



LAWS OF KENYA

THE PRISONS ACT

CHAPTER 90

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CHAPTER 90

THE PRISONS ACT

Commencement: 1st February, 1963

An Act of Parliament to consolidate and amend the law relating to prisons; to provide for youth corrective training centers, extra mural penal employment; to provide for the organization, discipline, powers and duties of prison officers; and for matters incidental thereto and connected therewith

49 of 1962,
8 of 1963,
23 of 1963,
L.N. 124/1964,
L.N. 374/1964,
21 of 1966,
8 of 1968,
3 of 1969,
10 of 1969,
25 of 1971,
10 of 1983,
18 of 1986,
14 of 1991,
L.N. 371/1991,
L.N. 540/1997,
10 of 1998.

PART I—PRELIMINARY

1. This Act may be cited as the Prisons Act.

Short title.

2. In this Act, except where the context otherwise requires—

Interpretation.
25 of 1971, Sch.,
10 of 1983, Sch.

“aggravated prison offence” means an offence declared to be such by rules made under this Act;

“appellant prisoner” means any convicted criminal prisoner who is detained in a prison as a result of a conviction which is the subject matter of an appeal which has been entered or lodged but the decision in regard to which has not been given;

“Assistant Commissioner” means an Assistant Commissioner of Prisons;

“civil prisoner” means any prisoner other than a criminal prisoner;

“Commissioner” means the Commissioner of Prisons;

“convicted criminal prisoner” means any criminal prisoner under sentence of a court or a court martial, and includes a person detained in prison under sections 162 to 167 (both inclusive) of the Criminal Procedure Code;

Cap. 75.

“court” means any court or authority entitled to pass a sentence in a criminal case or to order a person to be detained in custody in any case;

“criminal prisoner” means any person duly committed to custody

under the writ, warrant or order of any court exercising criminal jurisdiction or by order of a court martial;

“Deputy Commissioner” means the Deputy Commissioner of Prisons;

“deserter” means a prison officer who absents himself from duty without reasonable cause for a period of twenty-one days or more;

“medical officer” means the medical officer appointed by the Director of Medical Services or other proper officer of the Ministry responsible for health to be the medical officer of a prison, or, if no medical officer has been so appointed, means the medical officer of the district in which the prison is situated, or in his absence any medical officer;

“minor prison offence” means an offence declared to be such by rules made under this Act;

“officer in charge” means a prison officer or an administrative officer appointed by the Commissioner to be in charge of any prison;

“prison” means a prison established or deemed to have been established under section 24 of this Act;

“prisoner” means any person, whether convicted or not, under detention in any prison;

“prison officer” means any member of the Kenya Prisons Service of whatever rank;

Cap. 64.

“probation officer” has the meaning assigned to that expression in the Probation of Offenders Act;

“prohibited article” means an article the introduction or removal of which into or out of a prison is prohibited by this Act or by any rules made thereunder;

“senior prison officer” means a prison officer of or above such rank as the Minister may specify under section 3 (2) of this Act;

Cap. 78 (1948).

“Service” means the Kenya Prisons Service established by the Prisons Act (now repealed);

“subordinate prison officer” means a prison officer of or below such rank as the Minister may specify under section 3 (2) of this Act;

“unconvicted person” means a debtor, and any person on remand or awaiting trial, or detained for safe custody or for want of sureties, who has not been convicted by any court;

“visiting justice” means a person appointed to be a visiting justice under section 72 (1) of this Act;

“youth corrective training centre” means a youth corrective training centre established under section 66 of this Act.

PART II—CONSTITUTION AND ADMINISTRATION

3. (1) The Kenya Prisons Service shall consist of the members of the Service appointed under this Act and the Prisons Act (now repealed). Composition of Service.
Cap. 78 (1948).

(2) The Service shall consist of such ranks of senior and subordinate prison officers as the Minister may, by notice in the Gazette, specify, and prison officers shall have seniority as so specified.

4. *[Repealed by L.N. 124/1964.]*

5. (1) The administration of the Service and the control and supervision of all prisoners shall be vested in the Commissioner, subject to the directions of the Minister. Administration of Service.

(2) The Commissioner may, subject to this Act, from time to time make standing orders and give administrative directions for the observance of all prison officers.

6. (1) The Deputy Commissioner may exercise any of the powers or perform any of the duties vested in or assigned to the Commissioner by or under this Act or any rules made thereunder or by or under any other written law. Powers of Deputy Commissioner, and delegation of powers.

(2) The Commissioner may delegate any of the powers vested in him by this Act or any rules made thereunder or, save where a contrary intention appears therein, by any other written law, to an Assistant Commissioner.

PART III—POWERS, DUTIES AND PRIVILEGES OF PRISON OFFICERS

7. Every prison officer shall exercise such powers and perform such duties as are by law conferred or imposed on prison officers of his class, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his senior officers. General powers and duties of prison officers.

Responsibility of officer in charge for stores, etc.

8. Every officer in charge shall be charged with the safe custody of arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison, the prison officers and the prisoners under his control, and with all public money for which he may be held accountable, and also, subject to this Act and any rules made thereunder, with all valuables, money, articles of clothing and other property entrusted to his keeping as being the property of prisoners, and shall account for the same in case of their being lost or damaged otherwise than by unavoidable accident, theft, robbery or lawful use.

Where prison officers have powers and privileges of police officers.

9. While in charge of prisoners for the purpose of conveying any person to or from a prison, or for the purpose of apprehending any prisoner who may have escaped from a prison, or who may have escaped while being conveyed to or from a prison, or for the purpose of preventing the rescue of any persons in custody or an attack on a prison, every prison officer shall have all the powers, protection and privileges of a police officer.

Arrest of deserters.

10. Any prison officer may, on reasonable suspicion that any person is a deserter from the Service, arrest such person without warrant and shall forthwith take him before a magistrate.

Power to examine persons or vehicles.

11. (1) Any prison officer may examine anything within, or being brought into or out of, a prison, and may stop and search any vehicle or person within a prison, or going into or out of a prison or, whether within or without a prison, any person who, or any vehicle which, is without authority close to a prisoner or prisoners if he has reason to suspect that such person or vehicle is carrying a prohibited article or any property belonging to the Government in use in a prison.

(2) The senior officer on duty in a prison may refuse admission to the prison to any person who is not willing to be searched.

(3) The senior officer on duty in a prison may order any person within a prison who refuses to be searched to leave the prison and, if such person refuses to leave, may cause him to be removed from the prison, and for that purpose may use such force as may be necessary.

(4) If on stopping and searching any vehicle or person under subsection (1) of this section a prison officer finds any prohibited article or any property belonging to the Government in use in a prison he may arrest that person or the person on the vehicle who appears to have charge of the article or property and shall as soon as practicable cause any such person to be made over to a police officer or, in the absence of a police officer, to be taken to the nearest police station.

(5) Any search of a woman under this section shall be made by another woman with due regard to decency.

12. (1) Any prison officer may use such force against a prisoner as is reasonably necessary in order to make him obey lawful orders which he refuses to obey or in order to maintain discipline in a prison. Use of force by prison officer.

(2) Any prison officer may use any weapons which have been issued to him, including firearms, against a prisoner if—

- (a) he is escaping or attempting to escape and refuses, when called upon, to return; or
- (b) he is engaged with other persons in breaking out or attempting to break out of any part of a prison and continues to break out or attempts to break out when called upon to desist; or
- (c) he is engaged with others in riotous behaviour in a prison and refuses to desist when called upon; or
- (d) he is endangering the life of, or is likely to inflict grave injury to, the prison officer or to any other prison officer or person and the use of weapons, including firearms, is the only practicable way of controlling the prisoner:

Provided that weapons shall not be used as authorized in paragraphs (a), (b) and (c) of this subsection unless the officer has reasonable cause to believe that he cannot otherwise prevent the escape, breaking out or riotous behaviour, as the case may be.

13. An officer in charge may cause photographs, measurements, footprints and casts thereof, palm prints and fingerprints to be taken of any prisoner by any prison officer or other person authorized by the Commissioner in that behalf, and where any person refuses to permit his photographs, measurements, footprints or casts thereof, palm prints or fingerprints to be taken, the officer may use or cause to be used such force as may be necessary to secure the photographs, footprints or casts thereof, palm prints or finger prints as the case may be: Power to take photographs, fingerprints, etc., of prisoners.

Provided that the photographs, measurements, footprints and casts thereof, palm prints and fingerprints of a prisoner who is not subsequently convicted shall be destroyed upon the prisoner's release by the court.

Non-liability for act done under authority of a warrant.

14. (1) Where the defence to any suit instituted against a prison officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court or other competent authority, the court shall, upon production of the warrant and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such prison officer.

(2) No proof of the signature on a warrant shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of a prison officer if it is proved that, at the time the act complained of was committed, he believed on reasonable grounds that the signature was genuine.

PART IV—OFFENCES BY PRISON OFFICERS

Prison officers not to leave Service without permission.

15. (1) No prison officer shall leave the Service, withdraw himself from duty or be absent without leave unless expressly permitted to do so by the Commissioner or by some other prison officer authorized to grant such permission.

(2) Any prison officer who leaves the Service, withdraws himself from duty or is absent without leave or deserts shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Prison officers to be subject to Code of Regulations.

16. Every prison officer shall be subject to the provisions of the Code of Regulations for Officers of the Government Service for the time being in force, so far as the same are not inconsistent with this Act or any rules or standing orders made thereunder.

Assault on officer senior in rank.

17. Any prison officer who assaults, threatens or insults any officer senior to him in the Service, when such senior officer is on duty or when such assault, threat or insult relates to or is consequent upon the discharge of duty by the officer so assaulted, threatened or insulted, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Miscellaneous offences by prison officers.

18. Every prison officer who without lawful authority—

(a) knowingly suffers any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions, letter, document or other article to be sold to or received from or used by or on behalf of any prisoner; or

- (b) lends or gives to any prisoner any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions, letter, document or other article; or
- (c) knowingly suffers any letter, document, or other article to be brought out of any prison, or to be conveyed from any prisoner; or
- (d) without the permission of the Commissioner, informs the Press or any other person of any matter concerning a prison or a prisoner or any matter derived from official sources connected with or related to the Service,

shall be guilty of an offence and liable to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

19. (1) No prison officer or any person with any duty with prisoners shall sell or supply, or receive directly any benefit or advantage from the sale or supply of, any article to or for the use of any prisoner or for the use of any prison, nor shall any such officer or person directly or indirectly have any interest in any contract or agreement for the sale or supply of any such article.

Other offences.

(2) No prison officer or any person with any duty with prisoners shall directly or indirectly have any pecuniary interest in the purchase of any prison supplies, or receive any discount, gift or other consideration from any contractor for or seller of such supplies, or have any pecuniary dealing with any prisoner or with any friend of any prisoner with regard to him, or on behalf of any prisoner hold any unauthorized communication with any person.

(3) Any prison officer or person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

20. (1) It shall not be lawful for any prison officer to be or to become a member of—

Prison officer not to be members of trade unions.

- (a) any trade union or any body or association affiliated to a trade union; or
- (b) any body or association the objects or one of the objects of which is to control or influence conditions of employment in any trade or profession; or

- (c) any body or association the object or one of the objects of which is to control or influence the pay, pensions, or conditions of service of the Service, other than a staff association or Prison Council established and regulated by rules made under this Act.

(2) Any prison officer who contravenes this section shall be liable to be dismissed from the Service and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether a body is a trade union, or association to which this section applies, the question shall be decided by the Minister, whose decision shall be final and conclusive.

Prison officers not to engage in dealings with prisoners.

21. (1) No prison officer shall receive any fee, favour or gratuity from or have any business dealing with any prisoner, or with any discharged prisoner, or with any visitor to a prison, or with any friend of any such visitor.

(2) No prison officer shall correspond with or have any dealing with any friend or relative of any prisoner, unless expressly authorized so to do by the officer in charge.

(3) No prison officer unless so authorized by the Commissioner shall give any certificate or testimonial to, or in respect of, any prisoner as regards his conduct in prison or otherwise.

(4) No prison officer shall, save in accordance with the orders or directions issued by the Commissioner, convey any communication or article to or from any prisoner.

(5) Any prison officer who contravenes any of the provisions of this section shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Search of prison officers.

22. (1) A prison officer may at any time be searched on the orders of a prison officer senior in rank to him.

(2) The officer in charge may at any time order the quarters occupied by a prison officer to be searched by a prison officer senior in rank to such officer.

Powers of officers holding disciplinary inquiries.

23. (1) Every prison officer inquiring into a disciplinary offence alleged to have been committed by a prison officer shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such inquiry and to adjourn

any hearing from time to time.

(2) Any person summoned as a witness under subsection (1) of this section who fails to attend at the time and place mentioned in the summons or on adjournment, or refuses to answer any question lawfully put to him shall be guilty of an offence and liable to a fine not exceeding three hundred shillings or to imprisonment for a term not exceeding one month:

Provided that no witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(3) Any prison officer inquiring into a disciplinary offence under this section may order payment on the part of Government of the reasonable expenses of any witness attending before him as though such witness were attending a subordinate court for the purposes of a trial under the Criminal Procedure Code; and such order shall be made subject to any rules made under section 394 of the said Code, *mutatis mutandis*. Cap. 75.

PART V—ESTABLISHMENT AND CONTROL OF PRISONS

24. (1) The Minister* may, by notice in the Gazette, declare any building, enclosure or place, or any part thereof, to be a prison for the purposes of this Act, and may, in a like manner, declare that any prison shall cease to be a prison for the purposes of this Act. Declaration of prisons.

(2) Every prison shall include the grounds and buildings within the prison enclosure and also any other grounds or buildings belonging or attached thereto and used by prisoners or the staff of the prison.

(3) In any writ, warrant or other legal instrument in which it may be necessary to describe a particular prison, any description designating a prison by reference to the name of the place or town where it is situated, or other definite description, shall be valid and sufficient for all purposes.

25. Whenever—

Temporary prisons.

(a) it appears to the Commissioner that the number of prisoners in any prison is greater than can be conveniently kept therein and that it is not convenient to transfer the excess number to some other prison; or

* Power delegated to the Permanent Secretary of the Ministry, by L.N. 692/1963.

- (b) owing to the outbreak of epidemic disease within a prison or for any other reason, it is desirable to provide for temporary shelter or safe custody of any prisoners,

such provision shall be made as the Commissioner, with the approval of the Minister, may direct for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison, and every such temporary prison shall be deemed to be a prison for the purposes of this Act.

Officers in charge.

26. (1) In every prison there shall be an officer in charge of the prison, who shall be designated “the officer in charge”.

(2) Where an administrative officer has been appointed to be an officer in charge of a prison, he shall, in relation to the prison, be subject to the orders and directions of the Commissioner, and shall, subject to any express limitations which may be imposed on him by the Commissioner in writing, have all the powers conferred by law upon an officer in charge.

(3) Every officer in charge shall supervise and control all matters in connection with the prison to which he is appointed, and shall keep or cause to be kept such records as the Commissioner may from time to time direct and shall be responsible to the Commissioner for the conduct and treatment of prison officers and prisoners under his control, and for the due observance by prison officers and prisoners of the provisions of this Act and of all rules, directions and orders made thereunder.

Appointment of police officers to perform the duties of prison officers.

27. (1) Where in any prison the number of prison officers detailed for duty therein is insufficient to secure the good management and government thereof, it shall be lawful for the officer in charge of such prison, with the consent of the Commissioner of Police, to employ temporarily such number of police officers as he may consider necessary to perform the duties of prison officers in such prison.

(2) Every police officer appointed in pursuance of subsection (1) of this section shall thereupon have all the powers, and perform in such prison all the duties, of a prison officer of the class to which the officer in charge shall appoint and, for the purposes of this Act, shall be deemed to be a prison officer.

(3) Where, on the removal of any prisoner from any prison, the staff of warders is insufficient to provide escort for such prisoner, it shall be lawful for the officer in charge of the prison from which the prisoner is to be removed to deliver the prisoner to any police officer who may be detailed for such duty, and thereupon such police officer shall have the same powers and be subject to the same responsibilities,

discipline and penalties and to the same authorities as a prison officer would have and be subject to in like circumstances.

28. In any prison in which any female prisoner is imprisoned there shall be a woman prison officer who shall have the care and the superintendence of female prisoners, and who shall be responsible for their discipline.

Women prison officers and female prisoners.

29. (1) There shall be a medical officer stationed in or responsible for every prison.

Medical officers.

(2) The medical officer shall be responsible for the health of all prisoners in a prison and shall cause all prisoners to be medically examined at such times as shall be prescribed.

(3) A medical officer may, whether or not a prisoner consents thereto, take or cause or direct to be taken such action (including the forcible feeding, inoculation, vaccination and any other treatment of the prisoner, whether of the like nature or otherwise) as he may consider necessary to safeguard or restore the health of the prisoner or to prevent the spread of disease.

(4) All actions of a medical officer, prison officer, medical orderly, or other person acting under subsection (3) of this section, or in pursuance of directions given thereunder, shall be lawful.

PART VI—ADMISSION, CONTROL AND DISCHARGE OF PRISONERS

30. (1) Every prisoner confined in any prison shall be deemed to be in the lawful custody of the officer in charge of the prison.

Prisoner in custody of officer in charge.

(2) Every officer in charge shall keep and detain all persons duly committed to his custody by any court or other competent authority according to the terms of the warrant or order by which such person has been committed, or until such person is discharged by due course of law.

(3) A prisoner who is being removed or transferred from one prison to another shall, while outside the prison, be kept in the custody of the prison officer directed to convey him and shall be deemed to be in the lawful custody of the officer in charge of the prison at which such prison officer is serving.

(4) Subject to such conditions as may be prescribed, the infant child of a female prisoner may be received into prison with its mother and may be supplied with clothing and necessities at public expense:

Provided that such child shall only be permitted to remain in prison until it attains the age of four years or until arrangements for its proper care outside prison are concluded, whichever shall be the earlier.

Detention of remand prisoners.

31. (1) Every person remanded to any prison by any court or other competent authority, being a person charged with any crime or offence, shall be delivered to the officer in charge together with a warrant of commitment, and such officer in charge shall detain such person according to the terms of such warrant and shall cause such person to be delivered to such court or competent authority, or shall discharge such person at the time named, in and according to the terms of such warrant.

(2) (a) A probation officer may be authorized by a court to remove from prison custody any prisoner remanded into such custody, for the purpose of making inquiries at the direction of the court, and it shall be lawful for a prison officer to hand over custody of any such remand prisoner to a probation officer so authorized to remove him.

Cap.64.

(b) In this subsection, “probation officer” means a probation officer appointed under the Probation of Offenders Act.

Custody of persons under arrest.

32. Every person arrested in pursuance of any warrant or order of any court, if such court is not sitting, may be delivered to an officer in charge for custody and such officer in charge shall cause such person to be brought before the court at its next sitting.

Prisoners required as witnesses.
Cap. 75.

33. (1) Without prejudice to the provisions of section 148 of the Criminal Procedure Code, whenever the presence of any prisoner is required by any court, such court may issue an order addressed to the officer in charge requiring production before the court of the prisoner in proper custody at the time and place to be named in such order, and the officer in charge shall cause the prisoner named in such order to be brought up as directed, and shall provide for his safe custody during his absence from prison, and every such court may by endorsement on such order require the prisoner named therein to be again brought up at any time to which the matter wherein such prisoner is required may be adjourned.

(2) A prisoner taken from a prison in pursuance of an order made under this section shall, whilst outside the prison, be kept in such custody, including police custody, as the officer in charge may direct and whilst in that custody shall be deemed to be in lawful custody.

(3) Prisoners on remand or committal for trial, who are required to attend any court, may be taken for that purpose into police custody, at the prison to which they have been committed, and shall remain under

police supervision and guard until returned to the prison or discharged by the court.

34. Every prisoner shall be subject to prison discipline and to this Act and all rules, orders and directions made thereunder during the whole time of his imprisonment, whether he is or is not within the precincts of any prison.

Prisoners to be subject to prison discipline.

35. (1) A civil prisoner or an unconvicted person may be permitted to maintain himself and to purchase or receive from private sources, at proper hours, food, clothing or other necessities, but subject to examination and to such other conditions as the Commissioner may direct.

Maintenance of certain prisoners from private sources.

(2) No food, clothing or other necessities belonging to a civil prisoner or an unconvicted person shall be given, hired, loaned or sold to any other prisoner; and any prisoner or person contravening the provisions of this section shall be liable to lose the privilege of purchasing or receiving food, clothing or other necessities from private sources for such time as the officer in charge may think proper.

(3) If a civil prisoner or an unconvicted person does not provide himself with food or clothing, or if such food or clothing is in the opinion of the officer in charge unsatisfactory, such prisoner or person shall receive the prescribed food and clothing.

36. Male and female prisoners shall be confined in separate prisons, or in separate parts of the same prison in such manner as to prevent, as far as practicable, their seeing or conversing or holding any communication with each other.

Female prisoners to be kept apart.

37. A prisoner may be removed from any prison to any other prison from time to time at the Commissioner's discretion.

Prisoners may be removed to any prison.

38. (1) Whenever a medical officer is of the opinion that any prisoner is of unsound mind, he may, by order under his hand in the form prescribed, direct that such prisoner be removed to any mental hospital in Kenya and be there detained, and such order shall be authority for the reception of the prisoner and for his detention in such mental hospital until removed or discharged as hereinafter provided.

Removal of prisoners of unsound mind.

