUSTICES.

149. (1) The Visiting Justices constituted in pursuance of Section 5 of the Prison Act, 1890, shall pay frequent visits to the prison as provided for in Section 6 of the said Act and at least one of the Visiting Justices shall visit the prison once in each week. Visits to prison.

(2) The Visiting Justices shall, after visiting the prison, make a note of their visit in a register to be kept for that purpose (which register is hereafter in these Rules referred to as "the Visiting Justices Register") together with any comment they may wish to make and shall sign such note.

Rota and  
quorum.

150. (1) The Justices shall at their annual meeting in the month of May appoint a Visiting Committee of the prison and also a Chairman and Vice-Chairman. Such visiting Committee shall be the Justices referred to in these Rules as Visiting Justices.

(2) They shall arrange a rota of attendance at the prison.

(3) The members of the Committee shall if a casual vacancy occurs in the office of Chairman or Vice-Chairman fill the vacancy as soon as possible.

(4) The Clerks to the Justices shall report to the Governor the names and addresses of the members of the Visiting Committee immediately after the first meeting of the Justices next following the commencement of these Rules, and thereafter when a change occurs.

(5) Any case referred to the Visiting Justices under Rule 43 and Rule 44 or coming before them under Rule 84 shall be dealt with by not less than three and not more than five such Justices acting together.

(6) Subject to the observance of the provisions of Sections 5 and 6 of the Prison Act, 1890, and these Rules, the Visiting Committee of the prison shall regulate their own procedure.

Minutes.

151. The Visiting Justices shall keep minutes of their proceedings.

Enquiries,  
etc.

152. The Visiting Justices shall co-operate with the Governor and with the Gaoler in promoting the efficiency of the prison, and shall make enquiry into any matter specially referred to the Visiting Justices by the Governor and report thereon.

Abuses.

153. The Visiting Justices shall bring all abuses in connection with the prison which come to their knowledge to the notice of the Governor immediately, and in case of urgent necessity, may suspend an officer until the decision of the Governor is made known.

Adjudica-  
tion, report,  
etc.

154. (1) The Visiting Justices shall hear and adjudicate on such offences as under Rules 43 and 44 are reported to them.

(2) They shall furnish such information in respect to the offences reported to them and their awards as may from time to time be required by the Governor.

Access to  
prison.

155. (1) The Visiting Justices and any member thereof shall have free access to all parts of the prison and to all prisoners and may see such prisoners as they desire, either in their cells or in a room out of sight and hearing of officers.

(2) They shall hear and investigate any application which a prisoner desires to make to them, and if necessary shall report the same, with their opinion, to the Governor.

156. The Visiting Justices shall attend to any report which they receive to the effect that the mind or body of a prisoner is likely to be injured by the conditions of his imprisonment and shall communicate their opinion to the Governor. If the case is urgent, they shall give such directions thereon as they deem expedient, communicating the same to the Governor. Sick prisoners.

157. (1) If the Gaoler represents to a member of the Visiting Justices that he or the Medical Officer has, in a case of urgent necessity, put a prisoner under mechanical restraint and that it is necessary that the prisoner be so kept for more than 24 hours, such member may authorise the continuance of that restraint by order in writing, which shall specify the cause thereof and the time during which the prisoner is to be so kept, and the Gaoler shall send a copy of any such order to the Governor. Restraint.

(2) If the Gaoler represents to a member of the Visiting Justices that he has arranged for a prisoner to work temporarily in a cell or room and not in association, such member may authorise the arrangement by order in writing, and such order may be renewed from month to month by the Visiting Justices or one of them.

158. The Visiting Justices shall inspect the dietary of prisoners and, if they find the quality of the food unsatisfactory, they shall report the matter to the Governor and note the same in the Visiting Justices Register and the Gaoler shall immediately take such steps thereupon as may be necessary. Diet.

159. The Visiting Justices may inspect any of the registers and other books of the prison and a note of any such inspection shall be made in the Visiting Justices Register. Books.

160. The Visiting Justices may in any case of special importance or urgency allow a prisoner an additional visit or letter or prolong the period of a visit. Additional letters, etc.

