

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 6 de 1945

JOINT REGULATION 6 of 1945

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JOINT REGULATION

No. 6 of
1945.

to provide for the establishment, maintenance and administration of
Joint Native Prisons.

Joint Regulation No. 6 of 1945 was published in Condominium Gazette
No. 155 and is reprinted as amended by the following Joint Regulations:

- of 1953 Condominium Gazette No. 181
- of 1963 Condominium Gazette No. 221
- of 1966 Condominium Gazette No. 241
- of 1966 Condominium Gazette No. 243
- of 1972 Condominium Gazette No. 314

Issued by the Resident Commissioners under the provisions of
Article 4 (1) and (2) of the Anglo-French Protocol of 1914.

1. The following are declared to be joint native prisons in
which natives undergoing sentences of imprisonment or while in
legal custody may be confined:

- (a) The prison adjoining the British paddock, Vila, under the
control of the British Resident Commissioner.
- (b) The prison in Teouma Road, Vila, under the control of the
French Resident Commissioner.
- (c) The headquarters of each District Agent, British and French,
outside the island of Efate, and being under the control of
the respective Resident Commissioner.

This list may be altered or added to by Joint Order of the
Resident Commissioners.

2. Each Resident Commissioner shall maintain and administer
the joint native prisons under his control in the manner set out in
this Regulation and any rules made thereunder, and shall appoint
such Prison Officers as shall be necessary for their proper admini-
stration.

3. Prison Officers shall include the Superintendents, the
District Agents, British and French, any members of the New
Hebrides Constabulary charged with prison duties as wardens, and
any other persons appointed to perform prison duties.

Unless otherwise provided for Prison Officers shall only exercise
their functions under this Regulation in relation to the joint native
prisons under the control of the Resident Commissioner to whom
they are responsible.

4. Each Resident Commissioner may appoint an officer to be
superintendent of each of the prisons under his control.

5. Each Resident Commissioner may appoint an officer to be Assistant Superintendent of each or any of the prisons under his control.

6. Any joint native prison may be inspected by the Resident Commissioner having control thereof, his Assistant, or by any other person appointed for this purpose by the Resident Commissioner.

7. (1) The Resident Commissioners may by Joint Decision each year appoint such persons as they think fit to constitute a Prison Visiting Commission. The said Joint Decision shall nominate the officers of the said Commission.

J.R. 28 of
1966.

(2) Each native prison shall be visited at least once a year by a Committee consisting of at least three members of the said Commission for the purpose of:

- (a) inspecting the fabric, fittings and furnishings of the prison;
- (b) ascertaining the physical and mental condition of the prisoners therein;
- (c) ascertaining the living conditions of the said prisoners;
- (d) ascertaining what and under what conditions work is performed by the said prisoners;
- (e) receiving and recording any complaints as to the conditions of the said prison as may be made by any prisoner therein;
- (f) ensuring generally that the provisions of this Regulation are being complied with.

(3) Without prejudice to the provisions of subsection (2) of this Section any member of the Prison Visiting Commission may at any time visit any native prison or any part thereof for the purposes of the immediately preceding subsection of this Section.

(4) The Visiting Commission shall submit to the Resident Commissioners a report annually on Native Prisons and may, and any member may, submit such other report as the Visiting Commission or such member may deem necessary.

(5) There shall be kept at every native prison a Prison Visitor's Book in which at the conclusion of any visit the Visiting Committee or any member thereof (as the case may be) shall record the visit and such recommendations (if any) as the said Committee or such member may wish to make.

8. Each Resident Commissioner shall supply the other Resident Commissioner with any information on request regarding any joint prison under his control or any prisoners confined therein.

DUTIES OF PRISON OFFICERS

9. The Superintendents and District Agents shall keep or cause to be kept the following books:

- (a) A Prison Register in which shall be entered each prisoner's name, the particulars of his imprisonment or sentence, the date of commencement and expiration thereof and the date of his discharge.
- (b) A Prisoner's Property Book in which shall be entered all clothing and property, including money, taken from prisoners and how it is disposed of.
- (c) A Punishment Book for the entry of all punishments inflicted upon prisoners.

In addition they shall forward monthly to the Resident Commissioner a list of offences committed by and punishments inflicted upon prisoners and warders, with details of the offences committed.