(2) Where any prisoner removed to a mental hospital under subsection (1) of this section is, in the opinion of the person in charge of such mental hospital, no longer of unsound mind, the person in charge as aforesaid shall notify the officer in charge of the prison from which the prisoner was removed, and the prisoner shall then be delivered into the custody of the officer in charge of that prison if still liable to be

confined in prison, and if not so liable, shall be released.

Cap.248.

(3) Upon the expiration of the term of imprisonment to which he has been sentenced, the provisions of section 30 of the Mental Treatment Act shall apply to any prisoner detained in a mental hospital under this section as if he were detained in accordance with a reception order made under Part VI of that Act.

(4) The period, during which the prisoner has been detained in a mental hospital under this section shall be reckoned as part of his term of imprisonment.

Removal of sick
prisoners to hospital.

39. (1) In the case of the illness of a prisoner detained in a prison in which there is not suitable accommodation for such prisoner, the officer in charge, on the advice of the medical officer, may order his removal to a hospital, and in case of emergency such removal may be ordered by the officer in charge without the advice of the medical officer.

(2) Any prisoner who shall have been removed to a hospital under the provisions of this section shall be deemed to be under detention in the prison from which he was so removed.

(3) Whenever the medical officer in charge of a hospital considers that the health of a prisoner removed to that hospital under this section no longer requires his detention therein, he shall notify the officer in charge of the prison from which the prisoner was removed and the officer in charge of that prison shall thereupon cause such prisoner to be returned to the prison if he is still liable to be confined therein.

(4) Every reasonable precaution shall be taken by the medical officer in charge of a hospital and the persons employed therein to prevent the escape of any prisoner who may at any time be under treatment therein, and it shall be lawful for such officer and person to take such measures for the preventing of the escape of any such prisoner as may be necessary:

Provided that nothing shall be done under the authority of this section which, in the opinion of the medical officer in charge of such hospital, is likely to be prejudicial to the health of such prisoner.

(5) The period during which the prisoner has been detained in a hospital under this section shall be reckoned as part of his term of imprisonment.

Measures for further
security of prisoners
in hospital.

40. Where in any case from the gravity of the offence for which any prisoner may be in detention or for any other reason the officer in charge considers it desirable to take special measures for the security

of such prisoner while under treatment in hospital, it shall be lawful for him to give such prisoner into the charge of fit and proper persons, not being less than two in number, one of whom shall always be with such prisoner day and night, and such persons shall be vested with full power and authority to do all things necessary to prevent such prisoner from escaping and shall be answerable for his safe custody until such time as he is handed over to the officer in charge on his discharge from hospital or until such time as his sentence expires, whichever shall first occur.

41. (1) Where a medical officer reports to the Commissioner that a prisoner is a leper, the Commissioner may, subject to the provisions of subsection (2) of this section, by order in writing direct the removal of that prisoner to a leper settlement, there to be kept and treated until cured of his leprosy or until such time as he ceases to be liable to confinement in prison, whichever shall be the earlier.

Removal of leper prisoners to leper settlements.

(2) No order shall be made by the Commissioner under subsection (1) of this section unless and until he has received notification in writing that the person in charge of the leper settlement to which he wishes to remove the leper prisoner is able and willing to receive such prisoner.

(3) So long as any prisoner who shall have been removed to a leper settlement under this section shall remain therein and remain liable to confinement in prison, the person in charge thereof shall from time to time transmit to the officer in charge of the prison from which such prisoner was removed a certificate signed by him that it is in his opinion necessary that he should remain in such settlement.

(4) So soon as, in the opinion of the person in charge of a leper settlement, it is no longer necessary that a prisoner who has been removed to such settlement should remain therein, he shall transmit to the officer in charge of the prison whence the prisoner was removed, if such prisoner is still liable to confinement in prison, a certificate stating that such necessity has ceased, and thereupon the officer in charge shall forthwith cause such prisoner to be returned to the prison; and, if not so liable, the prisoner shall be released.

(5) Every reasonable precaution shall be taken by the person in charge of a leper settlement and the other persons employed therein to prevent the escape of any prisoner who may at any time be under treatment therein, and it shall be lawful for such persons to take such measures for the preventing of the escape of any such prisoner as may be necessary:

Provided that nothing shall be done under the authority of this section which, in the opinion of the person in charge of such settlement, is likely to be prejudicial to the health of such prisoner.

(6) For the purpose of this section, “leper” means a person suffering from active leprosy.

Prison officer not liable for escape of prisoners in hospital, etc.

42. If any prisoner escapes during such time as he is in any hospital, mental hospital or leper settlement, no prison officer shall be held answerable therefore unless such prisoner has been in the personal custody of such officer, and no medical officer, person in charge of a leper settlement or other person shall be held answerable therefore unless it is shown that he has helped such prisoner to escape or has wilfully neglected to take reasonable precautions to prevent his escape.

Labour of prisoners. 3 of 1969, s. 8.

43. (1) Every prisoner under sentence of imprisonment with hard labour may be kept to labour, within or without the precincts of any prison, in such type of employment as the Commissioner may direct.

(2) Every prisoner under sentence of imprisonment may be required to engage in such type of employment approved by the Commissioner as the officer in charge may direct.

(3) A medical officer may order that a prisoner shall not be required to perform any labour, or any labour other than light labour, as the case may be, before such period as the physical and mental conditions of the prisoner may require.

Employment of unconvicted criminal prisoners.

44. (1) Civil prisoners and unconvicted persons shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean; other employment may be given them at their own request.

(2) Appellant prisoners shall be required to keep their cells, precincts of cells, furniture, clothing and utensils clean and to perform such labour as the Commissioner, with the approval of the Minister, may direct.

Release of prisoners.

45. (1) The officer in charge shall be responsible for the due discharge of all prisoners immediately upon their becoming entitled to release.

(2) No prisoner under treatment by the medical officer shall be discharged from prison except at his own request until, in the opinion of the medical officer, such discharge can be effected without danger to the health of such prisoner.

(3) All prisoners shall be discharged before noon on the date on which they are entitled to be released, but should that date fall on a Sunday or a public holiday, they shall be released before noon on the day preceding that Sunday or public holiday.

PART VII—REMISSION OF SENTENCE

46. (1) Convicted criminal prisoners sentenced to imprisonment, whether by one sentence or consecutive sentences, for a period exceeding one month, may by industry and good conduct earn a remission of one-third of their sentence or sentences:

Remission of part of sentence of certain prisoners.

21 of 1966,

2nd Sch.,

L.N. 124/1964,

8 of 1968, Sch.,

L.N.59/1970,

10 of 1981, Sch.,

18 of 1986, Sch.

Provided that in no case shall—

- (i) any remission granted result in the release of a prisoner until he has served one calendar month;
- (ii) any remission be granted to a prisoner sentenced to imprisonment for life or for an offence under section 296(1) or 297(1) of the Penal Code or to be detained during the President's pleasure.

Cap. 63.

(2) For the purpose of giving effect to the provisions of subsection (1) of this section, each prisoner on admission shall be credited with the full amount of remission to which he would be entitled at the end of his sentence if he lost no remission of sentence.

(3) A prisoner may lose remission as a result of its forfeiture for an offence against prison discipline, and shall not earn any remission in respect of any period—

- (a) spent in hospital through his own fault or while malingering; or
- (b) while undergoing confinement as a punishment in a separate cell.

(3A) A prisoner may be deprived of remission—

- (a) where the Commissioner considers that it is in the interests of the reformation and rehabilitation of the prisoner;
- (b) where the Minister for the time being responsible for internal security considers that it is in the interests of public security or public order.

(4) Notwithstanding the provisions of subsection (1) of this section, on the recommendation of the Commissioner, the Minister may grant a further remission on the grounds of exceptional merit, permanent ill-health or other special grounds.

(5) The Minister shall have power to restore forfeited remission in whole or in part.

PART VIII—COMPULSORY SUPERVISION ORDERS

Compulsory
supervision orders.
8 of 1968, Sch.

47. (1) The Commissioner—

- (a) shall, in the case of a prisoner who, having been sentenced to imprisonment on not less than two previous occasions, is serving a sentence of imprisonment for a term of or exceeding three years; and
- (b) may in the case of any other prisoner where he considers it necessary or desirable in the interests of the rehabilitation of that prisoner so to do,

make an order, to be known as a compulsory supervision order, providing for the compulsory supervision of the prisoner for any period not exceeding one year.

(2) Every compulsory supervision order shall be made on or prior to the discharge of the prisoner in respect of whom it is made and shall be in such form and subject to such terms and conditions as may be prescribed.

(3) Where the Commissioner is satisfied that any prisoner in respect of whom a compulsory supervision order has been made has, during the continuance in force of the order, been convicted of any offence or has contravened or failed to comply with any of the terms or conditions of his order, the Commissioner may revoke the order and issue a certificate to that effect which shall contain a statement of the amount of remission earned by the prisoner under section 46 of this Act immediately before the making of the order, and such certificate shall be conclusive evidence of its contents.

(4) When any compulsory supervision order made under this section has been revoked the prisoner in respect of whom such order had been made shall, after undergoing any other punishment to which he has been sentenced, if any, undergo a term of imprisonment equal to a period of three months, or to the period of remission he had earned under section 46 of this Act, immediately before the making of the compulsory supervision order, whichever is the greater.

(5) Where a compulsory supervision order has been revoked by the Commissioner, a magistrate shall, on production to him of a certificate of such revocation signed by the Commissioner, issue a warrant for the arrest of the person in respect of whom the compulsory

supervision order had been made; and such person on being arrested shall be brought before that magistrate or any other magistrate having jurisdiction who, on being satisfied after proper inquiry that the person has been convicted of an offence or has contravened or failed to comply with any of the terms and conditions of his order, shall commit him to prison for the term provided in subsection (4) of this section.

(6) Notwithstanding the provisions of subsection (1) of this section, the Commissioner may at any time discharge a prisoner undergoing a term of imprisonment under subsection (4) of this section, and at the same time make a further compulsory supervision order in respect of such prisoner.

(7) The Commissioner may vary a compulsory supervision order, and if he considers that a person subject to a compulsory supervision order should be freed from all liability under this Act he may cancel the order, and the person shall thereupon be free from all such liability.

48. (1) The President shall appoint a Board of Review, which shall at prescribed intervals, or at such lesser intervals as circumstances may require, review the sentences of all prisoners serving sentences of or exceeding seven years, including prisoners sentenced to imprisonment for life or to be detained during the President's pleasure, and in each case shall tender advice to the President on the exercise of the prerogative of mercy.

Board of Review.
21 of 1966, 2nd Sch.,
L.N.124/1964.

(2) The Commissioner shall submit each month to the Board of Review a report on the general condition and conduct of every prisoner referred to in subsection (1) of this section who has during the previous month completed such period of his sentence as may be prescribed.

49. (1) Within three months of the date upon which a prisoner serving a sentence of or exceeding four years is due for release, the Commissioner may allow such prisoner to be absent from prison on parole for such length of time and upon such conditions as the Commissioner may specify.

Release on parole.

(2) The Commissioner or an officer in charge may at any time recall a prisoner released on parole.

(3) Any prisoner who fails to return to prison in accordance with the conditions of his parole or when informed that he has been recalled under subsection (2) of this section may be arrested without warrant, and he shall be guilty of an offence and liable to the same punishment as if he had escaped from prison.

(4) A prisoner who, when released on parole, contravenes or

fails to comply with the conditions imposed upon him shall be guilty of an offence and liable to imprisonment for a term not exceeding six months.

PART IX—OFFENCES BY PRISONERS

Prison offences.

50. The Minister may prescribe what acts or omissions by prisoners shall be deemed to be prison offences and shall prescribe which of such offences shall be minor prison offences and which shall be aggravated prison offences.

Punishment of
prisoners by officer
in charge.

51. (1) An officer in charge, if he is a senior prison officer or an administrative officer, may punish any prisoner found after due inquiry by him to be guilty of a minor offence by awarding him one or more of the following punishments—

- (a) confinement in a separate cell on the prescribed punishment diet for a term not exceeding such period as may be prescribed;
- (b) forfeiture of remission not exceeding such amount as may be prescribed;
- (c) reduction in stage, or forfeiture of privileges, or postponement of promotion in stage, or forfeiture of all or part of earnings, or removal from any earnings, or removal from any earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

(2) An officer in charge, if a subordinate prison officer, may punish any prisoner found after due inquiry by him to be guilty of a minor prison offence by awarding him one or more of the following punishments—

- (a) confinement in a separate cell on the prescribed punishment diet for a term not exceeding such period as may be prescribed;
- (b) reduction in stage, or forfeiture of all privileges, or postponement of promotion in stage, or forfeiture of all or part of earnings, or removal from any earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

(3) An officer in charge, if a senior prison officer or an administrative officer, may punish any prisoner found after due inquiry by him to be guilty of an aggravated prison offence by awarding him

one or more of the following punishments—

- (a) corporal punishment with a cane not exceeding such amount as may be prescribed;
- (b) confinement in a separate cell on the prescribed punishment diet for a term not exceeding such period as may be prescribed;
- (c) forfeiture of remission not exceeding such amount as may be prescribed;
- (d) reduction in stage, or forfeiture of privileges, or postponement, of promotion in stage, or forfeiture of all or part of earnings, or removal from any earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

52. (1) The Commissioner may punish any prisoner found after due inquiry by him to be guilty of a prison offence.

Punishment of prisoners by the Commissioner.

(2) An officer in charge on finding a prisoner guilty of an aggravated prison offence may, if he is of the opinion that in the circumstances of the case or because of the prisoner's character the powers of punishment he possesses are inadequate, transfer the case to the Commissioner for punishment.

(3) An officer in charge, if he transfers a case to the Commissioner under subsection (2) of this section, shall forward to the Commissioner—

- (a) a copy of the charge;
- (b) the record of all the evidence he has taken, including the evidence of the prisoner;
- (c) the reasons why he has found the prisoner guilty; and
- (d) any representations the prisoner wishes to make to the Commissioner in regard to punishment.

(4) The Commissioner on receipt of a record forwarded to him under subsection (3) of this section may—

- (a) punish the prisoner; or
- (b) reverse the findings of the officer in charge and find the prisoner not guilty; or

- (c) require the officer in charge to take further evidence and submit it to him prior to his making a decision.

(5) The Commissioner may award a prisoner one or more of the following punishments—

- (a) corporal punishment not exceeding such amount as may be prescribed;
- (b) confinement in a separate cell on the prescribed diet for such period as may be prescribed;
- (c) forfeiture of remission not exceeding such amount as may be prescribed;
- (d) reduction in stage, or forfeiture of privileges, or postponement of promotion in stage, or forfeiture of all or part of earnings, or removal from any earnings scheme, or reduction in earnings grade, for such period as may be prescribed.

(6) In this section and in section 51 of this Act, “reduction in stage” and “postponement of promotion in stage” mean the removal of a prisoner to a lower stage and the postponement of promotion to a higher stage, respectively, in the prescribed progressive stage system.

Prisoner’s defence.

53. No prisoner shall be punished for a prison offence until he has had an opportunity of hearing the charge against him and making his defence.

Medical examination
before punishment.

54. (1) No prisoner shall be subjected to punishment diet or corporal punishment until certified as medically fit to undergo it by a medical officer or other person appointed for such purpose by the medical officer.

(2) Punishment diet shall not be combined with labour.

Corporal punishment.
27 of 1971, Sch.

55. (1) Where corporal punishment is awarded the number of strokes shall be limited to a maximum of ten strokes in the case of persons of or under the apparent age of sixteen years, and in all other cases to eighteen strokes, and shall be inflicted with such type of cane as may be prescribed.

(2) Every sentence of corporal punishment imposed upon a prisoner by an officer in charge shall be subject to confirmation by the Commissioner, who may increase or reduce the number of strokes ordered to be inflicted, or may substitute any other punishment or

punishments he is authorized by this Act to award.

(3) No sentence of corporal punishment shall be carried out until a period of twenty-four hours has elapsed from the time of the order thereof nor until a medical officer has certified that the offender is physically fit to undergo such punishment.

(4) A medical officer may give such orders for the prevention of injury to the health of the offender ordered to receive corporal punishment as he may deem necessary, and such orders shall be carried out before the punishment is inflicted; and if, during the course of the infliction of such punishment, the medical officer shall order it to be discontinued, it shall be discontinued accordingly.

(5) Corporal punishment shall not be inflicted upon any female prisoner, nor upon male prisoners under sentence of death, nor upon any civil prisoner.

56. Whenever it appears to the officer in charge that it is desirable for the good order and discipline of the prison for a prisoner to be segregated and not to work nor to be associated with other prisoners, it shall be lawful for such officer to order the segregation of such prisoner for such period as may be considered necessary.

Segregation of
prisoner.

57. The officer in charge shall cause to be entered in a register, which shall be open to the inspection of the visiting justices, a record of all punishments imposed upon prisoners, showing in respect of each prisoner punished, his name, the nature of his offence, and the extent of his punishment.

Register of
punishment.

PART X—OFFENCES IN RELATION TO PRISONERS

58. Any person without lawful authority who—

Trafficking.

- (a) conveys, supplies or causes to be supplied or conveyed to any prisoner, whether within or without a prison, or hides or places for the use of any prisoner, any letter or document, or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions or any other articles whatsoever; or
- (b) brings or attempts to bring by any means whatever into any prison, or places or attempts to place where prisoners shall labour, any letter or document, or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing or provisions; or

(c) brings or attempts to bring out of any prison or conveys from any prison any letter or document; or

(d) communicates with any prisoner without lawful authority, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding four thousand shillings, or to both such fine and such imprisonment.

Prohibited articles.

59. (1) Any person who without lawful authority brings or introduces in any manner into a prison a prohibited article, or who without lawful authority takes out or removes from a prison a prohibited article, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such fine and such imprisonment.

(2) For the purpose of this section, a “prohibited article” shall be any article contained in the list which shall be fixed in a conspicuous place outside every prison and shall be signed by the Commissioner or by the officer in charge on his behalf and shall contain a list of articles which the Commissioner has decided shall be prohibited; and the list shall be written in English, Swahili and the language which the officer in charge considers to be the local vernacular.

Seizure of prohibited articles, etc.

60. Whether or not any criminal or disciplinary proceedings are commenced against any person any prison, officer may seize any article found to be unlawfully in a prison and the officer in charge may order its confiscation and declare it to be forfeited.

Trespassing.

61. (1) Any person who without lawful authority enters or remains within the boundaries of a prison or any place where prisoners are working shall be guilty of an offence and, if he refuses to leave when requested to do so, may be arrested without warrant by a prison officer or a police officer.

(2) Any person who, without authority from the Commissioner—

(a) takes a photograph of any prisoner; or

(b) takes a photograph or makes a sketch, plan or other representation of any object or person within the precincts of a prison,

shall be guilty of an offence.

(3) Any person who is guilty of an offence under this section shall

be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred shillings, or to both such imprisonment and such fine.

62. Any person who is found in possession of any article whatsoever which has been supplied to any prison officer for use on duty, or of any prison property, and who fails to account satisfactorily for the possession thereof, or who without lawful authority or excuse purchases or receives any such article or property from any prison officer, or who aids and abets any prison officer to sell or dispose of any such article or property, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand shillings, or to both such imprisonment and such fine.

Unlawful possession of prison articles.

63. (1) Any person who by any means directly or indirectly procures or persuades, or attempts to procure or persuade, any prison officer to desert, or who aids, abets or is accessory to the desertion of any prison officer, or who, having reason to believe that any person is a deserter, harbours such deserter, or aids him to concealing himself, or assists in his rescue, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year or to a fine not exceeding four thousand shillings, or to both such imprisonment and such fine.

Incitement and abetting of desertation, mutiny and sedition.

(2) Any person who directly or indirectly instigates, commands, counsels, or solicits any mutiny, sedition or disobedience to any lawful command of a prison officer to any other prison officer, or maliciously endeavors to seduce any prison officer from his allegiance or duty, shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding six thousand shillings, or to both such imprisonment and such fine.

64. Any person who knowingly harbours in or about his house, land or otherwise, or who knowingly employs any person under sentence of imprisonment and illegally at large, shall be guilty of an offence and liable to imprisonment for a term not exceeding two years or to a fine not exceeding six thousand shillings, or to both such imprisonment and such fine.

Harbouring prisoners.

65. Any person who commits any offence under this Act or any rules made thereunder shall, where no penalty is specially provided therefor, be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

General penalty.

PART XI—YOUTH CORRECTIVE TRAINING CENTRES

Establishment of
youth corrective
training centre.

66. (1) The Minister* may, by notice in the Gazette, declare any building, enclosure or place, or any part thereof, to be a youth corrective training centre for the purposes of this Act, and may, in like manner, declare that any youth corrective training centre shall cease to be a youth corrective training centre for the purposes of this Act.

(2) No prisoner other than a person sentenced to corrective training in a youth corrective training centre under section 67 of this Act shall be detained in a youth corrective training centre.

(3) Subject to subsection (2) of this section, every youth corrective training centre shall be deemed to be a prison for the purposes of this Act.

Corrective
training may be
ordered in certain
circumstances.
8 of 1963, s. 82,
23 of 1963, s. 53,
10 of 1969, Sch.

67. (1) Notwithstanding the provisions of any other written law, where a person, who has attained the apparent age of seventeen years but has not attained the apparent age of twenty-one years, is convicted of an offence not punishable with death, the court may sentence such person to corrective training in a youth corrective training centre for a period of four months:

Provided that no person shall be sentenced to corrective training in a youth corrective training centre—

Cap. 91.
Cap. 141.
Cap. 92 .