161. The Visiting Justices shall investigate and decide on every application from a prisoner to change the record of his religious denomination. Before granting such an application they shall satisfy themselves that it is made from conscientious motives and not from caprice or a desire to escape any prison regulations. Denominational records.

162. The Visiting Justices may enquire into the state of the prison buildings, and if any repairs or additions appear to them to be necessary shall report thereon with their advice and suggestions to the Governor. Buildings.

163. The Visiting Justices may from time to time make a report to the Governor with regard to all or any of the matters referred to in these Rules, with their advice and suggestions upon any such matter, and they may make such other reports to the Governor as they consider necessary concerning any matter relating to the prison to which, in their opinion, attention should be drawn. Reports.

**Permissions and consultation.** 164. The Visiting Justices shall, before granting any permission which they have power to grant under these regulations, satisfy themselves by consultation with the Gaoler that it can be granted without interfering with the security, good order, and proper government of the prison and the prisoners therein, and if after such permission has been granted its continuance seems likely to cause such interference, or a prisoner has abused permission granted to him or has been guilty of misconduct, they may suspend or withdraw the permission.

**Contracts.** 165. A member of the Visiting Justices shall not have any interest in any contract made in respect of the prison.

**Clerks to the Visiting Justices.** 166. The Clerks to the Justices shall act as Clerks to the Visiting Justices and shall perform such duties as the Visiting Justices may assign to them for the proper performance of their duties under these Rules. In particular—

(1) one of the said Clerks shall attend all meetings of the Visiting Justices and shall keep all necessary records and minute books, and

(2) one of the said Clerks shall attend with the Visiting Justices acting under Rule 42, Rule 43, or Rule 84, and shall keep all necessary records of such proceedings. The said Clerks, on the authority of the Chairman or Vice-Chairman, may purchase stationery and other material necessary for the performance of their duties under these Rules.

## SCHEDULE

### RESTRICTED DIETS.

The restricted diets which may be awarded under Rules 41 and 42 shall be as follows:—

- (1) *No. 1 Diet.*
  - (a) This diet, when given for a period of three days, or less, shall consist of:—
    - 1 lb. Bread per diem with water.
  - (b) This diet, when given for more than three days, shall consist for alternate periods of three days of:—
    - (i) 1 lb. Bread per diem with water ;
    - (ii) the diet prescribed for prisoners employed on ordinary industrial labour according to sex.
  - (c) No task of labour shall be enforced on any one of the days on which bread and water constitute the sole food supplied to the prisoner, who may, nevertheless, be allowed the option of performing suitable labour in the cell.

(d) No prisoner who has been on No. 1 diet shall be placed upon this diet for a fresh offence until an interval has elapsed equal to the period already passed by the prisoner on No. 1 diet.

(2) *No. 2 Diet.*

(a) This diet shall consist of:—

Breakfast	...	Porridge, 1 pint, containing 3 oz. oatmeal. Bread, 8 ozs. Margarine, $\frac{1}{2}$ oz. Cocoa, 1 pint, containing $\frac{3}{4}$ oz. cocoa and 1 fluid oz. Milk.
Dinner	...	Bread, 4 ozs. Soup, $1\frac{1}{2}$ pints, containing 3 ozs. split peas; 3 ozs. dried beans; 4 ozs. potatoes; 4 ozs. carrots; salt; and, on any day on which meat is included in the normal diet of a prisoner, so much meat as is so included.
Supper	...	Bread, 8 ozs. Margarine, $\frac{1}{2}$ oz. Cocoa, 1 pint containing $\frac{3}{4}$ oz. cocoa and 1 fluid oz. milk.

(b) If a prisoner while on No. 2 diet is guilty of misconduct, No. 2 diet may be temporarily interrupted and the prisoner may be placed on No. 1 diet for a period not exceeding three days; on the expiration of the period awarded on No. 1 diet the prisoner shall resume the diet originally ordered, and the period passed upon the No. 1 diet shall count as part of the period originally ordered on No. 2 diet.

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GIVEN under my hand this 24th day of April, 1961.

R. H. GARVEY,  
Lieutenant Governor.