10. The Superintendent or District Agent, as the case may be, shall be responsible for the discharge of all prisoners in his charge on the correct dates.

11. It is the duty of all Prison Officers to treat prisoners with humanity and impartiality, to maintain order and discipline, and to enforce observance of the rules and regulations in regard thereto.

12. No prisoner shall be punished by any Prison Officer other than a Superintendent or District agent, and no punishment shall be inflicted except for a prison offence as defined by this Regulation.

13. No Prison Officer shall strike a prisoner except in self-defence or in case of violence or attempted escape on the part of the prisoner.

14. When necessary for the preservation of order any warder temporarily in charge of a joint native prison may keep in handcuffs any refractory or insubordinate prisoner until he can be brought before the Superintendent or District Agent as the case may be.

15. Prison Officers shall not employ prisoners as domestic servants or otherwise than in conformity with this Regulation or the instructions of their official superiors.

16. Subject to anything contained in this Regulation each Resident Commissioner may make rules applicable to the appointment, dismissal, duties and discipline of Prison Warders for the joint native prisons under his control.

ADMISSION AND DISCHARGE OF PRISONERS

17. Prisoners on admission shall be searched and all prohibited articles (as hereafter defined) shall be taken from them. Their names, descriptions, and particulars of their sentence or imprisonment shall be recorded in the register book.

18. On the discharge of a prisoner his clothes and other property handed in by him and appearing against his name in the Prisoner's Property Book shall be returned to him, and entry made accordingly.

19. Every prisoner shall be discharged after the midday meal on the day on which his term of imprisonment ceases, and shall be repatriated at the expense of the Condominium. Provided that while awaiting transport discharged prisoners may be rationed and lodged at the expense of the Condominium.

FOOD, CLOTHING AND RATIONS

20. Rations will be supplied to prisoners according to a scale approved by the Resident Commissioners in respect of the joint native prisons under their control.

21. The following meals shall be supplied to Prisoners—Breakfast, Dinner and Supper—and the hours shall be at the discretion of the Superintendent or District Agent concerned.

22. Every prisoner may be required to wear a prison dress and shall not have in his possession any other article of clothing unless the same has been supplied to him by direction of the Superintendent or the District Agent concerned.

23. Rations, clothing, bedding, soap, medicines, medical stores and medical treatment of prisoners shall be paid for by the Resident Commissioner concerned from the ration allowance received from the Condominium Government.

LABOUR

24. Every prisoner shall be required to carry out such duties and tasks as the Superintendent or District Agent may allot to him in conformity with his physical capacity.

25. Subject to the provisions of Article 34, no prisoner shall be required to work more than ten hours daily, which period shall include the time spent in going to or coming from work.

PERSONAL CLEANLINESS AND HEALTH

26. Prisoners shall be required to keep themselves clean and decent in their persons and to conform to such directions as to bathing or otherwise as may be given to them. They shall also be required to keep their cells or wards in a state of cleanliness.

27. All prisoners not doing hard labour in the open shall be allowed daily not less than two hours exercise in the open air, weather permitting.

This will not apply to prisoners undergoing solitary confinement unless at the direction of the Superintendent or District Agent concerned.

28. Any prisoner appearing to be suffering from any serious ailment shall, wherever possible be examined with the least possible delay by a Condominium Medical Officer or other doctor approved by the Resident Commissioner concerned. The instructions of such doctor shall be carried out.

A stock of medicines and dressings shall be kept at each joint native prison for the treatment of minor ailments and for first aid treatment.

VISITS, COMMUNICATIONS AND PRIVILEGES

29. Subject to their being liable to punishment for the making of false or frivolous complaints, prisoners shall have the right to make complaints to the Superintendent, District Agents, or any person authorised to inspect the prison in which such prisoners are confined.

30. (1) No visit to or communication with a prisoner, nor communication by a prisoner with any person may be made except with the permission of, and subject to such directions as may be given by the Superintendent, District Agent or other officer in charge of the prisoner concerned.

J.R. 20 of
1963.

(2) Any person who contravenes the provision of the preceding sub-section shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding ten pounds sterling or to its equivalent in francs at the current rate of exchange.