(i) if he has previously been detained in prison, a detention camp as defined in the Detention Camps Act, an approved school as defined in the Children and Young Persons Act, or a borstal institution as defined in the Borstal Institutions Act; or

(ii) if he has previously been sentenced to corrective training in a youth corrective training centre; or

Cap. 470.

(iii) for failure to pay any tax or rate under the Personal Tax Act:

Provided further that no person shall be sentenced to corrective training in a youth corrective training centre unless the court is satisfied that accommodation for such person is available in a youth corrective training centre.

(2) Every person sentenced to corrective training in a youth corrective training centre shall be deemed to be a prisoner for the purposes of this Act, including remission of sentence.

PART XII—EXTRA MURAL PENAL EMPLOYMENT

68.(*Repealed by 10 of 1998 S.15.*)

PART XIII—MISCELLANEOUS

69. When any person is sentenced to death, he shall be hanged by the neck until he is dead and the sentence shall be carried out in such manner as the Commissioner shall direct.

Manner of execution of persons sentenced to death.

70. The Minister* may, from time to time, appoint by notice in the Gazette ministers or priests of any religious faith to be prison ministers.

Appointment of prison ministers.

71. The Commissioner shall frame standing orders for the guidance of such prison ministers who may receive such remuneration or reimbursement of their expenses as may be prescribed.

Standing orders for the guidance of prison ministers.

72. (1) The Minister* shall, from time to time, appoint by notice in the Gazette fit and proper persons to be visiting justices for each prison.

Appointment and powers of visiting justices.

(2) The District Commissioner, the resident magistrate and all administrative officers in any district in which a prison is situate shall be *ex officio* visiting justices of that prison.

(3) A visiting justice may at any time visit a prison in respect of which he is a visiting justice.

(4) A visiting justice may inspect the several wards, cells, yards, punishment cells and other apartments and divisions of the prison, inspect and test the quality and quantity of the prisoners' food, hear the complaint, if any, of any prisoner, and question any prisoner or prison officer, and shall ascertain so far as possible whether this Act, and the rules made thereunder, and the prison standing orders, are adhered to, and shall call the attention of the officer in charge to any irregularity that may be observed in the working of the prison or in the treatment of any prisoner confined therein, and shall exercise and perform such other duties as may be prescribed.

(5) The visiting justices to any prison may appoint a chairman and may act as a Board of Visiting Justices and may, at the end of each year or at any other convenient time, render a report to the Minister on the state of the prison to which they are visiting justices.

73. (1) A Minister or a judge may at any time visit any prison and exercise all or any of the powers of a visiting justice, and may enter any

Power of Ministers and judges.
10 of 1983, Sch.

observations he thinks fit to make in reference to the condition of the prison and the prisoners, in a visitors' book to be kept for that purpose by the officer in charge; the officer in charge shall inform the Commissioner of any observations so entered in the visitors' book.

(2) (*Deleted by 10 of 1983, Sch.*)

Power to make rules.
21 of 1966,
2nd Sch.,
L.N. 124/1964.

74. (1) The Minister may make rules for the better carrying into effect of the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make rules providing for—

- (a) the classification of prisons and prisoners into categories, and their separation accordingly;
- (b) the duties and responsibilities of prison officers, including the duties and responsibilities of particular classes of such officers;
- (c) the disciplinary control of prison officers;
- (d) the duties and powers of visiting justices;
- (e) the duties of medical officers; the medical inspection of prisons and prisoners; and the prevention of contagious diseases in prisons;
- (f) the safe custody, management, organization, hours, mode and kind of labour and employment, clothing, maintenance, instruction, discipline, treatment, restraint, correction and discharge of prisoners and the manner in which prison offences shall be tried;
- (g) the provision of a suitable diet and dietary scales, including punishment diet for prisoners and prescribing the conditions under which such diet and scale may be varied;
- (h) the construction, description, equipment and supervision of cells and wards;
- (i) the payment of prisoners for work done while in prison;
- (j) the establishment of a prisons rewards and fines fund and the method of administration of such fund by the Commissioner;
- (k) the establishment of prisoners' aid associations and societies in connexion with discharged prisoners and the appointment

of officers responsible for the aftercare of prisoners;

- (l) the medical examination, measuring, photographing and taking of fingerprint impressions, footprints and casts thereof, palm prints or other records of prisoners, detained in any prison or otherwise detained in custody, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories; and the person, if any, to whom such measurements, photographs, fingerprint impressions, footprints and casts thereof, palm prints or other records are to be sent or supplied;
- (m) the disposal of products of prison labour;
- (n) the disposal of prisoners' property left unclaimed for a prescribed period, including its sale and the disposal of the proceeds of such sale;
- (o) the manner in which the remission of sentences, including any period of public work under Part XII of this Act, shall be calculated;
- (p) the manner in which petitions by prisoners to the President shall be presented;
- (q) suitable diet and dietary scales or ration allowances for persons employed on public work under Part XII of this Act;
- (r) anything which by this Act may or is required to be prescribed, and generally for the good management and government of prisons and the prisoners therein whether in, about or beyond the limits of such prisons.

(2) Notwithstanding anything to the contrary in this section contained, the Minister may make different rules in respect of different classes, categories or groups of prisons, prisoners or prison officers, or in respect of particular prisons.

[Subsidiary]

SUBSIDIARY LEGISLATION

Rules under section 20 (1) (c)

L.N. 552/1963,

L.N. 308/1964.

THE PRISONS (PRISONS COUNCIL) RULES

1. These Rules may be cited as the Prisons (Prisons Council) Rules.

2. There is hereby established a Council, to be known as the Prisons Council (hereinafter referred to as the Council), consisting of eight members, of whom four shall represent the Government, and shall be known as the Official Side, and four shall represent the Kenya Prisons Representative Association, and shall be known as the Staff Side.

3. (1) The members of the Council shall be—

(a) as to the Official Side—

- (i) the Permanent Secretary of the Ministry, or a person deputed by him, who shall be chairman of the Council;
- (ii) the Director of Personnel or his deputy;
- (iii) one person appointed by the Minister for the time being responsible for finance;
- (iv) one person appointed by the Minister;

(b) as to the Staff Side—

- (i) a person appointed by the Kenya Prisons Representative Association, who shall be vice-chairman of the Council;
- (ii) three persons appointed by the Kenya Prisons Representative Association.

(2) It shall be open to the Official Side and the Staff Side to vary the membership of the Council at any time.

4. The function of the Council shall be to consider all questions affecting the welfare and efficiency of the Service, including pay, pensions and terms and conditions of service, which are referred to it by the Official Side or the Staff Side to seek and reach agreement thereon:

Provided that the Council shall not consider any question of discipline and promotion concerning an individual officer of the Service, except in a case where the principle underlying the question is in dispute.

5. (1) Ordinary meetings of the Council shall be held not less than twice per year.

[Subsidiary]

(2) A special meeting of the Council may be convened by the chairman and the vice-chairman whenever they consider it necessary, after giving fourteen days' notice to the members of the Council.

(3) The quorum of the Council shall be three members of each side of the Council.

(4) Subject to these Rules the Council shall regulate its own proceedings.

6. (1) The Council may at any time appoint a subcommittee and delegate the subcommittee its functions in respect of any particular case or matter.

(2) If the Official Side and the Staff Side so agree, membership of the subcommittee shall not be restricted to members of the Council.

(3) The subcommittee may co-opt any person to attend meetings whose knowledge and experience of a particular matter may be of assistance to the subcommittee.

(4) The chairman and vice-chairman shall direct the manner and extent to which any co-opted member may participate in the meetings of the subcommittee.

7. (1) Minutes shall be kept of all meetings of the Council and subcommittee unless the terms of reference of a subcommittee allow an agreed report to be submitted in lieu of Minutes.

(2) Minutes of all meetings of the Council shall be treated as confidential and shall not be published outside the Prisons Service.

8. The decisions of the Council shall be made between the Official Side and the Staff Side and shall be reported to Government and shall thereupon become operative.

9. In the event of deadlock being reached on any question before the Council, either side shall have the right to refer the matter to arbitration in accordance with the Schedule to these Rules.

10. (1) The Official Side shall bear its own expenses.

(2) The Staff Side shall be responsible for expenses incurred in matters falling outside Appendix XXXIV of Prisons Standing Orders.

(3) The cost of payment of an Arbitration Tribunal shall be in accordance with the Rules applicable to arbitration on matters affecting disputes, outside the Civil Service.

[Subsidiary]

SCHEDULE

(r. 9)

PROVISIONS AS TO ARBITRATION

1. Failing agreement by negotiation, arbitration shall be open to the Official Side on the one hand and to the Staff Side on the other hand, on application by either party, in regard to certain matters affecting conditions of service, subject to the limitations and conditions hereinafter defined.

2. Where the parties are unable to reach agreement on any claim falling within the limitations set out in this Schedule, either party may refer to arbitration, in accordance with this Schedule, subject to the right of Government to refuse reference to arbitration of any dispute on grounds which the Government has declared to be matter of public policy.

3. Disputes relating to salaries in excess of the maximum of the Government's P.G. 1 Scale for the time being in force shall not be referable except with the agreement of both parties.

4. Disputes relating to individual officers or to the salary scales allotted to particular duties shall not be referable.

5. Disputes affecting emoluments, weekly hours of work and leave of any or all classes of officers shall otherwise be referable.

6. In this Schedule, "emoluments" includes pay and allowances of the nature of pay, bonus, overtime rates, subsistence rates and travelling and lodging allowances, and "class" means any well-defined category of officer who, for the purpose of a particular claim, occupy the same position or have a common interest in the claim.

7. After an award has been made by an Arbitration Tribunal under this Schedule, a dispute involving substantially the same issues shall not again be referable within a further period of twelve months from the effective date of the award.

8. (1) The Official Side and the Staff Side shall forthwith each inform the Minister of the names of not less than three nor more than five persons, the appointment of whom as members of arbitration tribunals would be acceptable to them.

(2) Such persons shall be persons of standing who are not themselves servants of any East African Government or Administration or officers or members of an association of employees of one of those Governments or Administrations or members of the National Assembly.

(3) Both sides shall thereafter keep the Minister informed of any necessary amendments to these panels of names.

9. The Arbitration Act shall not apply to any reference under this Schedule.

10. A dispute within the limits defined in this Schedule may be reported by either party to the Minister for reference to an Arbitration Tribunal.

11. On receiving such a report the Minister shall, having confirmed that the Government does not object to arbitration on grounds of public policy, propose to both parties the name or names of one or more persons whom he considers to be suitable for appointment as chairman of an Arbitration Tribunal, and he shall thereafter negotiate as may be necessary with both parties until agreement is reached on a recommendation to be made by him to the President for an appointment of a chairman acceptable to both parties.

12. The Minister shall, at the same time, select one name from each of the panels of names submitted in accordance with paragraph 8 of this Schedule, and, having confirmed that both persons will be available for the purpose, appoint them as members of a tribunal.

13. Where on any reference the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the chairman.

14. The appointments of the chairman and members of the Tribunal shall lapse on presentation of their award, except in so far as the Tribunal may be requested to decide any question arising as to the interpretation of the award.

15. An endeavour shall be made by both parties to a dispute to agree the terms of reference or the terms of the remit to the Tribunal, but where this is not practicable the respective statements of case shall be set out, and these together will constitute the terms of reference or of remit.

16. Neither party shall be represented before a Tribunal except by a civil servant, or in the case of the Staff Side by a bona fide salaried official or member of the Kenya Prisons Service Representative Association, but the Tribunal, should it so desire, may allow more than one representative to speak.

17. Arrangements shall be made to secure that, wherever possible, under normal conditions claims are heard within one calendar month of the date on which a dispute is referred to a tribunal.

18. The following rules of procedure of an Arbitration Tribunal shall apply, subject to the general jurisdiction of the Tribunal to regulate its own procedure as it thinks fit—

- (a) the Tribunal shall give the parties at least fourteen days' notice of the date of hearing;
- (b) the parties to the reference shall supply to the Tribunal in writing six copies of the statement of their case not later than seven days before the date of hearing;
- (c) when the copies of the statement of case from parties have been lodged with the Tribunal, a copy shall be sent by the Tribunal to the other side before the date of hearing;

[Subsidiary]

- (d) the statement of case shall contain the following particulars—
- (i) the class or classes concerned, and the number of officers in such class or classes;
 - (ii) the nature of the claim, stating whether in respect of emoluments (in pay, allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances), weekly hours of work or leave;
 - (iii) where the claim is in respect of emoluments, the present remuneration and bonus (if any) and allowances (if any);
 - (iv) where the claim is in respect of weekly hours of work or leave, the existing weekly hours of work or leave;
 - (v) the grounds in support of or in opposition to the claim;
 - (vi) where reference is made to any document or documents, copies or extracts thereof, if possible;
 - (vii) the names and status of the representative or representatives who will appear before the courts;
- (e) the statement of case shall contain all submissions, upon which the party relies in support of or in opposition to the claim, as the case may be;
- (f) the Tribunal may require parties at the hearing to read their statements of case;
- (g) evidence, either oral or in writing, and observations in support of or in opposition to the claim shall be referable to the submissions contained in the statement of case of any party to the reference;
- (h) where any party desires that a case should be adjourned from the date fixed to a later date, a consent to such adjournment signed by all parties shall be sent to the Tribunal, and the Tribunal, if good reason is shown, shall thereupon sanction the adjournment; and, if joint consent cannot be obtained, application may be made to the Tribunal by the party desiring the adjournment.

[Subsidiary]

Places declared to be prisons for the purposes of the Act under section 24

NAIROBI AREA

Nairobi Remand and Allocation.	G.N. 8/1911.
Nairobi Short Sentence.	G.N. 222/1947.
Nairobi West.	L.N. 118/1967.
Langata Women's.	G.N. 1132/1954.

CENTRAL PROVINCE

Kiambu District

Kamiti Main.	G.N. 355/1955.
Kamiti Medium Security.	G.N. 355/1955.
Kamiti Short Sentence.	L.N. 314/1965.
Kamiti Youth Corrective Training Centre.	L.N. 100/1963.
Kiambu.	L.N. 721/1961.
Thika.	G.N. 1134/1954.
Gatundu Remand.	L.N. 163/1970.
Limuru Remand.	L.N. 760/1963.
Ruiru.	L.N. 760/1963.
	L.N. 113/1975.

Muranga District

Muranga Main.	L.N. 721/1961.
Muranga Short Sentence.	L.N. 208/1966.
Maranjau.	L.N. 304/1965.
	L.N. 199/1973.

Kirinyaga District

Kerugoya.	L.N. 180/1970.
Mwea.	L.N. 238/1958.
	L.N. 284/1969.

Nyeri District

Nyeri Main.	G.N. 1990/1953.
Nyeri Women's.	L.N. 760/1963.
Nyeri Medium Security.	L.N. 760/1963.

Nyandarua District

Thomson's Falls.	G.N. 1069/1952.
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EASTERN PROVINCE

Embu District

Embu.	L.N. 721/1961.
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[Subsidiary]

Meru District

- L.N. 721/1961. Meru.
- L.N. 170/1965. Meru Women’s.
- L.N. 310/1968. Uruku.

Machakos District

- G.N. 397 /1928. Machakos.

Kitui District

- G.N. 262 /1927. Kitui.

Isiolo District

- G.N. 77/1947. Isiolo.

Marsabit District

- G.N. 409/1931. Marsabit.
- G.N. 1033/1946. Moyale.

NORTH-EASTERN PROVINCE

Garissa District

- G.N. 1082/1945. Garissa.

Wajir District

- G.N. 1082/1945. Wajir.

Mandera District

- G.N. 1082/1945. Mandera.

COAST PROVINCE

Mombasa District

- G.N. 834/1953. Shimo la Tewa Main.
- G.N. 834/1953. Shimo la Tewa Women’s.
- L.N. 109/1962. Shimo la Tewa Annexe.
- L.N. 320/1965. Shimo la Tewa Borstal Institution.

Kwale District

- G.N. 633/1935. Kwale.

Kilifi District

- L.N. 721/1961. Kilifi.
- L.N. 721/1961. Malindi.
- L.N. 109/1971. Malindi Annexe

[Subsidiary]

Kaloleni Remand.

L.N. 370/1958.

Lamu District

Lamu.

G.N.1690/1954.

Tana River District

Hola.

L.N.519/1959.

Kipini.

L.N. 45/1972,

L.N. 350/1968.

Taita/Taveta District

Manyani.

L.N. 363/1958,

L.N. 209/1966,

L.N. 46/1972.

Wundanyi.

G.N. 1136/1952.

Voi.

G.N. 697/1955.

Taveta.

L.N. 760/1963.

NYANZA PROVINCE

Kisumu District

Kisumu Main.

L.N. 721/1961.

Kisumu Women's.

L.N. 721/1961.

Kibos.

L.N. 297/1968.

South Nyanza District

Homa Bay.

L.N. 118/1961.

Kisii District

Kisii.

L.N. 721/1961.

WESTERN PROVINCE

Kakamega District

Kakamega.

Kakamega Women.

G.N. 564/1931.

Shikusa Short Sentence.

G.N. 564/1931.

Shikusa Borstal Institution.

G.N.1283/1951.

Bungoma District

Bungoma.

L.N. 617/1963.

Busia District

Nil.

L.N. 118/1966.

RIFT VALLEY PROVINCE

[Subsidiary]

Nakuru District

L.N. 188/1969.	Naivasha Maximum.
L.N. 89/1969.	Naivasha Short Sentence.
L.N.371/1961.	Nakuru.
L.N.371/1961.	Nakuru Women.

Uashin Gishu District

L.N. 371/1961.	Eldoret.
L.N. 371 /1961.	Eldoret Women.
L.N. 50/1971.	Ngeria.

Trans Nzoia District

G.N. 359/1943.	Kitale Farm.
L.N.721/1961.	Kitale Remand.

West Pokot District

L.N. 103/1969.	Kapenguria.
L.N.760/1963.	Sigor.

Narok District

G.N.1184/1954.	Narok.
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Nandi District

L.N. 721/1961.	Kapsabet.
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Turkana District

L.N. 1020/1952.	Lodwar.
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Kericho District

L.N. 721/1961.	Kericho.
L.N. 313 /1965.	Kericho Short Sentence.

Kajiado District

L.N. 97/1970.	Kajiado Remand.
L.N. 264/1958.	Athi River.

Samburu District

L.N. 258/1968.	Maralal.
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Laikipia District

G.N. 266/1954.	Nanyuki
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[Subsidiary]

Places declared to be youth corrective training centres for the purposes of the Act under section 66

The vagrants camp at Nairobi Prison (Kamiti), Nairobi Area.

Rules under section 74

THE PRISON RULES

L.N. 100/1963.

ARRANGEMENT OF RULES

PART I—PRELIMINARY

Rule

- 1—Citation.
- 2—Interpretation.
- 3—Manner in which Rules shall be applied.

PART II—CLASSIFICATION OF PRISONS AND PRISONERS

- 4—Classes of prisons.
- 5—Classification of prisoners.
- 6—Reception Boards.
- 7—Transfer of prisoners between classes.
- 8—Institution of other classes.
- 9—Progressive stage system.
- 10—First stage.
- 11—Second stage.
- 12—Third stage.
- 13—Fourth stage.
- 14—Special stage.
- 15—Reduction to lower stage.
- 16—Uniforms for different stages.
- 17—Stage privileges.
- 18—Further privileges.
- 19—Earnings scheme.
- 20—Rate of earnings.
- 21—Use of earnings.

PART III—MEDICAL OFFICERS AND THE HEALTH OF PRISONERS

- 22—Prison infirmaries.
- 23—Power of medical officer to delegate.
- 24—Medical officer to attend regularly.
- 25—Examination of prisoners.
- 26—Frequency of medical examinations and inspections.
- 27—Medical officer to advise on removal of prisoners.
- 28—Mental condition of prisoners.
- 29—Spread of disease.
- 30—Books to be kept.
- 31—Vaccination.

[Subsidiary]

Rule

PART IV—ACCOMMODATION IN AND GENERAL MANAGEMENT OF PRISONS

- 32—Sleeping accommodation.
- 33—Cleanliness of prisons.
- 34—Punishment cells.
- 35—Search on admission.
- 36—Manner of search.
- 37—Prisoner's property.
- 38—Recording of particulars.
- 39—Fingerprints.
- 40—Photographs.
- 41—Baths.
- 42—Medical examination on admission.
- 43—Information for prisoners to be provided in cells or wards.
- 44—Officer in charge to ensure that information is understood.

PART V—TREATMENT OF PRISONERS

- 45—Use of force.
- 46—Clothing.
- 47—Bedding.
- 48—Cleanliness of clothes and bedding.
- 49—Food.
- 50—Restrictions on alcohol and tobacco.
- 51—Prisoners' hair.
- 52—Exercise.
- 53—Visits and letters.
- 54—Transfer of prisoner to enable him to be visited.
- 55—Postponement of privileges of letters and visits.
- 56—Visits to sick prisoners.
- 57—Conditions relating to visits.
- 58—Letters to be read.
- 59—Visits by advocates and diplomatic representatives.
- 60—Visits and letters of debtors.
- 61—Visits by police officers and process servers.
- 62—Religion and religious instruction.
- 63—Education.
- 64—Prison visitors.
- 65—Petitions and complaints.

PART VI—DISCIPLINE OF PRISONERS

- 66—Minor prison offences.
- 67—Aggravated prison offences.
- 68—Inquiry into prison offences.
- 69—Punishment of minor prison offence by subordinate prison officer.
- 70—Transfer of case to senior prison officer.
- 71—Punishment of minor prison offence by senior prison officer.
- 72—Punishment of aggravated prison offence by senior prison officer.
- 73—Transfer of case to Commissioner.
- 74—Punishment by Commissioner.

Rule

- 75—Clothing and bedding during punishment.
- 76—Confinement in punishment cell.
- 77—Corporal punishment.
- 78—*Deleted.*
- 79—Forfeiture of remission.
- 80—Punishment book to be kept.
- 81—Ordinary law not affected.
- 82—Mechanical restraint of prisoners.
- 83—Prevention of escapes.
- 84—Action on report of escape.
- 85—Treatment of escapees.
- 86—Employment of prisoners.
- 87—Work of unfit prisoners.
- 88—Work of female prisoners.
- 89—House of work.
- 90—Record of work.
- 91—Holidays.

PART VII—PERIOD AND REMISSION OF SENTENCE, INCLUDING RELEASE UNDER
SUPERVISION

- 92—Length of imprisonment where prisoner sentenced to more than one term of imprisonment.
- 93—Calculation of dates in relation to imprisonment.
- 94—Officer in charge responsible for due release of prisoners.
- 95—Calculation of remission.
- 96—Remission system to be explained to prisoners.
- 97—Records of remission to be kept.
- 98—Review of sentences.
- 99—Form of compulsory supervision order.
- 100—Parole licence.

PART VIII—TREATMENT OF SPECIAL CLASSES OF PRISONERS

- 101—Appellant prisoners.
- 102—Unconvicted prisoners.
- 103—Prisoners under sentence of death.
- 104—Access to prisoners under sentence of death.
- 105—Execution of prisoners sentenced to death.

PART IX—VISITING JUSTICES AND THE AFTER-CARE OF PRISONERS

- 106—Visiting justices to visit prisons.
- 107—Officers who are to accompany visiting justices.
- 108—Visiting justice to hear complaints.
- 109—Minute book to be kept.
- 110—Visiting justice to call attention to irregularities.
- 111—Boards of visiting justices.
- 112—Discharge board.
- 113—Fares for discharged prisoners.

[Subsidiary]

Rule

PART X—EXTRA MURAL PENAL EMPLOYMENT

- 114—Medical examination and documentation of persons ordered to perform public work.
- 115—Records to be kept.
- 116—Persons to perform public work.
- 117—Admission to hospital.
- 118—*Deleted.*

PART XI—COMPOSITION OF THE SERVICE AND CONDITIONS OF SERVICE OF PRISON
OFFICERS AND THEIR DISCIPLINE

- 119—Appointment, promotion of officers.
- 120—Delegation of powers in respect of subordinate prison officers.
- 121—Declaration on enlistment.
- 122—Prolongation of service in case of war, etc.
- 123—Removal of subordinate prison officers.
- 124—Offences by prison officers.
- 125—Offences by officers of or above rank of Assistant Superintendent.
- 126—Offences by officers below rank of Assistant Superintendent.
- 127—Appeals against dismissal.
- 128—Appeal to Commissioner.
- 129—No pay during absence without leave or imprisonment.
- 130—Dismissal on conviction of criminal offence.
- 131—Interdiction or suspension.
- 132—Fines.
- 133—Power to summon witness.

PART XII—DUTIES OF PRISON OFFICERS

- 134—General duty of prison officers and penalties.
- 135—Books, etc., to be kept by officer in charge.
- 136—Duties of officer in charge as to visits.
- 137—Duties of officer in charge as to health.
- 138—Duties of officer in charge as to custody.
- 139—Officer in charge to interview prisoners.
- 140—Petitions to be forwarded.
- 141—Absence of officer in charge.
- 142—Chief officer or principal officer.
- 143—Journal and records to be kept by chief officer or principal officer and books in his custody.
- 144—Special duties of chief officer or principal officer.
- 145—Duties of chief officer or principal officer as to sick prisoners.
- 146—Absence of chief officer or principal officer.
- 147—Relief of subordinate officer from duty.
- 148—Duties of gatekeeper.
- 149—Living quarters of prison officers.
- 150—Illness of prison officer.
- 151—Prison officer not to leave prisoners when outside prison.
- 152—Checking of keys.
- 153—Duties on handing over.
- 154—Information to be given to superior officers.

Rule

- 155—Counting of prisoners.
- 156—Prison officers not to enter cells or wards at night alone.
- 157—Prison officers to report cases of illness.
- 158—Prison officers not to be absent from prison during working hours.
- 159—Prison officers' visitors.
- 160—Uniforms to be delivered up.
- 161—Disposal of forfeited pay and fines.

SCHEDULES

THE PRISONS RULES

PART I—PRELIMINARY

L.N. 60/1963,
L.N. 715/1963,
L.N. 309/1964,
L.N. 214/1966,
L.N. 166/1968,
L.N. 131/1969,
L.N. 371/1991.
L.N. 540/1997.

1. These Rules may be cited as the Prisons Rules.

Citation.

2. In these Rules, except where the context otherwise requires—

Interpretation.

“long sentence prisoner” means a prisoner who is sentenced to imprisonment for a period exceeding six months or for consecutive periods the total of which exceeds six months;

“short sentence prisoner” means a prisoner who is sentenced to imprisonment for a period of six months or to corrective training for a period of four months or less in a Youth Corrective Training Centre.

3. These Rules shall be applied, due allowance being made for differences in character and amenability to discipline of various types of prisoners, in accordance with the following principles—

Manner in which
Rules shall be
applied.

- (a) discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life;
- (b) in the control of prisoners, prison officers should seek to influence them, through their own example and leadership, so as to enlist their willing co-operation; and
- (c) at all times the treatment of convicted prisoners shall be such as to encourage their self-respect and sense of personal responsibility, so as to rebuild their morale, to inculcate in them the habit of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

[Subsidiary]

PART II—CLASSIFICATION OF PRISONS AND PRISONERS

Classes of prison.

4. The Commissioner may set aside prisons or parts of prison for the detention of particular classes of prisoners.

Classification of prisoners.

5. (1) With a view of facilitating the training of prisoners and of minimizing the danger of contamination, prisoners shall be classified having regard to their age, character and previous history in the following classes—

- (a) Young Prisoner Class, which shall consist of convicted criminal prisoners under the apparent age of seventeen years, or young convicted criminal prisoners of whatever age who in the opinion of the officer in charge should not, having regard to their age and character, be classed with adult prisoners;
- (b) Star Class, which shall consist of convicted criminal prisoners not being in the Young Prisoner Class who are first offenders or well behaved prisoners and who the officer in charge is satisfied have no vicious tendencies or habits;
- (c) Ordinary Class, which shall consist of all convicted criminal prisoners who are not in the Young Prisoner Class or Star Class;
- (d) Unconvicted Class, which shall consist of all debtors, persons on remand or awaiting trial, vagrants, civil lunatics or persons detained for safe custody or for want of sureties, who have not been convicted.

(2) Arrangements shall be made at all prisons to provide, as far as practicable, for effectively segregating the various classes of prisoners from each other at all times.

Reception Boards.

6. (1) At every prison there shall be a Reception Board consisting of the officer in charge and such other persons as the Commissioner may determine, who shall interview every long sentence prisoner as soon as possible after his reception in prison and consider what arrangements are to be made for his training.

(2) The Reception Board shall, as soon as possible after reception, classify all prisoners sentenced to imprisonment, having regard to their age, character and previous history.

Transfer of prisoners between classes.

7. (1) The officer in charge may in his discretion at any time remove from the Young Prisoner Class a prisoner of seventeen years of age or over whom he regards as unsuitable by character for that class, and may place him in the Star Class.

(2) The officer in charge may in his discretion at any time remove from the Star Class to the Ordinary Class a prisoner whose character has shown him

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to be unfit to associate with other prisoners of the Star Class.

(3) The Commissioner may require each class of convicted criminal prisoner to wear a distinguishing badge or uniform.

8. The Commissioner may institute such other classes as may in his opinion be necessary for improving the method of classification, and he may in his discretion authorize in particular cases, or at particular prisons, departure from rule 7 of these Rules.

Institution of other classes.

9. (1) All convicted criminal prisoners shall serve their sentences in accordance with the progressive stage system prescribed by these Rules.

Progressive stage system.

(2) For the purposes of the progressive stage system, the length of a prisoner's sentence shall be deemed to be the total of all consecutive or overlapping sentences.

10. (1) All short sentence prisoners shall be and remain in the first stage for the whole of their sentence, and shall be employed at ordinary or light labour.

First stage.

(2) If they are of good conduct and industry, prisoners in the first stage shall participate in the earnings scheme.

11. (1) On admission to prison, a long sentence prisoner shall be placed in the second stage and shall remain therein for three months, and shall not be promoted to the third stage until he has served for not less than one month without being found guilty of a prison offence.

Second stage.

(2) Prisoners in the second stage shall be employed at ordinary or light labour and, if they are of good conduct and industry, shall participate in the earnings scheme.

12. (1) A long sentence prisoner, after serving three months in the second stage or such longer period as he may be required to serve therein, shall enter the third stage and shall remain therein for fifteen months, and shall not be promoted to the fourth stage until he has served for not less than three months without being found guilty of a prison offence.

Third stage.

(2) Prisoners in the third stage shall be employed at ordinary or light labour or such other labour as the officer in charge may direct and, if they are of good conduct and industry to the satisfaction of the officer in charge, shall participate in the earnings scheme.

13. (1) A long sentence prisoner, after serving fifteen months in the third stage or such longer period as he may be required to serve therein, shall enter the fourth stage and shall remain therein for eighteen months, but shall not be promoted to the special stage until he has served for not less than six months without being found guilty of a prison offence.

Fourth stage.

(2) Prisoners in the fourth stage shall be employed at ordinary or light labour or such other labour as the officer in charge may direct and, if they are

[Subsidiary]

of good conduct and industry to the satisfaction of the officer in charge, shall participate in the earnings scheme.

Special stage.

14. (1) A long sentence prisoner, after serving eighteen months in the fourth stage or such longer period as he may be required to serve therein, shall be eligible to enter the special stage.

(2) A prisoner in the special stage shall be known as an Honour Prisoner and shall be employed at such labour as the officer in charge may direct and if he is of good conduct and industry to the satisfaction of the officer in charge shall participate in the earnings scheme.

(3) A prisoner in the special stage whose conduct has been continuously excellent from the time of his entering the fourth stage shall, if he has been in the special stage for at least two years, be eligible for discharge seven days earlier, if the Commissioner so directs.

Reduction to lower stage.

15. (1) As a punishment or part of a punishment for a disciplinary offence the Commissioner or an officer in charge may reduce a prisoner from the stage he is in to a lower stage.

(2) A prisoner reduced to a lower stage shall not be entitled to re-enter his previous stage unless—

(a) in the case of a reduction from stage three or stage four, he serves for three months without being found guilty of a disciplinary offence; or

(b) in the case of a first reduction from the special stage, he serves for six months without being found guilty of a disciplinary offence; or

(c) in the case of a second reduction from the special stage, he completes twelve months without being found guilty of a disciplinary offence.

(3) In addition to or in lieu of reducing a prisoner to a lower stage for a disciplinary offence, the Commissioner or the officer in charge, as the case may be, may forfeit a part, not exceeding three-quarters, of the earnings of the prisoner, or reduce the rate of his earnings, or remove him from the earnings scheme, and may combine two or more of such punishments.

Uniforms for different stages.

16. The Commissioner may direct that prisoners in each stage shall wear a special uniform or badge.

Stage privileges.

17. (1) The Commissioner shall, in the interests of good conduct and training, establish at every prison such system or systems of privileges as may be appropriate for the different classes of prisoners.

(2) The other privileges of prisoners in the various stages shall be as follows—

(a) first and second stages—a prisoner in these stages shall be eligible

[Subsidiary]

to be placed on the earnings scheme, shall be allowed to have library books and exchange them as often as may be practicable and shall be eligible to attend such concerts, cinema shows and lectures as the officer in charge may direct;

(b) third stage—a prisoner in this stage shall be eligible to be placed on the earnings scheme and may attend concerts, cinema shows, lectures and handicraft and school classes; he shall be allowed to have library books and exchange them as often as may be practicable;

(c) fourth and special stages—a prisoner in these stages shall be allowed to attend concerts, cinema shows, lectures and school and handicraft classes, and to partake in other evening activities which may be arranged; he may have approved means of recreation in his cell and may be permitted to leave the prison under escort to take part in competitive games approved by the officer in charge; he shall be allowed to have library books and exchange them during the hours when the library is open;

(d) a prisoner in the special stage shall, whenever possible, be permitted to occupy dormitory accommodation, and where this is not possible his cell may be provided with special furniture; extra bedding may be issued to him; he shall not be locked in his cell or dormitory at midday nor until one hour after the normal hour of lockup; similar facilities may be provided at week-ends; a special stage prisoner may be permitted to move about within the prison without escort.

(3) Prisoners in all stages shall be eligible to receive suitable books or periodicals of an educational nature, subject to such directions as the Commissioner may from time to time give.

18. The Commissioner may direct that prisoners in any stage shall be eligible to receive other privileges but they shall be liable to forfeit them as a punishment or part of the punishment for disciplinary offences. Further privileges.

19. (1) Prisoners eligible under these Rules to participate in the earnings scheme shall be classified in the following grades— Earnings scheme.

Grade A—prisoners who in the opinion of the Commissioner are of exemplary conduct and are skilled in their trade, and all special stage prisoners;

Grade B—prisoners who in the opinion of the officer in charge are of good conduct and are semi-skilled in their trade;

Grade C—all prisoners eligible to participate in the earnings scheme who are not Grade A or Grade B.

(2) Promotions to Grade A shall be made by the Commissioner and promotions to Grade B shall be made by the officer in charge.

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(3) Prisoners engaged in collective work shall be graded in Grade C but may receive additional payment for work completed in excess of a fixed task:

Provided that no such prisoner shall earn more than a Grade A prisoner.

Rate of earnings.

20. The rate of earnings in each grade shall be fixed by the Minister.

Use of earnings.

21. (1) A prisoner on the earnings scheme, other than a prisoner in the first or second stage, may spend up to two-thirds of the total of his monthly earnings upon the purchase of tobacco and such other goods as may be allowed by the officer in charge on the instructions of the Commissioner; and the balance of the earnings shall be placed to the credit of the prisoner and the total credit shall be paid to him on release.

(2) A prisoner in the first or second stage may not spend any of his earnings, and the whole of his earnings shall be paid to him on release.

PART III—MEDICAL OFFICERS AND THE HEALTH OF PRISONERS

Prison infirmaries.

22. In every prison an infirmary or proper place for the care and reception of sick prisoners shall be provided.

Power of medical officer to delegate.

23. Subject to the directions of the Director of Medical Services, a medical officer may depute any of his functions or duties under this Part to any person whom he considers is suitably qualified to carry out such functions or duties.

Medical officer to attend regularly.

24. The medical officer shall attend at the prison for which he is responsible either daily or at regular intervals.

Examination of prisoners.

25. (1) The medical officer shall examine a prisoner on each of the following occasions—

- (a) on the prisoner's admission to prison;
- (b) before the prisoner is required to undergo any class of labour of a more strenuous nature than labour that he has been certified fit to undertake, and shall certify whether the prisoner is to undergo the labour;
- (c) before the prisoner undergoes corporal punishment or any other punishment likely to affect his health, and shall certify whether the prisoner is fit to undergo the punishment;
- (d) during the course of infliction of corporal punishment;
- (e) before the prisoner is discharged from prison;
- (f) before the prisoner is transferred to another prison.

(2) A prisoner due for discharge who is suffering from any acute or

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dangerous illness or who is so recommended by the medical officer shall be transferred to a hospital.

(3) If a prisoner is found to be suffering from any infectious or contagious disease, or to be in a verminous condition, steps shall at once be taken to treat the condition and to prevent it from spreading to other prisoners.

26. (1) The medical officer shall—

Frequency of medical examination and inspections.

(a) see every prisoner at least once every month; and

(b) see every prisoner held on a capital charge or sentenced to death or in close confinement every day; and

(c) inspect the prisoners at work from time to time; and

(d) at least once every month inspect the whole prison, paying particular attention to the cooking and sanitary equipment in the prison.

(2) As a result of his examinations and inspections, a medical officer may recommend modifications in labour, diet or punishment, either generally or in relation to a class of prisoner or in relation to a particular prisoner.

27. (1) The medical officer shall advise the officer in charge as to any prisoners that should be transferred from the prison which they are in to a hospital, mental hospital or leper settlement.

Medical officer to advise on removal of prisoners.

(2) The medical officer shall advise the officer in charge as to any prisoner who should be released by raising of his health being likely to be endangered by his remaining in prison or his being unlikely to survive his sentence or being permanently unfit for his own discipline.

28. (1) The medical officer shall keep observation on the mental health of all prisoners held on a capital charge or sentenced to death and on all convicted criminal prisoners serving a period of imprisonment for three years or more.

Mental condition of prisoners.

(2) The medical officer shall report to the officer in charge any case where he considers a prisoner is mentally disordered.

(3) The medical officer shall submit to the officer in charge in respect of every prisoner held on a capital charge a full report on the mental state of the prisoner as soon after admission as possible and again after conviction, and again after the result of any appeal against sentence is made known.

(4) All reports made under paragraph (3) of this rule shall be in such form and shall be forwarded to such authorities as may be from time to time directed by the Commissioner.

29. The medical officer shall take all measures necessary to prevent the spread of infectious or contagious diseases.

Spread of disease.

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Books to be kept.

30. The medical officer shall keep the following books and records—

- (a) a case book showing the name, disease and treatment of every sick prisoner;
- (b) a journal containing his comments and the state of the prison and prisoners;
- (c) a case book giving full details of the medical history, cause of death and treatment of every prisoner who dies in the prison otherwise than by judicial execution; and
- (d) report from time to time on the nature and quality of the food of the prisoners both before and after cooking.

Vaccination.

31. If the medical officer considers it necessary for the health of any particular prisoner or prisoners, or for the health of other prisoners or members of the public he may arrange for the vaccination or inoculation of any prisoner or prisoners.

PART IV—ACCOMMODATION IN AND GENERAL MANAGEMENT OF PRISONS

Sleeping

accommodation.

32. (1) Prisoners shall sleep in communal wards or in separate cells, as the officer in charge directs in the case of each prisoner.

- (2) (a) Male and female prisoners shall be kept absolutely separate from each other and shall be confined in different buildings.
- (b) The wards, cells and yards where women prisoners are confined shall be secured by locks different from those securing the wards, cells and yards allotted to male prisoners.
- (c) Women prisoners shall in all cases be attended by women officers.
- (d) a male prison officer shall not enter a prison or part of a prison appropriated to women prisoners, except on duty, accompanied by a woman prison officer.

(3) Prisoners appearing to be under seventeen years of age, whether male or female, shall be kept apart as far as practicable from adults, and confined in separate buildings or a separate part of the prison.

(4) The medical officer shall certify the number of prisoners that may sleep in one ward or cell.

Cleanliness of
prisons.

33. The prison and every room and part thereof shall be kept clean, and every prisoner shall keep his cell, ward, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be ordered, and shall clean and sweep the yards, passages and other parts of the prison as he may be ordered.

34. In every prison, cells shall from time to time be set aside for the confinement of prisoners undergoing punishment for prison offences; every such cell shall be certified as fit to be used for such purpose by the medical officer.

Punishment cells.

35. Every prisoner shall be searched when taken into custody by a prison officer, on admission into prison and at such subsequent times as the officer in charge directs, and all unauthorized articles shall be taken from him.

Search on admission.

36. (1) The searching of a prisoner shall be conducted in as seemly a manner as is consistent with the necessity for discovering concealed articles.

Manner of search.

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

37. (1) Subject to the provisions of paragraph (2) of this rule, 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 officer in charge, who shall keep an inventory thereof, which shall be signed by the prisoner.

Prisoner's property.
L.N. 166/1968.

(2) All articles of a perishable nature and all articles infected with vermin or otherwise likely to spread disease in a prison, which are in the possession of a prisoner on admission into prison shall be destroyed.

(3) In any case where the clothes of a prisoner are so old, worn out or dirty as to be useless, the officer in charge shall order them to be destroyed, and, in such case, on the release of the prisoner the officer in charge shall give the prisoner clothing of a suitable kind.

(4) Articles which in the opinion of the officer in charge are too bulky for storage shall not be accepted into the prison.

(5) On the discharge of a prisoner, all articles of clothing and property shall be returned to him unless they have been destroyed in accordance with this rule.

(6) If any prisoner is discharged or escapes from prison and fails to claim his property within six months from his discharge or escape, or if any prisoner dies in prison and his personal representatives or relatives do not claim his property within six months of his death, the officer in charge may, if in his opinion such property is of no value, destroy it, or if he considers it possible to sell it he shall sell it and devote the proceeds to the welfare of the prisoners in the prison generally.

(7) The provisions as to unclaimed prisoners' property contained in paragraph (6) of this rule shall apply to any unclaimed property within a prison at the commencement of these Rules and such property may be destroyed or sold, as the case may be, at the end of six months after the commencement of these Rules if by such time it has not been claimed.

38. The name, race and tribe, age, weight, and particular marks, and such

Recording of

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particulars. other measurements and particulars as may be required in regard to a prisoner, shall upon his admission, and from time to time, be recorded in such manner as the Commissioner directs.