31. Prisoners who have completed not less than six months of their term of imprisonment and who have had during this period a consistent record of good conduct may, by order of the Superintendent or District Agent concerned, be allowed to work unattended, and be given during such work an allowance of tobacco as approved by the Superintendent or District Agent.

RELEASE ON LICENCE

31A. (i) The Resident Commissioners may jointly order the release of any prisoner on licence for the period of the unexpired portion of his sentence subject to such conditions as may be prescribed in the said order.

R.C. 20 of
1963.

(ii) Where the Resident Commissioners are satisfied that any prisoner released on licence under the provision of the immediately preceding sub-section of this Section should be recalled to prison they may jointly order such recall.

32. (1) Every Superintendent, District Agent or other officer in charge of any prison shall furnish reports to his Resident Commissioner on the work and conduct of every prisoner in his charge so that the Resident Commissioners may consider whether any part of the sentence being served by such prisoner shall be remitted.

(2) Such reports shall be submitted as follows:

- (a) in respect of every prisoner serving a term of more than one year: on the first of January of each year.
- (b) in respect of every prisoner serving a term of less than one year and more than six months: on completion of half of the sentence.

(3) Notwithstanding the provisions of the preceding sub-section the Superintendent of any Prison may at any time submit a report on any prisoner serving a sentence of more than one month and recommend to the Resident Commissioners on the grounds of good work and conduct the remission of part of his sentence.

PRISON OFFENCES

33. The following acts and omissions are declared to be prison offences, namely:

- (a) Breach of any prison rule or any duty imposed by this Regulation;
- (b) Common assault on another prisoner;
- (c) Profane, indecent, insulting or threatening language or behaviour;
- (d) Insubordination;
- (e) Idleness or negligence at work or leaving place of work without authority;
- (f) Wilful mismanagement of work;
- (g) Obstructing any prison officer in the execution of his duty;
- (h) Disobedience to the commands of any prison officer;
- (i) Disrespectful conduct to any prison or inspecting officer;
- (j) Committing any nuisance;
- (k) Having prohibited articles in his possession; prohibited articles shall include alcoholic liquor, money, tobacco, unauthorised clothing or letters, and any other articles which may be prohibited by order of the Resident Commissioner or Superintendent;
- (l) Marking, defacing or damaging any part of the prison or any prison property;
- (m) Gaming, dancing, whistling, singing or making any unnecessary noise;
- (n) Secreting or purloining anything;
- (o) Malingering or wilfully disabling himself;

- (p) Making a false or frivolous complaint, insolence, rudeness or any other misconduct subversive of the peace or good government of the prison;
- (q) Escaping or attempting to escape;
- (r) Common assault on a prison or inspecting officer;
- (s) False or malicious allegations against a prison officer;
- (t) Offending against good order and discipline in any other way.

J.R. 20 of 1963.

34. The Superintendent or District Agent shall verify the evidence and examine any prisoner charged with the commission of a prison offence and if satisfied that such prisoner is guilty, may, without prejudice to the institution of judicial proceedings, impose any or all of the following punishments:

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- (a) solitary confinement with reduced diet not exceeding 14 days or for not more than 4 days in any one week. Provided that a sentence of solitary confinement shall be subject to the approval of a Condominium Medical Officer as to the health of the offender where such a sentence exceeds four days;
- (b) extra labour not exceeding one hour per day for a period not exceeding 14 working days;
- (c) cancellation for a period not exceeding 14 days of any privileges to which the prisoner may be entitled by virtue of Sections 30 and 31 of this Regulation.

MEANS OF RESTRAINT

35. Where the Superintendent or District Agent is satisfied that a prisoner is likely to attempt to escape or to commit some serious act of violence he may order that such prisoner be restrained by means of leg irons and handcuffs, which shall be of such weight and pattern as the Resident Commissioner concerned may approve. Any order made under this Article, with reasons therefor shall be included in the monthly return of punishments inflicted upon prisoners.

36. This Regulation may be cited as the New Hebrides Joint Native Prisons Administration Joint Regulation No. 6 of 1945.

Dated at Vila this twelfth day of September, 1945.

R. KUTER
Resident Commissioner
for France.

R. D. BLANDY
His Britannic Majesty's
Resident Commissioner.