Fingerprints. 39. On admission into prison, every prisoner shall have his fingerprints taken.

Photographs. 40. A long sentence prisoner shall be photographed on admission and subsequently, as required by the officer in charge, but no copy of the photograph shall be, given to a person who is not authorized to receive it.

Baths. 41. Every prisoner shall, unless exempted by the officer in charge or the medical officer, take a bath or shower on admission and thereafter as ordered by the officer in charge.

Medical examination on admission. 42. Every prisoner shall, on the day of his admission or as soon as possible after his admission, 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:

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 twenty-four hours of his admission.

Information for prisoners to be provided in cells or wards. 43. Every prisoner on admission to prison shall be provided in his cell or ward with such information as to the rules concerning the disciplinary requirements of the prison, to earnings and privileges and to the proper methods of submitting petitions to the Governor-General and of making complaints as to food, clothing, bedding and other necessities.

Officer in charge to ensure that information is understood. 44. (1) The officer in charge shall, personally or through such officer as he may appoint, ensure as soon as possible after admission into prison, and in any case within twenty-four hours, that every prisoner who can read has read the information so provided.

(2) 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 his rights and obligations.

(3) A prisoner committed to prison in default of paying a sum of money or for want of surety shall on admission be informed of the means whereby he may obtain his release.

PART V—TREATMENT OF PRISONERS

Use of force. 45. (1) No prison officer shall punish any prisoner unless authorized to do so under the Act or these Rules.

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

(3) If a prison officer strikes or uses force against a prisoner, he shall

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have the prisoner as soon as possible examined by the medical officer, and shall immediately report the incident to the officer in charge.

46. (1) Subject to section 35 of the Act, every prisoner, shall be supplied with and shall wear such prison clothing as may be directed. Clothing.

(2) Additional or alternative clothing may be supplied to a prisoner on the recommendation of the medical officer, or by order of the officer in charge.

47. (1) Every prisoner shall be supplied with bedding adequate for warmth and health. Bedding.

(2) Additional or alternative bedding may be supplied to a prisoner on the recommendation of the medical officer.

48. (1) The clothes of a prisoner shall be changed and washed at least weekly, and bedclothes shall be washed and aired as often as the officer in charge may direct. Cleanliness of clothes and bedding.

(2) The prison clothing and bedding discarded by a prisoner on discharge shall be thoroughly washed, dried and disinfected before being returned to store or reissued.

49. (1) subject to the provisions of section 35 of the Act, every Prisoner shall be entitled to a sufficient quantity of plain wholesome food, in accordance with prisoner's diet in the First Schedule. Food.
L.N. 540/1997.

(2) A copy of the diet scales shall be displayed in some conspicuous part of the prison.

(3) The diet of a prisoner who persistently wastes his food may be reduced by the officer in charge after obtaining the written advice of the medical officer.

(4) A prisoner ordered penal diet shall have substituted for his ordinary diet the penal diet set out in the First Schedule to these Rules unless the medical officer otherwise recommends.

50. (1) No prisoner shall under any pretence whatever be allowed any spirits, wine, beer or other intoxicating or stupefying drink, drug or matter, except such, and in such quantities, as may be directed in particular cases by the medical officer by order in writing. Restrictions on alcohol and tobacco.

(2) Subject to these Rules, no prisoner shall be allowed to smoke or have in his possession any tobacco except in accordance with rule 21 of these Rules and such orders as may be given by the officer in charge with the approval of the Commissioner.

51. (1) Subject to the provisions of paragraphs (2), (3), (4) and (5) of this rule, all convicted criminal prisoners sentenced to imprisonment for any period exceeding one month shall have their hair cut short and their beards, whiskers Prisoner's hair.

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and moustaches, if worn, trimmed close, and those who wear no hair on their faces, or a moustache only, shall be shaved as often as may be necessary to preserve a clean and decent appearance.

(2) The hair of female prisoners shall not be cut on admission or afterwards unless the medical officer considers it to be necessary for health and cleanliness or the prisoner expresses a desire to have her hair cut.

(3) The hair of prisoners awaiting trial and prisoners awaiting the hearing of an appeal shall be kept, as far as cleanliness permits, in the same state as it was on admission.

(4) The hair of a Sikh prisoner shall not be cut without an order in writing from the officer in charge, which order shall not be made except on the ground of necessity certified by the medical officer.

(5) During the last month of imprisonment, the hair of a prisoner shall be allowed to grow if the prisoner so desires and it is consistent with cleanliness and health.

Exercise.

52. All prisoners, other than those in close confinement, shall take regular physical exercise in accordance with instructions issued by the officer in charge.

Visits and letters.

53. (1) Communications, other than communications with legal advisers, between prisoners and other persons shall be allowed only in accordance with this rule, and the officer in charge may restrict such communication still further if he thinks it necessary for the maintenance of discipline and order in the prison and the prevention of crime.

(2) Save as provided in paragraphs (3), (4) and (5) of this rule and the following provisions in this Part, visits and letters shall be granted by the following rules—

- (a) first stage prisoners shall be entitled to write and receive one letter every four weeks, and to receive one visit of twenty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (b) second stage prisoners shall be entitled to write and receive one letter every four weeks, and to receive a visit of twenty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (c) third stage prisoners shall be entitled to write and receive one letter every three weeks, and to receive a visit of twenty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (d) fourth stage prisoners shall be entitled to write and receive one letter every two weeks and to receive a visit of thirty minutes' duration every four weeks or to write and to receive one letter in lieu;

(e) a special stage prisoner shall be entitled to receive letters without restriction, and to write one letter every week, and to receive a visit of thirty minutes' duration every two weeks or to write one letter in lieu.

(3) on admission, a prisoner shall be entitled to write and receive a "reception letter" and to receive a visit of fifteen minutes' duration, and on transfer to another prison a prisoner shall be entitled to write and receive a "transfer letter".

(4) The Commissioner may, as a privilege for any prisoner or class of prisoner, allow such additional letters and visits as he may determine.

(5) The officer in charge may allow a prisoner to write a special letter and to receive a reply or to receive a special visit in any of the following circumstances—

- (a) the death or serious illness of a near relative;
- (b) business or family affairs of an urgent nature; or

(c) the arrangement of employment or assistance on release.

54. Where a prisoner has served for a period of three years and, owing to the distance from his home, has not received any visits from relatives or friends during such imprisonment, the Commissioner may in his discretion order the temporary transfer of such long sentence prisoner to the prison nearest his home and permit such prisoner to be visited by friends or relatives, not exceeding three in number at any one time, for such period as the Commissioner may direct, provided the work, conduct and progress of the prisoner merit such privilege.

Transfer of prisoner to enable him to be visited.

55. (1) The privilege of writing and receiving letters and receiving visits may, at the discretion of the officer in charge, be postponed at any time in case of misconduct, but shall not be subject to forfeiture.

Postponement of privileges of letters and visits.

(2) When a prisoner who becomes entitled to a letter or visit is at the time undergoing punishment, the officer in charge shall defer the privilege to a suitable time.

56. If a prisoner dangerously ill desires to be visited by a near relative or friend, the officer in charge may give an order in writing for the admission of that relative or friend.

Visits to sick prisoners.

57.(1) Not more than three persons shall be allowed to visit a prisoner at one time.

Conditions relating to visits.

(2) All visits to prisoners shall take place during the normal working hours of the prison and between such hours as the officer in charge may direct.

(3) A prison officer of a rank detailed by the officer in charge, together with an interpreter in the case where the prison officer does not understand the language spoken, shall be within sight and hearing during the whole of every

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visit, unless the officer in charge by an order in writing otherwise directs.

(4) The prison officer detailed to supervise visits shall demand the name and address of every visitor to a prisoner and, when he has any grounds for suspicion, he may search or cause to be searched male visitors and may direct a female officer to search female visitors, but such search shall not be in the presence of any prisoner or of another visitor; and, in case of any visitor refusing to be searched, such visitor shall be ordered to leave the prison.

(5) Any prison officer ordering a visitor to leave a prison shall make a record thereof in writing.

(6) No ex-prisoner shall be allowed to visit a prisoner, except with the written permission of the officer in charge.

Letters to be read.

58. (1) Every letter to or from a prisoner shall be read by the officer in charge or by a responsible officer deputed by him and it shall be within the discretion of the officer in charge or the deputed officer to stop any letter on the grounds that its contents are objectionable or that it is of inordinate length; and in the case of an outgoing letter, the prisoner shall be informed and given the opportunity to rewrite the letter.

(2) No prisoner shall be permitted to write a letter to or receive a letter from a prisoner or an ex-prisoner without the permission in writing of the officer in charge.

Visits by advocates
and diplomatic
representatives.

59. (1) A prisoner who, after conviction, has given notice of appeal shall be given reasonable facilities to see his advocate concerning the appeal in the sight, but not in the hearing, of a prison officer.

(2) A prisoner who has been ordered to be repatriated to a place outside Kenya shall be given all reasonable facilities to see his advocate and a representative of his country concerning the order for repatriation in the sight, but not in the hearing, of a prison officer.

(3) Reasonable facilities shall be accorded to the advocate of a prisoner who is conducting any litigation, civil or criminal, to which the prisoner is a party to see the prisoner with reference to such proceedings in the sight, but not in the hearing, of a prison officer.

(4) The advocate of any prisoner may, with the permission of the officer in charge, see a prisoner concerning any other legal business, but shall see him in the sight and hearing of a prison officer.

(5) The advocate of a prisoner may be accompanied by another person under his direct and immediate control, for the purpose of interpretation or the making of a note.

(6) For the purpose of this rule, "advocate of a prisoner" means either the prisoner's advocate himself or the advocate's clerk.

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60. The provisions of these Rules relating to visits and letters shall apply to all classes and categories of prisoners: Visits and letters of debtors.

Provided that—

- (i) an officer in charge may in his discretion allow an unconvicted prisoner to see relatives and friends and to receive and read letters as often as he considers desirable; and
- (ii) a prisoner committed to prison in default of the payment of a sum in pursuance of any conviction order he is required to pay, shall be allowed to have an interview with his friends on any weekday during working hours of the prison, 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 admission be informed of this rule.

61. (1) On production of an order from a magistrate, the Commissioner of Police, or a gazetted officer as defined in the Police Act, a police officer may, at any reasonable time, visit a prison and interview any prisoner for any of the following purposes— Visits by police officers and process servers.
Cap. 84.

- (a) identifying offenders;
- (b) taking statements considered necessary for any investigation;
- (c) any other purpose authorized in writing by the Commissioner.

(2) The officer in charge shall direct whether a visit by a police officer to a prisoner shall take place in or out of the hearing or sight of a prison officer.

(3) Any person duly authorized by a court shall be permitted to enter a prison during working hours in order to serve any legal process on a prisoner.

62. (1) Every prisoner on admission shall be required to state his religion and religious denomination, and he shall be treated as a member of such religion and denomination until such time as a minister of religion at the request of a prisoner certifies in writing that he belongs to another religious denomination. Religion and religious instruction.

(2) The minister of religion shall be permitted to visit prisoners at such times as the officer in charge considers desirable.

(3) The officer in charge shall make such arrangements as he considers practicable for the holding of religious services in the prison and for the religious instruction of prisoners.

63. (1) The officer in charge shall take all steps that he considers practicable to arrange evening educational classes for the prisoners in his charge, and shall permit prisoners in their leisure time to study by means of courses approved and arranged by him and to practise handicrafts; and special attention Education.

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shall be paid to the education of illiterate persons.

(2) Whenever possible there shall be a library in each prison, and prisoners shall be permitted to draw books from the library in accordance with such directions as the Commissioner may from time to time make.

(3) The officer in charge may arrange for lectures, concerts and debates for prisoners to take place outside the hours of labour.

(4) At each prison facilities shall be provided for physical training, games and recreation, both physical and mental, particularly in the case of the young prisoners and prisoners serving long sentences.

Prison visitors.

64. The Commissioner may, on the recommendation of the officer in charge, appoint a sufficient number of prison visitors of either sex for the purpose of visiting prisoners regularly during their imprisonment and for conducting such classes as may be approved.

Petitions and complaints.

65. (1) Every prisoner may petition the Governor-General through the Commissioner, and such petition shall be written in such form as the Commissioner may direct.

(2) A prisoner may make a complaint to a visiting justice, the Commissioner, the officer in charge or such other class or classes of prison officer as the Commissioner designates to hear complaints.

(3) Any request by a prisoner to see a person to whom he is entitled to make a complaint shall be recorded by the officer to whom the request is made, and arrangements shall be made for the prisoner to see the person concerned at the first convenient opportunity.

(4) The officer in charge shall at a convenient hour every day, other than Sundays and public holidays, see all prisoners who have requested to see him.

PART VI—DISCIPLINE OF PRISONERS

Minor prison offences.

66. Any prisoner who—

- (a) disobeys any order of the officer in charge or of any other prison officer or any prison rule; or
- (b) treats with disrespect any officer or any person authorized to visit the prison; or
- (c) is idle, careless, or negligent at work, or refuses to work; or
- (d) uses any abusive, insolent, threatening or other improper language;
or
- (e) is indecent in language, act or gesture; or

- (f) commits any assault; or
- (g) communicates with another prisoner, or any other person, without authority; or
- (h) leaves his cell or ward or place of work or other appointed place without permission; or
- (i) wilfully disfigures or damages any part of the prison or any property which is not his own; or
- (j) commits any nuisance; or
- (k) has in his cell, ward, or in his possession, any unauthorized article, or attempts to obtain such an article; or
- (l) gives to or receives from any person any unauthorized article; or
- (m) makes repeated and groundless complaints; or
- (n) in any way offends against good order and discipline; or
- (o) attempts to do any of the foregoing things; or
- (p) aids or abets the doing of any of the foregoing things, shall be guilty of a minor prison offence.

67. Any prisoner who—

Aggravated prison offences.

- (a) mutinies or incites to mutiny; or
- (b) commits or takes part in an aggravated or repeated assault on another prisoner; or
- (c) takes part in an assault or attack on a prison officer; or
- (d) commits any act of gross misconduct or insubordination, shall be guilty of an aggravated prison offence.

68. (1) The officer in charge may order any prisoner charged with a prison offence to be kept apart from other prisoners.

Inquiry into prison offences.

(2) Every prisoner charged with a prison offence shall be informed of the offence with which he is charged, and shall be entitled to defend himself by—

- (a) hearing and questioning any witnesses giving evidence against him;
- (b) making a statement himself; and

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- (c) calling any witness whom he thinks necessary and whom the person trying the charge is satisfied will materially assist in determining whether or not the prisoner is guilty of the offence with which he is charged.

(3) Every charge against a prisoner shall be heard without delay.

Punishment of minor prison offence by subordinate prison officer.

69. (1) An officer in charge, if a subordinate prison officer, may punish any prisoner who has been found after due inquiry by him to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments—

- (a) confinement in a separate cell for a period not exceeding three days upon the penal diet prescribed in the First Schedule to these Rules;
- (b) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges for a period not exceeding one month;
- (c) forfeiture of earnings not exceeding one-quarter; removal from the earnings scheme for a period not exceeding one month, and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade:

Provided that no prisoner shall be reduced from Grade A in the earnings scheme without the approval of the Commissioner.

(2) A subordinate prison officer shall not inquire into an aggravated prison offence.

Transfer of case to senior prison officer.

70. Whenever a prisoner is charged before a prison officer below the rank of Assistant Superintendent with an aggravated prison offence, or with a minor prison offence which owing to the circumstances of the case the prison officer considers the powers of punishment he possesses are inadequate to deal with, he shall transfer the case for inquiry to a senior prison officer.

Punishment of minor prison offence by senior prison officer.

71. An officer in charge, if a senior prison officer or an administrative officer acting as officer in charge may punish any prisoner found after due inquiry by him to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments—

- (a) confinement in a separate cell for a term not exceeding seven days upon the penal diet prescribed in the First Schedule to these Rules;
- (b) forfeiture of remission not exceeding fourteen days;
- (c) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges;

- (d) forfeiture of earnings not exceeding one-half; removal from the earnings scheme for a period not exceeding three months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade:

Provided that no prisoner shall be reduced from Grade A in the earnings scheme without the approval of the Commissioner.

72. An officer in charge if a senior prison officer or an administrative officer acting as officer in charge may punish a prisoner found after due inquiry by him to be guilty of an aggravated prison offence by ordering him to undergo one or more of the following punishments—

Punishment of aggravated prison offence by senior prison officer.

- (a) in the case of an adult male prisoner not over the age of forty-five years and not being under sentence of death or of a civil prisoner or a vagrant, corporal punishment not exceeding twelve strokes or in the case of a person under the apparent age of sixteen years six strokes:

Provided that no corporal punishment shall be inflicted until the punishment has been approved by the Commissioner;

- (b) confinement in a separate cell for a term not exceeding seven days upon the penal diet prescribed in the First Schedule to these Rules;
- (c) forfeiture of remission not exceeding thirty days;
- (d) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges;
- (e) forfeiture of earnings not exceeding three-quarters, removal from the earnings scheme for a period not exceeding six months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade:

Provided that no prisoner shall be reduced from Grade A in the earnings scheme without the approval of the Commissioner.

73. An officer in charge, if a senior prison officer, or an administrative officer acting as officer in charge, where a prisoner is charged before him with an aggravated prison offence, may transfer the case to the Commissioner under section 52 (2) of the Act.

Transfer of case to Commissioner.

74. The Commissioner may punish any prisoner found guilty of any prison offence with one or more of the following punishments—

Punishment by Commissioner.

- (a) corporal punishment subject to the provisions of section 55 of

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the Act;

- (b) confinement in a separate cell for a period not exceeding thirty days upon the penal diet prescribed in the First Schedule to these Rules;
- (c) forfeiture of remission not exceeding three months;
- (d) forfeiture of earnings not exceeding three-quarters, removal from the earnings scheme for a period not exceeding six months and reduction in earnings grade until the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade;
- (e) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges.

Clothing and bedding during punishment.

75. A prisoner undergoing punishment in a separate cell shall be supplied with such clothing and bedding as the Commissioner shall from time to time direct.

Confinement in punishment cell.

76. (1) No prisoner shall be sentenced to be confined in a punishment cell for an aggregate of more than ninety days in one year.

(2) In any case where a prisoner is sentenced to two periods of confinement in a separate cell, the two sentences shall be separated by a period not less than the longer of the two sentences.

(3) Whenever a prisoner is sentenced to undergo close confinement in a separate cell for a period exceeding three days upon a penal diet, he shall be given full diet on every fourth day.

(4) A prisoner sentenced to confinement in a separate cell shall—

- (a) see only prison officers, the medical officer, ministers of religion and visiting justices;
- (b) have only such physical exercise as the medical officer shall certify as necessary;
- (c) be visited once a day by the officer in charge and medical officer; and
- (d) be visited at intervals of not greater than three hours during the day and night by a prison officer appointed to carry out such duty.

Corporal punishment.

77. (1) Where under these Rules a prisoner is awarded on one occasion a number of punishments for a number of offences, not more than one of such punishments shall be of corporal punishment.

(2) (*Deleted by L.N.166/1968.*)

(3) Corporal punishment shall be inflicted on the buttocks of the offender, in the case of adults with a cane which is not more than half an inch in diameter, and in the case of juveniles with a light cane.

78. (*Deleted by L.N.166/1968.*)

79. No prisoner shall be ordered to forfeit as a punishment more remission than he has earned.

Forfeiture of remission.

80. (1) In every prison a punishment book and a corporal punishment book shall be kept.

Punishment book to be kept.

(2) The officer in charge shall enter in the corporal punishment book the hour at which the punishment was inflicted, the number of strokes inflicted and any order which the medical officer may have given as to remission.

(3) The officer in charge shall enter or cause to be entered in the punishment book a record of every prisoner punished under these Rules, showing the date and nature of the offence and punishment, the name of the prisoner and the name of the authority dealing with the case, and directions given by the medical officer shall be entered also in the prisoner's personal record.

(4) A return of all corporal punishment inflicted by order of an officer in charge or by order of the Commissioner shall be submitted to the Commissioner by the officer in charge monthly.

81. Nothing in these Rules shall be so construed as to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, but no prisoner shall be punished twice for the same offence.

Ordinary law not affected.

82. (1) No prisoner shall be placed in handcuffs or other mechanical restraint as a punishment, and a prisoner shall be so restrained only if it is necessary to prevent his escape or to prevent him doing injury to himself or to another person.

Mechanical restraint of prisoners.

(2) No means of mechanical restraint shall be used which have not been approved by the Commissioner.

(3) No prisoner shall be kept under mechanical restraint unless the medical officer has certified that such restraint will not injure his health.

(4) An order to place a prisoner under mechanical restraint shall—

(a) be made only in case of urgent necessity;

(b) be made by the most senior prison officer present;

(c) not be continued for longer than forty-eight hours without the permission of the Commissioner;

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(d) be notified immediately to the medical officer; and

(e) be entered in such journals and books as the Commissioner directs.

(5) The officer in charge may order any refractory or violent prisoner to be temporarily confined in a separate cell or special cell.

Prevention of escape.

83. Prison officers shall use the greatest vigilance to prevent the escape of any prisoner, and no ladders, planks, ropes, chains or anything likely to facilitate escape shall be left unsecured in any prison.

Action on report of escape.

84. On receiving the report of the escape of a prisoner, officer in charge shall—

(a) order the prison and its neighbourhood to be searched at once;

(b) circulate notification of the escape and the prisoner's description to the police in such a manner as the Commissioner may prescribe; and

(c) notify the Commissioner.

Treatment of escapees.

85. (1) Male prisoners who during a previous detention in lawful custody have escaped or attempted to escape will be considered and treated as potential prison breakers, unless exempted personally by the officer in charge for any special reason.

(2) The period during which an escaped prisoner is at large shall not be counted as part of the sentence he was undergoing at the time of his escape.

Employment of prisoners.

86. (1) Every convicted criminal prisoner shall be required to engage in useful work, all of which so far as is practicable shall be performed either in association with other prisoners or by himself outside the cells, and no prisoner shall be employed on any work not authorized by the Commissioner or the officer in charge:

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.

(2) The officer in charge, or an officer detailed by him, shall allot to each prisoner the labour for which he is best suited, the first consideration being to give each prisoner the best training which his sentence, his capacity and the resources of the prison will permit.

(3) If at any time it appears to the Commissioner or to the officer in charge that it is desirable for the maintenance of good order or discipline, or in the interests of the convicted prisoner, that he should not be employed in association with others, the officer in charge may arrange for him to work temporarily in a cell, and not in association.

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(4) It shall be within the discretion of the officer in charge to arrange for a convicted criminal prisoner ordered to work alone to be employed in association again whenever he considers this desirable, and he shall do so if the medical officer so advises on medical grounds, or at the expiration of one month unless further authority for him to be kept separate is given from month to month by the Commissioner.

87. A prisoner certified not to be fit for ordinary labour by the medical officer may be employed on light labour— Work of unfit prisoners.

sewing, gardening, laundry work, cleaning and whitewashing the prison, conservancy, and any such similar services as the officer in charge may from time to time direct.

88. Female prisoners shall be employed only in association with female prisoners and on work suitable for them. Work of female prisoners.

89. The hours of labour for prisoners shall be those directed by the Commissioner. Hours of work.

90. At each prison a record of the daily work of the prisoners shall be kept in such form as the Commissioner may direct. Record of work.

91. (1) Except where the Commissioner otherwise directs, prisoners shall not be required to do any work, other than keeping the prison clean and preparing food, on Sundays and public holidays. Holidays.

(2) The officer in charge may, in his discretion, make special arrangements for the observation by any class of prisoner of religious and national festivals peculiar to such class of prisoner.

PART VII—PERIOD AND REMISSION OF SENTENCE, INCLUDING RELEASE UNDER SUPERVISION

92. (1) Subject to the provisions of any Act, when a person has been convicted of an offence and is convicted of another offence, either before or after sentence has been passed upon him for the first offence but before the expiration of such sentence, then any sentence passed upon him in respect of the second offence shall be served after the completion of the sentence for the first sentence, unless the court otherwise orders. Length of imprisonment where prisoner sentenced to more than one term of imprisonment.

(2) Where a prisoner on the same occasion is sentenced to several terms of imprisonment on different counts, such sentences shall be consecutive unless the court otherwise orders.

(3) Where a prisoner is serving two or more sentences and is further convicted and sentenced to imprisonment, and the court orders the sentence it is then passing “to commence at the expiration of the sentence the prisoner is now serving”, then the sentence shall be consecutive to that sentence but concurrent

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with any other sentences which the prisoner has not then commenced to serve; if the court orders that the sentence shall commence “after the sentence” or “after the imprisonment that the prisoner is now serving” the sentence shall begin to run after the completion of all the sentences the prisoner is then serving.

Calculation of
dates in relation to
imprisonment.

93. (1) A term of imprisonment shall commence on and include the day he is sentenced, unless the sentence is consecutive to another sentence.

(2) A prisoner may be imprisoned until the end of the last day of his sentence.

(3) Prison sentences expressed in months and years shall be deemed to be calendar months and years.

(4) Whenever a capital sentence is commuted to a sentence of imprisonment for a term of years, the sentence shall be deemed to have been commenced on the date the sentence of death was passed.

Officer in charge
responsible for due
release of prisoners.

94. The officer in charge shall be responsible for the due release of all prisoners immediately on their becoming entitled to release, whether from expiration of the period of their sentences or by pardon or commutation or remission of sentence earned under the Act, and, to ensure accuracy in regard to such remissions, he shall, at least one month before the date of release of a prisoner, check the remission earned by each prisoner.

Calculation of
remission.

95. (1) A prisoner shall be entitled to release on the day after he has completed the period of his sentence less any remission which he has earned.

(2) Where a prisoner is serving consecutive terms of imprisonment, the aggregate of all the terms shall be treated as one term for the purposes of remission.

(3) Where a prisoner is serving terms of imprisonment which overlap, then for the purposes of remission the total period of his imprisonment shall be treated as one term.

(4) Whenever a capital sentence is commuted to a sentence of imprisonment for a term of years, the sentence so commuted shall, for the purposes of the remission system, be deemed to be, and shall be treated as, a sentence passed by court.

(5) Whenever a capital sentence is commuted to a sentence of imprisonment for a term of years, the sentence of imprisonment shall, for the purpose of remission, be deemed to have commenced at the date the sentence of death was passed.

(6) When a prisoner has been sentenced to a fine and imprisonment or to imprisonment in default of the payment of a monetary penalty, he shall earn remission on that part of his sentence which he serves in prison:

Provided that he shall earn no remission if he serves no more than a

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month in prison.

(7) A prisoner transferred to a mental hospital or leper settlement shall earn the same remission as if he were in prison.

96. The officer in charge shall ensure that the remission system is explained to all prisoners on admission, and, when for any reason remission is forfeited, the officer in charge shall ensure that a prisoner is made fully aware of such forfeiture.

Remission system to be explained to prisoners.

97. A record shall be kept for each prisoner earning remission showing the sentence, the remission allowed and any forfeiture of remission. The earliest possible date of release shall be recorded as well as the latest possible date of discharge.

Records of remission to be kept.

98. (1) The officer in charge shall, every month, prepare a report on every prisoner who has during the previous month—

Review of sentences.

(a) in the case of prisoners sentenced to be detained during the President's pleasure and those sentenced to imprisonment for life, completed two years' imprisonment from the date of admission, and thereafter at intervals of one year from the date of sentence;

(b) in the case of all other prisoners sentenced to imprisonment of or exceeding seven years, completed four years' imprisonment from the date of sentence, and at intervals of two years thereafter;

(c) completed serving seven or more years of his sentence and has attained, or is believed to have attained, the age of sixty years.

(2) Each report shall include—

(a) a statement by the officer in charge on the work and conduct of each prisoner; and

(b) a statement by the medical officer on the mental and bodily condition of each prisoner, with particular reference to the effect of imprisonment on his health.

(3) The officer in charge shall forward every such report to the Commissioner, who shall enter thereon any recommendations he may desire to make and forward it to the Board of Review, and the Board of Review shall advise the President concerning remission of the residue or part of the residue of the prisoner's sentence, and shall advise the President at what time or times the case shall again be submitted for consideration.

99. A compulsory supervision order shall—

Form of compulsory supervision order.

(a) in the case specified in section 47 (1) (a) of the Act, be in form 1 in the Second Schedule to these Rules; and

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(b) in the case specified in section 47 (1) (b) of the Act, be in form 2 in the Second Schedule to these Rules,

and in form 1 in the Second Schedule to these Rules there shall be impressed thereon the holder's photograph and fingerprints.

Parole licence.

100. Where the Commissioner allows a prisoner to be absent from prison on parole, he shall issue to the prisoner on parole licence in form 3 in the Second Schedule to these Rules.

PART VIII—TREATMENT OF SPECIAL CLASSES OF PRISONERS

Appellant prisoners.

101. (1) An appellant prisoner shall be kept, so far as the officer in charge considers practicable, apart from other classes of prisoners, but otherwise he shall be subject to these Rules.

(2) (a) Paper and other writing materials to such extent as may appear reasonable to the officer in charge shall be furnished to an appellant prisoner for the purpose of communicating with friends on preparing his appeal.

(b) Any confidential written communication prepared for his advocate may be delivered personally to the advocate or his clerk, without being previously examined by a prison officer.

(c) All other written communications shall be dealt with as letters.

(3) An appellant when appearing in court shall wear his own clothing, and if his own clothing cannot be used the officer in charge shall supply him with clothing different from prison clothes.

(4) On the release of an appellant prisoner by order of a court on an appeal, he shall be paid in accordance with a scale to be fixed by the Commissioner for any work he has done while in prison, other than work he has been required to do in order to keep his cell, the precincts of his cell, his furniture, his clothing and his utensils clean.

Unconvicted prisoners.

102. (1) Unconvicted prisoners may be permitted during their periods of exercise to associate together in an orderly manner under prisoners, such conditions as the Commissioner may direct, but they shall be kept apart from other classes of prisoners.

(2) When in the opinion of the officer in charge it is practicable and safe, employment may be provided for unconvicted prisoners, in case they desire it, and they shall be paid in accordance with a scale to be fixed by the Commissioner; but in case of misconduct during employment further employment may be refused to any such prisoner.

(3) An unconvicted prisoner on remand or awaiting trial shall be allowed to see a registered medical practitioner appointed by himself or by his relatives or friends or advocates on any week-day during working hours in the prison, in the sight, but not in the hearing, of the officer in charge or an officer detailed

by him.

(4) When an unconvicted prisoner wears his own clothing in prison, the medical officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing be disinfected, and during the process of disinfection the prisoner shall be supplied with prison clothing.

(5) An unconvicted prisoner, charged, with a capital offence shall be kept under special observation at all times.

(6) All letters written or received by an unconvicted prisoner charged with a capital offence shall be carefully examined by the officer in charge personally.

(7) Any privilege allowed under this rule may at any time be withdrawn by the officer in charge if he is satisfied that there has been abuse thereof.

(8) For the purpose of this rule, “unconvicted prisoner” means any prisoner other than a convicted criminal prisoner.

103. (1) Notwithstanding any other rule, a prisoner under sentence of death— Prisoners under sentence of death.

(a) shall be confined apart from other prisoners, and shall be under constant supervision of a prison officer, both by day and by night;

(b) shall be allowed special facilities to correspond with relatives, friends and legal advisers;

(c) shall not be required to work;

(d) shall be permitted to see a minister of his own religious persuasion whenever practicable.

(2) The cell of a prisoner under sentence of death shall be examined by the officer in charge or a prison officer detailed by him before it is occupied by such a prisoner.

(3) A cell occupied by a prisoner under sentence of death shall be unlocked only in the presence of two prison officers.

104. (1) No person, except the medical officer and prison officers (other than temporary officers) in the course of duty and, if required by the prisoner, a minister of religion, shall have access to any prisoner under sentence of death without a written order from the Commissioner, and such order shall be granted only to relatives, friends and the legal adviser of the prisoner upon the request of such prisoner. Access to prisoners under sentence of death.

(2) Notwithstanding any other rule, visits to prisoners under sentence of death by any person for any purpose shall take place in the presence and

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hearing of not less than two prison officers.

(3) For the purpose of this rule a prisoner under sentence of death includes an appellant prisoner under sentence of death.

Execution of
prisoners sentenced
to death.

105. (1) All executions shall be attended by the medical officer and carried out by a public executioner appointed by the Commissioner or by a prison officer appointed by the Commissioner.

(2) All executions shall be carried into effect in accordance with instructions issued from time to time by the Commissioner.

(3) The officer in charge and the public executioner shall make themselves familiar with such instructions, and shall satisfy themselves that every precaution is taken to ensure efficiency and despatch and that all appliances are maintained in good condition.

(4) Unless authorized by a written order by the Commissioner, no person shall attend any execution other than the officer in charge, the public executioner, the medical officer and such other prison officers as the officer in charge may direct.

PART IX—VISITING JUSTICES AND THE AFTER-CARE OF PRISONERS

Visiting justices to
visit prisons.

106. (1) Visiting justices shall visit the prisons to which they are appointed at regular intervals and at any other time they think desirable.

(2) A visiting justice may inspect all wards, cells, separate cells, yards and other rooms and divisions of the prison to which he is appointed and may inspect the prisoners at labour, in hospital or in separate or other cells or wards.

(3) All the books, journals and records of prisoners shall be made available for inspection by a visiting justice.

Officers who are to
accompany visiting
justices.

107. (1) Normally neither the officer in charge nor the next senior prison officer shall accompany a visiting justice during a visit of inspection, but the officer in charge, or in his absence the senior prison officer, shall inform him of any prisoner who wishes to see him, and shall afford him every assistance in his inspection, and shall detail a prison officer to accompany him.

(2) No person, other than a prison officer or a prison employees, shall be permitted to accompany a visiting justice during the course of an inspection.

Visiting justice to
hear complaints.

108. A visiting justice shall on every visit hear any complaint which any prisoner may wish to make to him, and shall especially inquire into the condition of those prisoners who are undergoing punishment.

Minute book to be
kept.

109. (1) A visiting justices' minute book shall be kept in every prison, and the visiting justices shall record in it their visits and any suggestions or remarks which they may have to make.

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(2) The officer in charge shall forward to the Commissioner a copy of the entries made in the minute book by the visiting justices, together with any comment he may have to make.

110. (1) It shall be the duty of a visiting justice to enter in the minute book, and to call the attention of the officer in charge to, any irregularity in the administration of the prison which he discovers or any fault which he finds in the conduct of any prison officer or any improvement or repair which he thinks necessary to the prison building.

Visiting justice to call attention to irregularities.

(2) A visiting justice shall enter in the minute book or such other books as may be provided for that purpose the name and number of any prisoner who has complained to him, the nature of his complaint and his recommendations, if any.

111. (1) When the visiting justices to any prison have been constituted as a board, the chairman shall arrange for members of the board to visit the prison either together or in groups.

Boards of visiting justices.

(2) When any board of visiting justices make a report, all the visiting justices on the board shall be given an opportunity to see the report and to comment upon it, and to have their comments sent to the Minister with the report.

112. (1) The Commissioner shall establish in every prison a discharge board, which shall consist of the officer in charge as chairman and such other persons as the Commissioner shall appoint.

Discharge board.

(2) A discharge board shall interview all long sentence convicted criminal prisoners within three months of their due date of discharge, and shall decide whether any and, if so, what assistance should be granted to the prisoner with a view to his rehabilitation in civil life.

(3) A sum not exceeding eighty shillings may be awarded by a discharge board to a prisoner who has undergone a sentence of four years or more imprisonment and has shown special zeal and skill, accompanied by exemplary conduct, in any branch of prison industries:

Provided that such sum shall be granted only with the approval of the Commissioner, and shall be applied to the purchase of tools and other equipment which will assist the rehabilitation of the prisoner.

113. A prisoner discharged from a prison outside the district in which he normally resides shall be provided with free transport to his district.

Fares for discharged prisoners.

PART X—EXTRA MURAL PENAL EMPLOYMENT

114. (1) Where a person who is ordered to perform public work under section 68 (G) of the Act is taken to an authorized Officer, that Officer shall cause the person to be medically examined.

Medical examination and documentation of persons ordered to perform public work.

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(2) An authorized officer may cause the fingerprints or photograph, or both, of such a person to be taken at any time.

Records to be kept.

115. (1) Every authorized officer shall maintain a record of persons ordered to perform public work in his district.

(2) The record maintained under paragraph (1) of this rule shall contain the following particulars in respect of every person so employed—

(a) his name, address, race and tribe;

(b) the name of his chief;

(c) the length of his sentence or period of detention;

(d) the date of commencement of his sentence or period of detention;

(e) the date he is due for release; and

(f) the work to which he has been directed.

(3) Every authorized officer shall also maintain a record containing the names of persons punished or committed to prison or detention under the provisions of section 68 (6) of the Act, the punishment awarded and the reasons for each punishment or commitment.

Persons to perform public work.

116. A person so ordered to perform public work shall perform such public work as the authorized officer directs; but such person shall not be placed in a position of trust.

Admission to hospital.

117. (1) Any person who, while employed on public work who becomes sick shall be medically examined and if necessary shall be admitted to hospital.

(2) Any period spent by such person in hospital shall be reckoned as part of his sentence.

118. (*Deleted by L.N. 371/1991.*)

PART XI—COMPOSITION OF THE SERVICE AND CONDITIONS OF SERVICE OF PRISON OFFICERS AND THEIR DISCIPLINE

Appointment, promotion of officers.

119. The appointment, promotion and terms of service of officers of or above the rank of Assistant Superintendent shall be regulated by the Code of Regulations for Officers of the Government Service and such other instructions as the President may from time to time issue.

Delegation of powers in respect of subordinate prison officers.

120. The powers vested in the President in respect of subordinate prison officers in regard to—

(a) appointment (including promotion and transfers);

- (b) confirmation in a probationary appointment and the extension or termination of such an appointment;
- (c) engagement for further service on or after completing an initial period of service;
- (d) retirement on or after reaching the age of fifty years;
- (e) appointment to acting rank; and
- (f) the passing of a promotion bar,

are hereby delegated to the Commissioner, subject to such instructions as the President may from time to time issue.

121. (1) Any person accepted for enlistment as a senior or subordinate prison officer by the Commissioner shall answer in his own handwriting such questions as may be put to him by or on behalf of the Commissioner and shall make a declaration in the form set out in the Third Schedule to these Rules.

Declaration on enlistment.

(2) The declaration referred to in paragraph (1) of this rule shall be made before such member of the Service as the Commissioner may generally or specifically appoint, and shall be made in such manner as the declarant states to be most binding on his conscience.

(3) The appointment to the Service of any person required to make a declaration under this rule shall be deemed to have effect from the date he makes the declaration.

122. Notwithstanding any other provisions of these Rules or any other rules, any prison officer whose period of service expires during a time when an order under section 29 of the Constitution is in force generally or in any part of Kenya may be kept in the Service for such period as the President may direct.

Prolongation of service in case of war, etc.

123. Subject to the provisions of any rule made under section 74 of the Act, any subordinate prison officer may at any time be removed from the Service by the Commissioner for any of the following reasons—

Removal of subordinate prison officer.

- (a) on reduction of the establishment of the Service;
- (b) if the Commissioner considers that he is unlikely to become or has ceased to be an efficient prison officer;
- (c) if he is certified by a medical officer to be mentally or physically unfit for further service in the Service;
- (d) for activities or behaviour which the Commissioner considers likely to be prejudicial to peace, good order or good government in Kenya;

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(e) if the Commissioner considers that it is in the public interest or in the interests of the Service that he should be discharged; or .

(f) if he has been convicted of a criminal offence by a court.

Offences by prison officers.

124. (1) Any prison officer who commits any of the following offences shall be deemed to have committed an offence against discipline—

(a) absence from duty without good cause;

(b) sleeping on duty;

(c) neglect or disobedience of orders;

(d) being under the influence of alcohol or drugs, whether on duty, or off duty;

(e) insubordination;

(f) wilful destruction of or careless loss of or injury to Government property;

(g) neglect of duty;

(h) malingering;

(i) using personal violence to any prisoner save as provided in section 12 of the Act;

(j) instigating or permitting any prisoner to commit any crime or offence against prison discipline;

(k) allowing an unauthorized person to communicate with a prisoner;

(l) borrowing money from or lending money to another prison officer;

(m) bringing tobacco or spirituous or fermented liquor or any other prohibited article into a prison;

(n) being improperly dressed when in uniform;

(o) reporting late for duty;

(p) losing supervision over prisoners in his charge;

(q) selling or making away with any part of his uniform, equipment or accoutrements;

(r) destroying, damaging or losing, either on purpose or by neglect

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Government or a prisoner's property;

(s) trafficking with prisoners;

(t) using personal violence towards another prison officer;

(u) associating with discharged prisoners without the written authority of the officer in charge;

(v) receiving any fee or gratuity from, or having any business dealing with, a prisoner or a discharged prisoner, with a friend of a prisoner or with a visitor to a prison;

(w) making an unauthorized communication concerning the prison to any other person;

(x) any other conduct to the prejudice of good order or discipline or the security of a prison.

(2) Any prison officer who commits an offence under paragraph (1) of this rule may be arrested without warrant by or on the order of a prison officer senior to himself, and the officer carrying out the arrest shall forthwith bring him before an officer in charge who may, in justifiable circumstances, confine such prison officer in any building set apart as a guardroom or guardroom cell.

(3) Nothing in this rule shall be construed to exempt any prison officer from being proceeded against for any offence by the ordinary course of law.

125. Any offence against discipline and any other misconduct by a prison officer of or above the rank of Assistant Superintendent shall be dealt with under the Code of Regulations for Officers of the Government Service.

Offences by officers of or above rank of Assistant Superintendent.

126. (1) The Commissioner, the Deputy Commissioner, an Assistant Commissioner or a Senior Superintendent or an officer in charge may inquire into the truth of any charge under the provisions of rule 124 of these Rules brought against a prison officer below the rank of Assistant Superintendent and if he finds the accused guilty of the charge he shall convict him and may award any one or more of the following punishments—

Offences by officers below rank of Assistant Superintendent.

(a) warning;

(b) severe reprimand;

(c) extra drills not exceeding seven;

(d) extra duties not exceeding four;

(e) fine not exceeding one-half of one month's pay;

(f) stoppage, withholding or deferment of any increment of salary for which the officer may be eligible;

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- (g) reduction in rank, grade or seniority;
- (h) dismissal;
- (i) in case of a charge relating to damage or loss of Government or a prisoner's property, payment of the value of the property damaged or lost.

(2) Any punishment imposed by an Assistant Commissioner, Senior Superintendent or an officer in charge under one of subparagraphs (e), (f), (g), (h) and (i) of paragraph (1) of this rule shall be subject to confirmation by the Commissioner.

(3) Whether any punishment imposed by an Assistant Commissioner, Senior Superintendent or officer in charge under this rule requires the confirmation of the Commissioner or not, the Commissioner may enhance, vary or remit any punishment so imposed:

Provided that—

- (i) no punishment shall be enhanced unless the accused has been given an opportunity of being heard by an officer of or above the rank of Senior Superintendent;
- (ii) no punishment may be awarded more than is prescribed by this rule.

(4) (a) Any punishment awarded under paragraph (1) of this rule may be suspended by the Commissioner for such period, not exceeding six months, as the Commissioner may determine.

(b) Where any punishment has been suspended under this paragraph, the Commissioner shall at the expiration of the period of suspension review the case, taking into consideration reports on the conduct of the officer during the period of suspension as may be available.

(c) The Commissioner may thereupon order the punishment to be remitted or reduced, in which case he shall cause any entry relating to the offence which has been made in the records of the offender to be expunged or altered, as the case may be, or he may order the punishment to be forthwith carried into execution.

(d) If during the period of suspension the offender is convicted of a further offence against discipline, the suspended punishment shall forthwith be carried into execution.

127. (1) Any prison officer who has been punished with dismissal under rule 126 of these Rules may within seven days after he has been informed of the decision of the Commissioner, appeal to the Public Service Commission against such decision.

Appeals against
dismissal.

(2) On any appeal to the Public Service Commission under the provisions of paragraph (1) of this rule the Public Service Commission may, after hearing the appellant or without hearing the appellant, dismiss the appeal or allow it in respect of the conviction or in respect of the punishment, and if the Commission allows it in respect of the punishment alone it may substitute another punishment in place of the punishment of dismissal.

(3) Whenever any person appeals to the Public Service Commission under this rule the Commissioner shall forthwith cause copies of all the proceedings to be sent to the Public Service Commission.

128. (1) Any prison officer below the rank of Assistant Superintendent who has been convicted of an offence under rule 126 of these Rules by an Assistant Commissioner, Senior Superintendent or officer in charge may within fourteen days of such conviction appeal to the Commissioner against the conviction or against the punishment or against both the conviction and the punishment. Appeal to Commissioner.

(2) The Commissioner on receiving any appeal may, after hearing the appellant or without hearing the appellant, dismiss or allow the appeal or vary the conviction or punishment:

Provided that it shall not increase or add to the punishment unless the appellant has been given an opportunity of being heard by an officer not below the rank of Senior Superintendent.

129. No prison officer shall earn any emoluments in respect of any day during which he is absent from duty without leave or is undergoing any sentence of imprisonment, unless the Commissioner otherwise orders. No pay during absence without leave or imprisonment.

130. The Commissioner may dismiss from the Service or reduce in rank any prison officer below the rank of Assistant Superintendent who is convicted of any offence by a court. Dismissal on conviction of criminal offence.

131. (1) The Commissioner may interdict or suspend from duty any prison officer, and any senior prison officer may interdict or suspend from duty any subordinate prison officer, pending any inquiry into the conduct of the officer under the Service Commissions Act or the Code of Regulations for Officers of the Government Service, or under the Act or any other written law. Interdiction or suspension. Cap. 185.

(2) A prison officer shall not, by reason of such interdiction or suspension, cease to be a prison officer, but the powers and privileges and benefits vested in him as a prison officer shall, during his interdiction or suspension, be in abeyance, but he shall continue to be subject to the same discipline and penalties and to the same authority as if he had not been interdicted or suspended.

(3) A prison officer under interdiction shall not leave Kenya without the permission of the Commissioner or if the officer under interdiction or suspension is of or above the rank of Assistant Superintendent, of the President.

[Subsidiary]

(4) Any prison officer who has been interdicted or suspended shall, during the period of interdiction or suspension, be allowed to receive such proportion of his pay not being less than one-half, as the Commissioner or, in the case of a prison officer of or above the rank of Assistant Superintendent, the President may think fit:

Provided that, if the proceedings against the officer do not result in his dismissal or conviction for a criminal offence, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted or suspended.

Fines.

132. (1) All fines or stoppages imposed on a prison officer in respect of offences under these Rules may be recovered from the offender's pay due at the time of committing such offence or thereafter accruing due.

(2) The amount recovered in respect of any fine or stoppage or for any other cause authorized by these Rules shall be in the discretion of the officer by whom the fine was imposed, but shall in no case exceed one-half of the monthly pay of the offender, and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped as leaves him a residue of at least one-half of his monthly pay.

(3) Where more than one order of recovery is made upon the same person, the order or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

Power to summon witness.

133. (1) The person conducting an inquiry into a disciplinary offence may require any person to attend and give evidence before him, and may require the production of any documents relating to such offence by any person attending before him:

Provided that no person so required to attend shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(2) Any person required to attend under paragraph (1) of this rule who without reasonable excuse fails to attend when notified to do so shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

(3) Any person, other than a person in the public service, required to attend under paragraph (1) of this rule shall be entitled to be paid from the public funds the same allowance as a witness who attends the court of a magistrate in criminal proceedings.

PART XII—DUTIES OF PRISON OFFICERS

General duty of prison officers and penalties.

134. (1) It shall be the duty of all prison officers to carry out their duties and responsibilities in accordance with the Act, these Rules and any standing orders, administrative directions or general or special instructions issued by the Commissioner.

(2) Any breach or non-compliance by a prison officer with any of the provisions of the Act, these Rules, or any standing orders, administrative directions or general or special instructions issued by the Commissioner to prison officers or to a prison officer shall be a disciplinary offence and shall be inquired, into and punished in accordance with Part XI of these Rules.

(3) Nothing in this or any other rule shall be so construed as to exempt any prison officer from being prosecuted under the Act or any other written law in respect of any act or omission that is an offence under the Act or any other written law:

Provided that a prison officer shall not be punished twice for the same offence or disciplinary offence.

135. In carrying out his duties as such, an officer in charge shall—

Books, etc., to be kept by officer in charge.

(a) personally keep a journal in which he shall record all events of importance respecting the prison and prisoners under his charge; and

(b) keep or cause to be kept the following books and records—

(i) a prison record for each prisoner, showing the date of his sentence, the date of the expiry of his sentence, full details of any remission due to him, forfeited by him and restored to him, the earliest date on which he may be released and such other particulars as the Commissioner may require;

(ii) a registration book with numbered pages, in which shall be entered in respect of each prisoner received—

(a) information as to his identity;

(b) the reason for his commitment and the authority therefor; and

(c) the day and hour of his admission and release;

(iii) a daily release book in diary form, in which shall be entered under the proper date the name of each prisoner on admission into prison;

(iv) a prisoners' property book in a form to be approved by the Commissioner;

(v) a prisoners' punishment book, in which shall be recorded the name of every prisoner punished for a prison offence, the punishment imposed, the name of the officer awarding the punishment and, in the case where a certificate from a medical officer is necessary, such certificate;

(vi) an imprest account;

[Subsidiary]

- (vii) an account of receipts and disbursements;
- (viii) an unofficial visitors book, containing a record of unofficial visitors to the prison;
- (ix) a visiting justices minute book;
- (x) an official visitors book;
- (xi) a list of books and documents committed to his care; and
- (xii) such other books and records as the Commissioner may direct.

Duties of officer in charge as to visits.

136. An officer in charge shall—

- (a) visit every part of his prison at least once a day;
- (b) see every prisoner at least once in every twenty-four hours;
- (c) visit every part of the prison at night at an uncertain hour at least twice in every week; and
- (d) at least twice a week visit the prisoners at their meals, and investigate any complaints as to the prisoners' food, and remove any just cause of complaint.

Duties of officer in charge as to health.

137. The officer in charge shall—

- (a) ensure so far as is practicable that the medical officer's instructions and recommendations in regard to any prisoner are carried out;
- (b) pay special attention to prisoners in hospital or undergoing punishment;
- (c) upon the dangerous illness of any prisoner, give immediate notice thereof to the most easily accessible known relative of the prisoner;
- (d) upon the death of any prisoner, give immediate notice thereof to the nearest magistrate empowered to hold an inquest, and to the relatives of the deceased, and shall also, as early as he conveniently can, report the death to the Commissioner;
- (e) without any delay, report to the medical officer and to the Commissioner any case of mental disorder or apparent mental disorder; and
- (f) without delay, report to the Commissioner any case in which the medical officer is of the opinion that the mental state of any prisoner

[Subsidiary]

is becoming impaired or enfeebled by continued imprisonment, or that the life of any prisoner will be endangered by further imprisonment, or that any prisoner will not survive his sentence or is totally and permanently unfit for prison discipline.

138. The officer in charge shall—

Duties of officer in charge as to custody.

- (a) cause to be examined frequently the state of the cells, bedding, locks, bolts and bars and seize all prohibited articles;
- (b) receive reports accounting for all prisoners in his custody night and morning at the closing and opening of the prison, and on locking up on return from labour each morning and afternoon;
- (c) report to the Commissioner all escapes, serious assaults, outbreaks of diseases and other occurrences of an unusual or serious nature; and
- (d) in the case of a sudden emergency, take such immediate steps as he may consider necessary to restore the position to normal.

139. The officer in charge shall take an early opportunity to interview all prisoners after their reception, and he shall again interview them prior to discharge.

Officer in charge to interview prisoners.

140. The officer in charge shall, without delay, submit to the Commissioner any petition received from a prisoner.

Petitions to be forwarded.

141. (1) The officer in charge shall not be absent for a night without the previous consent in writing of the Commissioner, and his leave of absence shall be entered in his journal.

Absence of officer in charge.

(2) Subject to the directions of the Commissioner, in the absence of the officer in charge the senior prison officer present shall be in charge of the prison and shall be responsible for the duties of the officer in charge.

142. (1) In every prison there shall if practicable be a chief officer or principal officer, who shall be the principal discipline officer of the prison and shall be responsible to the officer in charge for ensuring that within the prison all laws, rules and orders are strictly observed and that proper discipline is maintained throughout the prison, and shall carry out any duties that may be specially assigned to him by the officer in charge.

Chief officer or principal officer.

(2) In the absence of the chief officer or principal officer, the next senior officer shall be responsible for performing his duties.

143. (1) The chief officer or principal officer shall keep—

- (a) a journal in which he shall record all such matters as he is required to record and all other occurrences of importance within the prison, these entries he shall date and sign daily.

Journal and records to be kept by chief officer or principal officer and books in his custody.

[Subsidiary]

The entries shall in particular include—

- (ii) the actual times at which prisoners go to labour, return from labour, go to exercise and return from exercise;
- (iii) what parts of the prison are searched and the names of the officers detailed for the purpose;
- (iv) the names of the officers deputed daily to supervise ordinary visits to prisoners;
- (v) the particulars of any special visit paid, and the names of the officers detailed to supervise it;
- (vi) particulars of escorts dispatched and by whom inspected;
- (vii) hours of opening and final closing of the prison, and checking of keys; and
- (viii) any unusual or important occurrence;
- (b) a record of the location of every prisoner;
- (c) a record of the work upon which the prisoners have been employed;
- (d) an account of the estimated value of the labour of prisoners;
- (e) an inventory of all furniture and moveable property belonging to the prison;
- (f) an ammunition ledger;
- (g) a record of all arms belonging to the prison; and
- (h) a list of books and documents committed to his care.

(2) The chief officer or principal officer shall be responsible for the safe custody of all journals, registers, records, papers, books and documents in the prison committed to his care.

Special duties of
chief officer or
principal officer.

144. The chief officer or principal officer shall—

- (a) be present at the unlocking of the prisoners in the morning and supervise their distribution to labour;
- (b) visit and inspect the whole of the prison and see every male prisoner at least twice in every twenty-four hours, and in default of such daily visits and inspections he shall record in his journal how far he has omitted them and the cause of such omission;

- (c) ensure that everything in the prison is clean and in good order and that the means of security in the different yards and throughout the prison are effective;
- (d) ensure that every prisoner is strictly searched on admission, and that any prohibited article or anything that in his opinion is objectionable, or likely to facilitate escape, is taken from the prisoner;
- (e) check the keys in the custody of the gatekeeper at the opening and closing of the prison each day;
- (f) twice daily, and as often as may be ordered, visit every party of prisoners while at work inside the prison and see that discipline and order are maintained among them and report thereon as may be directed by the officer in charge;
- (g) inspect every part of the prison at least twice a week between the hours of 11 p.m. and 5 a.m. and record in red ink in his journal the time of such visit and the condition of the prison; when visiting a women's prison or part of a prison used by women, he shall be accompanied by a woman prison officer;
- (h) ensure that every prisoner having a complaint to make or a request to make to him has an opportunity of doing so, and shall either take steps as may appear to him necessary to redress any grievance or shall report the same to the officer in charge; he shall further take care that any prisoner desiring to appeal to the Commissioner, or to the officer in charge, or to any visiting justice, shall have the opportunity of doing so;
- (i) daily inspect and superintend the issuing of the prisoners' meals and, whenever possible, weigh the rations supplied to the prison when delivered by a contractor; a record shall be made of such checks in a book kept for the purpose;
- (j) ensure that every article of food supplied for the use of the prisoners is sound and of good quality, and that the scales, weights and measures in use in the prison are accurate and in proper order, and shall take special care to see that the rations issued are strictly in accordance with the prescribed scales of diet and that every prisoner receives the diet to which he is entitled;
- (k) open the prison every morning for the parade of prison officers, and himself detail all discipline officers for their duty and satisfy himself that the orders are properly carried out;
- (l) ensure that the duties of the officer in charge in regard to punishments are carried out and that prisoners in close confinement have such exercise as has been ordered; and
- (m) communicate to the officer in charge every circumstance which

[Subsidiary]

may come to his knowledge likely to affect the security, health or discipline of the prisoners, or the efficiency of the prison staff, or anything which may in any way require his attention.

Duties of chief officer or principal officer as to sick prisoners.

145. (1) The chief officer or principal officer shall report immediately to the medical officer and to the officer in charge any case of apparent mental disorder.

(2) The chief officer or principal officer shall report to the medical officer the illness of any prisoner, and shall deliver daily to the medical officer, a list of prisoners who are ill or who complain of illness and a list of prisoners detained in cells.

(3) The chief officer or principal officer shall carry into effect all written directions the medical officer respecting alterations in the diet or treatment of any prisoner, and shall see that no prisoner is ordered to labour until the medical officer has certified that the prisoner is fit for such labour.

Absence of chief officer or principal officer.

146. (1) The chief officer or principal officer shall not be absent from his quarters at night during the hour when the prison is closed without permission from the officer in charge.

(2) The chief officer or principal officer shall enter in his journal in red ink every absence from his quarters at night; and if absent without leave he shall report the absence and the excuse for it to the officer in charge as soon as possible.

Relief of subordinate officer from duty.

147. The chief officer or principal officer may temporarily relieve any subordinate prison officer from duty and exclude him from the prison in case of misconduct, but shall report the particulars without delay to the officer in charge.

Duties of gatekeeper.

148. (1) In every prison there shall be a gatekeeper, who shall not allow any person who is not a prison officer or a prisoner to enter the prison without the sanction of the officer in charge given verbally or in writing:

Provided that the following persons shall be entitled to admission to the prison at any time without such sanction—

(i) a Minister;

(ii) a judge, magistrate or justice of the peace having jurisdiction in the place where the prison is situate;

(iii) a visiting justice of the prison.

(2) Every gatekeeper shall—

(a) keep a record of all persons other than prison officers entering or leaving the prison, and he shall require all such persons to write their names in a book to be provided for the purpose;

- (b) not allow any person other than a prison officer to enter the prison without being accompanied by a prison officer except as otherwise provided;
- (c) not allow any prisoner to pass out of the gate unaccompanied by a prison officer;
- (d) examine the orders for the admission of prisoners' visitors, checking their names, and in case of any doubt as to the identity of the visitor he shall refer the matter to the chief officer or principal officer;
- (e) ascertain the names of all workpeople who may be working in the prison, and warn them that they are not allowed to speak to or give any thing to any prisoner without proper authority;
- (f) satisfy himself that workpeople passing out of the prison corresponding to those who enter;
- (g) take charge of all letters, parcels and other articles sent for any prisoner and deliver them to the chief officer or principal officer;
- (h) examine all articles brought into the prison, and shall stop and prevent any person bringing prohibited articles into the prison;
- (i) not allow any article whatever to be taken out of the prison without the permission of the chief officer or principal officer and the production of a gate pass duly signed.

149. (1) All prison officers shall live in such quarters as the Commissioner may assign to them; and they shall not sleep out of such quarters without the permission of the officer in charge.

Living quarters of prison officers.

(2) No prison officer living within a prison shall permit any person who is not a regular member of his household to remain for the night in his quarters without the permission of the officer in charge.

150. Any prison officer below the rank of principal officer who is disabled from the regular performance of his duties by illness shall report the fact to the chief officer or principal officer, and if unable to appear in person shall remain in his quarters until seen by the medical officer, who may, if necessary, order his removal to a hospital.

Illness of prison officer.

151. No prison officer shall, whilst in charge of prisoners outside a prison, leave such prisoners under any pretext whatsoever from the time of their departure from the prison until they return to the prison nor shall he for any purpose whatsoever enter any house, store, yard or premises, not being the place appointed for the labour of such prisoners, within the period during which he is in charge of the prisoners.

Prison officer not to leave prisoners when outside prison.

152. A prison officer shall check all keys when handing or taking

[Subsidiary]	
Checking of keys.	over, and report immediately any defect, and see that no prison key is, in any circumstances, allowed to pass into the possession of any prisoner or unauthorized person.
Duties on handing over.	<p>153. All prison officers below the rank of Principal Officer on being relieved from any particular duty or transferred to another part of the prison, shall point out to their successor all matters of special importance connected with their duties, and explain any directions of the superior officers affecting any particular prisoner.</p>
Information to be given to superior officers.	<p>154. (1) Every prison officer shall make an immediate report to his superior officer of any misconduct, disobedience to rule, or abuse or impropriety which comes to his knowledge.</p> <p>(2) A prison officer below the rank of Principal Officer shall without delay inform the officer in charge or the chief officer or principal officer of the name of any prisoner who desires to see him, or to make complaint, or to prefer any request to superior authority.</p>
Counting of prisoners.	<p>155. A prison officer below the rank of Principal Officer shall be responsible for the safe custody of prisoners under his charge, and with this in view he shall count the prisoners at least once every half hour, and in addition—</p> <p>(a) on receiving charge of a party of prisoners;</p> <p>(b) on handing over charge of a party of prisoners;</p> <p>(c) on leaving any building or work.</p>
Prison officer not to enter cells or wards at night alone.	<p>156. No prison officer shall enter a prisoner's cell or ward at night without being accompanied by another prison officer except in cases of imperative necessity, and where he does enter without being so accompanied he shall make an immediate report to the senior officer in the prison, at the time, and shall make a written report to the officer in charge as soon as possible.</p>
Prison officers to report cases of illness.	<p>157. Every prison officer shall direct the attention of the officer in charge or the chief officer or principal officer to any prisoner who may appear not to be in good health, although not complaining of illness, or whose state of mind may appear deserving of special notice and care, in order that the opinion and instructions of the medical officer may be taken on the case.</p>
Prison officers not to be absent from prison during working hours.	<p>158. A prison officer below the rank of Principal Officer shall not be absent from the prison during hours of duty without leave from the chief officer or principal officer and before leaving the prison at any time he shall leave his keys, arms and books in the place appointed for that purpose.</p>
Prison officers' visitors.	<p>159. A prison officer below the rank of Principal Officer shall not receive visitors within any part of a prison used by prisoners.</p> <p>160. Every person on ceasing to be a prison officer shall forthwith</p>

deliver up to the officer in charge of the prison where he is serving at the time of ceasing to be a prison officer every article of uniform and clothing and all arms, accoutrements, ammunition, staves and other effects of every kind belonging to the Government.

[Subsidiary]
Uniforms to be delivered up.

161. All pay of prison officers which is forfeited, and all fines inflicted upon prison officers for disciplinary offences which are tried by prison officers, shall be paid into the consolidated fund.

Disposal of forfeited pay and fines.

FIRST SCHEDULE

L.N. 540/1997.

PRISONERS' DIET (MONDAY TO SUNDAY)

	<i>On each 4 days a week</i>	<i>On each 3 days a week</i>
<i>Carbohydrates / vegetable proteins</i>	<i>Grams</i>	<i>Grams</i>
maize or other cereal	570	570
soya flour	20	20
beans	225	—
<i>ndengu</i> (green grams)	—	230
<i>Animal proteins</i>		
fresh meat	—	200
dried skimmed milk	—	500 ml.
sugar	20	20
<i>Fats</i>		
fortified vegetable oil, or fortified vegetable ghee	16	16
<i>Fresh vegetables and fruits</i>		
green leafy vegetables	120	—
carrots	—	90
irish potatoes or sweet potatoes	—	115
spring onions	30	30

[Subsidiary]

capsicum	30	30
tomatoes	—	30
lemons	—	15

PRISONERS UNDER ESCORT DIET

Grams

Biscuits	125
Tinned beans	120

CHILDRENS' DIET (MONDAY TO SUNDAY)

	<i>On each 4 days a week</i>	<i>On each 3 days a week</i>
<i>Carbohydrates / vegetable proteins</i>	<i>Grams</i>	<i>Grams</i>
maize or other cereal	285	285
beans	60	60
bread	40	—

First Schedule - (Contd.)

Animal proteins

fresh meat	—	50
dried skimmed milk	500 ml	500 ml
sugar	55	55
salt	5	5

Fats

fortified vegetable oil, or ghee	16	16
spring onions	15	15
tomatoes	30	—
fruits	1	—

SECOND SCHEDULE

(r. 99)

(Form 1)

COMPULSORY SUPERVISION ORDER

No..... of 19.....

Granted under the Prisons Act, to Prisoner No.
 named
 convicted at
 on the, 19....., of the offence of

 and sentenced to
 as recorded in Case File No.
 of Court.

By virtue of the powers conferred upon me by section 47 of the Prison Act, I hereby order and direct that,
 a prisoner at present undergoing a sentence of
 in the Prison for the offence of

 be placed under compulsory supervision on the
 day of, 19

And this shall be full and sufficient authority for the said
 to remain under compulsory
 supervision, subject to the conditions set out hereunder and to the provisions
 of the aforesaid Act.

Given under my hand and my seal of office this
 day of, 19

.....
Commissioner of Prisons.

DESCRIPTION

Age
 Colour
 Height

[Subsidiary]

Build (i.e. stout, medium, slender)
Nationality
Trade or profession
Caste - Tribe Clan Village.....
District in which born
Father's name
Chief's name

IDENTIFICATION MARKS

PHOTO	
Front Face	Side Face

FINGER IMPRESSIONS

RIGHT HAND

1. Right Thumb	2. Right Forefinger	3. Right Mid.Finger	4. Right Ring Finger	5. Right Little Finger

LEFT HAND

6. Left Thumb	7. Left Forefinger	8. Left Mid.Finger	9. Left Ring Finger	10. Left Little Finger

CONDITIONS ON WHICH COMPULSORY SUPERVISION
ORDER IS GRANTED

(a) The fingerprints of the holder of the compulsory supervision order shall be imprinted thereon, and such holder shall preserve his order and shall at all times produce it on demand when called upon by a Magistrate or Police Officer to do so.

[Subsidiary]

(b) The holder of such order shall abstain from any violation of the law.

(c) The holder of such order shall not habitually associate with notoriously bad characters such as reputed thieves, housebreakers, receivers of stolen property and the like.

(d) The holder of such order shall not lead an idle or dissolute life.

(e) The holder of such order shall at the time of his discharge from prison inform the Officer-in-Charge of the Prison as to the place where he intends to reside and shall with all convenient speed proceed to such place and shall within forty-eight hours of arrival at such place report himself personally, unless prevented by unavoidable cause, to the officer in charge of the nearest Police Station of the district wherein such place is situate.

(f) The holder of such order shall, unless prevented by unavoidable cause, thereafter once in each month report himself personally to the officer in charge of the nearest Police Station of the district in which he is residing and shall, unless prevented by unavoidable cause, on every change of residence within the same district notify, either personally or by letter, such officer in charge as aforesaid; and on every change of residence from one district to another shall, unless prevented by unavoidable cause, give forty-eight hours' notice, either personally or by letter to such officer in charge of the Police Station of the district he is leaving, of his intention to leave, and, so far as is practicable, of his exact future address; and shall, unless prevented by unavoidable cause, within forty eight hours of arrival at his destination within the new district where he intends to reside, report himself personally to the officer in charge of the nearest Police Station in such district.

(g) For the purposes of this order the supervisor is the officer in charge of the nearest Police Station of the district in which the prisoner is residing.

(h) Any other condition which the Minister may from time to time by rules prescribe.

NOTIFICATION TO POLICE

Date	Station at which notification made	Initials of Police Officer to whom made	Date	Station	Initials, etc.

This compulsory supervision order expires on
..... and should then be returned to the Office of the

[Subsidiary]

Commissioner of Prisons, Nairobi. The prisoner has expressed the intention of residing at

.....
Commissioner of Prisons.

(r. 99)

(Form 2)

COMPULSORY SUPERVISION ORDER

NOTICE TO PERSONS RELEASED FROM PRISON

To

You will be released from prison on

The Commissioner of Prisons gives you this notice and hopes that it will help to prevent you from breaking the law and that you will not be sent to prison again.

From the, 19....., until the, 19....., you will be under the supervision of

So long as you are under supervision you must follow these instructions:

1. Within days of leaving prison you must report to
2. You shall not change your address or your employment without the written permission ofor
3. You must do what or tells you.
4. You must not break the law.

If you do not follow the above instructions and do what or tells you, you may be punished.

If you follow these instructions carefully you will be free.

If you find yourself in trouble go to

[Subsidiary]

or and tell him about it. He will try to help you.

Keep this notice carefully. If you lose it or if it is destroyed, ask

.....or
to give you a fresh copy.

The Commissioner of Prisons wishes you well in the future.

.....
Commissioner of Prisons.

Date, 19

(r. 100)

(Form 3)

PAROLE LICENCE AND CONDITIONS

No.

OFFICE OF THE COMMISSIONER OF PRISONS
P.O. Box 30175, NAIROBI

Date....., 19.....

To:

You are hereby permitted to be absent on parole from the
..... prison for a period of
..... days from the, 19.....,
on the undermentioned conditions:—

(1) You will proceed to
[full address] and will not without my consent move from that place.

(2) You will abstain from any violation of the law and will not associate
with persons of bad character.

(3) You will report back to the officer in charge of the
prison at by a.m./p.m. on
the, 19.....

(4) No extension of absence on parole will be granted and should you fail
to return at the time stated you will be deemed to have committed an offence.

(5) You will carry this licence during the period you are absent from
prison on parole and will produce it whenever you are required to do so by any
prison or police officer.

(6) You will report to the officer in charge of the prison at

[Subsidiary]

any circumstances in which you may require assistance or advice.

(7) Your attention is drawn to section 49 of the Prisons Act, which reads as follows:—

“(1) A prisoner serving a sentence of imprisonment for a period of four years or more may be allowed by the Commissioner within three months of the date he is due for release on conditions and for reasons approved by the Commissioner to be temporarily absent from prison on parole for a stated length of time which shall not be greater than fourteen days.

(2) The Commissioner or an officer in charge may at any time recall a prisoner released on parole.

(3) Any prisoner who fails to return to prison on the completion of the period of his parole or when informed that he has been recalled under the provisions of subparagraph (2) of this paragraph shall be guilty of an offence and may be arrested without warrant and shall be liable on conviction to the same punishment as if he had escaped from prison.

(4) A prisoner when released on parole who contravenes or fails to comply with the conditions imposed upon him shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months.”

.....

Commissioner of Prisons.

.....

Declaration by Prison Officer

I certify that
has had this notice explained to him in my presence.

.....

(Prison Officer)

Date, 19

.....

Declaration by Prisoner

This notice has been explained to me and I have understood it.

.....

Mark or signature of prisoner.

Date, 19.....

Space for photograph.

Space for fingerprints.

THIRD SCHEDULE

(r. 121)

DECLARATION

I,, son of,
do most solemnly and sincerely declare and promise that I will be faithful and
bear true allegiance to the President and the Republic of Kenya, and will obey
all orders of the President and of the Officers placed over me, and will subject
myself to all Acts, Rules and Regulations relating to the Prisons Service for the
time being in force. And I hereby declare that I have not at any time served in any
capacity in the armed forces of the Republic or in the Kenya Police Force*.

2. I have had explained to me that it is necessary for me to furnish my
correct age on enlistment and I agree to accept the age recorded above as being
my correct age for all purposes.

.....
Signature or Mark of Recruit.

* In the case where a man has served as mentioned, and is nevertheless
enrolled, this paragraph to be deleted.

THE PRISONS (KENYA PRISONS REPRESENTATIVE ASSOCIATION) RULES

L.N. 101/1971,
L.N. 146/1975.

1. These Rules may be cited as the Prisons (Kenya Prisons Representative
Association) Rules.

2. There is hereby established an Association, to be known as the Kenya
Prisons Representative Association (hereinafter referred to as the Association),
and every prison officer in the Kenya Prisons Service shall be a member of
the Association.

3. The Association shall have the power to appoint members to the
Prisons Council under the Prisons (Prisons Council) Rules, and the power to
consider and bring to the notice of the Council all matters affecting the welfare

[Subsidiary]

and efficiency of the Service, including pay, pensions, and terms and conditions of service.

4. (1) The office bearers of the Association shall be—

- (a) The Chairman;
- (b) The Vice-Chairman;
- (c) The Secretary;
- (d) The Assistant Secretary;

who shall be elected annually at every ordinary general meeting of the Association.

(2) Any member of the Association who ceases to be a prison officer in the Prisons Service shall also cease to be a member of the Association and, if an office bearer, to hold office.

5. (1) There shall be a Joint Executive Committee of the Association (hereinafter referred to as the Committee) which shall consist of all the office bearers of the Association and three representatives nominated by each Provincial Branch of the Association established in accordance with rule 7 of these Rules, two of whom shall be from the senior section and one of whom shall be from the junior section.

(2) Ordinary meetings of the Committee shall be held not less than twice each year.

(3) A special meeting of the Committee may be convened by the Chairman whenever he considers it necessary, and after fourteen days' notice has been given to the members thereof.

(4) The quorum of the Committee shall be seven members.

(5) Subject to these Rules, the Committee shall regulate its own proceedings.

(6) A casual vacancy in the Committee shall be filled, in the case of a Provincial Branch Representative, by nominee of the appropriate Branch of the Association, and in the case of an office bearer, by a member elected by the Committee.

6. There shall be two Sections of the Association—

- (a) The Senior Section, consisting of senior prison officers and subordinate prison officers of the rank of Chief Officer Grade II and above.
- (b) The Junior Section consisting of all subordinate officers of the rank of Senior Sergeant and below.

7. (1) There shall be established a Provincial Branch of the Association, to represent every Provincial Command, to be known as—

- (a) The Nairobi Area Branch, which shall include: the Nairobi Area Provincial Prisons Command and any other prison formations within the area of jurisdiction of the City Council of Nairobi;
- (b) The Central Province Branch;
- (c) The Coast province Branch;
- (d) The Nyanza Province Branch;
- (e) The Rift Valley Province Branch;
- (f) The Eastern and North-Eastern Provinces Branch;
- (g) The Western Province Branch.

(2) Every serving prison officer shall be a member of the Provincial Branch of the Association representing the Provincial Command to which he is attached.

(3) There shall be for each Provincial Branch of the Association a sub-committee comprising—

- (a) three members of the Association from the Senior Section of whom one shall be a senior Prisons officer, who shall be Chairman;
- (b) two members of the Association from the Junior Section.

(4) The provisions of paragraphs (2) and (3) of rule 5 of these Rules shall apply to the meetings of each sub-committee.

(5) The quorum of each sub-committee shall be three.

(6) The procedure for election of members to each sub-committee shall be specified by the Committee.

(7) Subject to these Rules, each Provincial Branch of the Association shall regulate its own proceedings.

8. (1) An ordinary general meeting of the Association shall be held annually.

(2) Three representatives from each Provincial Branch of whom at least one shall be a member of the Senior Section of the Association shall constitute a quorum for a general meeting.

(3) Twenty-one days' notice in writing of such meeting shall be given

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to all members.

(4) The agenda for discussion at such meeting shall include—

(a) confirmation of the minutes of the previous meeting;

(b) the election of office bearers;

(c) any other matter which the Committee may deem appropriate for discussion or of which notice shall have been given in writing by any member to the Secretary at least twenty-eight days before the date of the meeting.

(5) A special general meeting of the Association may be convened by the Chairman or Vice-Chairman for a specific purpose whenever he considers it necessary and after fourteen days' notice in writing has been given to all members.

(6) A special general meeting shall also be convened for a specific purpose upon the written request of the Chairmen of at least three sub-committees, and such meeting be held after fourteen days' notice in writing has been given to all members.

DECLARATION—MAKUENI PRISON

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs, declares that for the purpose of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

An area of land measuring approximately 4.85 hectares situated within Makueni Town Council in Makueni District, Eastern Province, the boundaries of which are fenced and more particularly delineated on the Department of Physical Planning reference No. DPR. 4/89.

DECLARATION—ELDAMA RAVINE PRISON

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

ELDAMA RAVINE PRISON

An area of land measuring approximately 0.81 hectares situated within Eldama Ravine Town Council in Koibatek District, Rift Valley Province, the boundaries of which are fenced and particularly delineated on the Department of the Physical Planning reference No. DPR. 30/79/1A.

DECLARATION—KABARNET PRISON

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

KABARNET PRISON

An area of land measuring approximately 0.72 hectares situated within Kabarnet Municipal Council in Baringo District, Rift Valley Province, the boundaries of which are fenced and particularly delineated on the Department of Physical Planning reference PDPREF: r.b.3/28.17.

DECLARATION—KINGORANI PRISON

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

KINGORANI PRISON

An area of land measuring approximately 1.140 hectares situated within Mombasa Municipal Council in Mombasa District, Coast Province, the boundaries of which are fenced and particularly delineated on the Department of Physical Planning reference No. Plot 53 XIV/MIN.

DECLARATION

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, and in pursuance of a delegation* made under section 38 (1) of the Interpretation and General Provisions Act, the Permanent Secretary, Vice-President's office and Ministry of Home Affairs hereby declares that the area of land described in the Schedule hereto shall be a prison for the purposes of the Act. L.N. 83/1978.

SCHEDULE

An area of land measuring approximately 22.90 hectares comprising L.R. Nos. 714, 716, 717, 718, 719, 729, 721, 748, 1458, and 1459 respectively, situate four and a half kilometres south-east of Embu Town in Githimu Sub-location, Gaturi Location, Embu District, Eastern Province, the land certificates in respect of which have been surrendered to the Registrar of Titles, Nairobi, and the boundaries of which are fenced and more particularly delineated on the Survey Plan, Gaturi/Githimu Sheet Nos. 48, 49, 50, and 51 of the Survey of Kenya 162 cadastral overprint which is signed and deposited in the Survey

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Records Office, Survey of Kenya, Nairobi.

*L.N. 692/1963.

DECLARATION OF PRISON

L.N. 172/1980.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Constitutional and Home Affairs declares that the area of land described in the Schedule shall be a prison for the purposes of the Act.

SCHEDULE

An area of land of approximately 357.75 hectares situated three kilometres south-west of Athi River Town in Kajiado District, Rift Valley Province, bearing Land Registration Number 11834 and the boundaries of which are fenced and more particularly delineated on survey plan, meridional district south A.37/911 d 9 (1.48/4) which is signed and deposited at the Survey Records Office, Survey of Kenya, Nairobi.

Legal Notice No. 264 of 1958 is revoked.

DECLARATION—MALINDI PRISON

L.N. 36/1982.

IN EXERCISE of the powers conferred by section 24 (1) of the Prisons Act, the Vice-President and Minister for Home Affairs declares that the prison buildings at Malindi* in Kilifi District shall cease to be a prison.

* L.N. 721/1961.

DECLARATION—LAMU AND HINDI PRISONS

L.N. 258/1983.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purpose of the Act—

(a) the Prison building at Lamu, in Lamu District, Coast Province* shall cease to be a prison; and

(b) the area of land described in the Schedule shall be a prison.

SCHEDULE

An area of land measuring approximately eight hundred hectares situated five kilometres north of Mukowe in Lamu District, Coast Province, the boundaries of which are fenced and more particularly delineated on the approved Hindi Part Development Plan No. 62921/75A which is signed and deposited in the Records Office of the Commissioner of Lands, Nairobi.

*L.N. 1690/1954.

[Subsidiary]

DECLARATION—EMBU PRISONS

L.N. 113/1985.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purpose of the Act—

- (a) the prison building at Embu + known as the Embu Old Prison, Embu District, Eastern Province, shall cease to be a prison;
- (b) the area of land described in the schedule hereto shall be a prison.

SCHEDULE

An area of land of approximately 36.55 hectares situated four and half kilometres South East Town along Embu-Siakago Road in Githumu Sub-location, Embu District, Eastern Province, the boundaries of which are fenced and more particularly delineated on both Survey of Kenya, 1962 cadastral over print and Embu physical planning Drawing No. 21/78/1 and approved plan No. 76 deposited in the Survey Records Office of the Commissioner of Lands, Nairobi.

DECLARATION—KILIFI PRISON

L.N. 204/1985.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purposes of the Act—

- (a) the Prison building at Kilifi known as the Kilifi Prison,* Kilifi District, Coast Province shall cease to be a prison; and
- (b) the area of land described in the Schedule shall be a prison.

SCHEDULE

An area of land of approximately 37.25 hectares comprising LR 1510/4/R situated within Kilifi Municipality in Kilifi District, Coast Province, the Land Certificate of which has been surrendered to the Commissioner of Lands, Nairobi and the boundaries of which are fenced and more particularly delineated on both Survey Plans No. TP58/1/111/304, Kilifi Approved Plan No. 23, Zone 420 and Drawing No. 134-CT-1-81 of Kilifi Township, deposited in the Survey Records Office, Survey of Kenya, Ardhi House, Nairobi and Lands Office, Mombasa.

*L.N. 721/61.

DECLARATION—RUMURUTI PRISON

L.N. 237/1985.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purposes of the Act the area of land described in the Schedule shall be a prison.

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SCHEDULE

An area of land approximately 41 hectares situated within Rumuruti Township on the road to Maralal in Laikipia District, Rift Valley Province, the Land Certificate of which has been surrendered to the Commissioner of Lands, Nairobi and boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. 172/67/2 approved Development Plan No. 11 of 15th November, 1967.

DECLARATION—GARISSA MEDIUM PRISON

L.N. 294/1991.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

GARISSA MEDIUM PRISON

An area of land approximately 51.6 hectares, situated within 6 kilometres from Garissa Town on the road to Lamu via Hulughu Divisional Headquarters in Garissa District, North-eastern Province, of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. PDP 326-9-06 and allotment letter No. 34826/IX/110 of 9th November, 1990.

L.N. 136/1993.

DECLARATION—MIGORI PRISON

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister of Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule hereto shall be a prison.

SCHEDULE

MIGORI PRISON

An area of land of approximately 20.75 hectares situated within Migori Township opposite the Police and Administration Headquarters in Migori District, Nyanza Province, of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. PDP. 133-69-1 dated 11th June, 1969 and approved on the 30th January, 1970.

DECLARATION—KWALE PRISON

L.N. 333/1993.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule hereto shall be

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a prison.

SCHEDULE

KWALE PRISON

An area of land of approximately 57.47 hectares situated within 4 kilometres from Kwale Town in Kwale District, Coast Province of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference N. PDP. 140-1-CT-2-76, dated 21st June, 1976.

DECLARATION—SIAYA PRISON

L.N. 334/1993.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule hereto shall be a prison.

SCHEDULE

SIAYA PRISON

An area of land approximately 20.75 hectares situated within Siaya Township bordering Farmers Training Centre in Siaya District, Nyanza Province of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. N2/71/1, Plan No.8, dated 12th November, 1971.

DECLARATION—KANGETA PRISON

L.N. 317/1996.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

KANGETA PRISON

An area of land measuring approximately 41.7 hectares situated at Kangeta Trading Center, ½ a kilometer off Maua Meru Road and 7 kilometres from Maua Township in Nyambene District, Eastern Province, the boundaries of which are fenced and particularly delineated on Department of Physical Planning reference No. 3424.

DECLARATION—KAJIADO PRISON

L.N. 138/1999.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, National Heritage, Culture and Social Services declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

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SCHEDULE

KAJIADO PRISON

An area of land measuring approximately 1.82 hectares situated within Kajiado Urban Council, 5 kilometres south of Kajiado Town Centre in Kajiado District, Rift Valley Province, boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. DPP/166/71/1.

DECLARATION—VOI PRISON

L.N. 139/1999.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, National Heritage, Culture and Social Services declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

VOI PRISON

An area of land measuring approximately 25 hectares situated within Voi Town, Taita/Taveta District, Coast Province, the boundaries of which are fenced and more particularly delineated on the Department of Physical Planning reference No. DPD/REF/ITTA.P. 69/64.

VOI PRISON

An area of land measuring approximately 40.5 hectares situated within 4 kilometres from Voi Town Centre, within Voi Township, Taita/Taveta District, Coast Province, the boundaries of which are fenced and more particularly delineated on the Department of Physical Planning reference No. DPD/REF/TTA/64/89/1.

DECLARATION—NAIROBI SHORT SENTENCE PRISON

L.N. 140/1999.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, National Heritage, Culture and Social Services declares that for the purposes of the Act, the buildings described in the Schedule shall be a prison.

SCHEDULE

NAIROBI SHORT SENTENCE PRISON

The buildings attached to Nairobi Remand and Allocation Prison, which were earlier referred to as Nairobi Detention Camp within the compound of

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Nairobi Remand and Allocation Prison in Nairobi Province, the boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. L.R./20655/2.

DECLARATION—TAMBACH PRISON

L.N. 63/2001.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

TAMBACH PRISON

An area of land measuring approximately 0.405 hectares, 11 kilometres from Iten Town Centre, within Tambach Town Council in Keiyo District, Rift Valley Province, the boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. ITN/524/98.

DECLARATION—MAKUENI PRISON

L.N. 85/2004.

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and the Minister for Home Affairs, declares that for the purpose of the Act, the area of land described in the Schedule shall be a prison.

SCHEDULE

MAKUENI PRISON

An area of land measuring approximately 4.85 hectares, situated within Makueni Town Council in Makueni District, Eastern Province, the boundaries of which are fenced and more particularly delineated on the Department of Physical Planning reference No. DPR. 4/89.

