

STATES OF JERSEY ORDER PAPER

Tuesday 16th January 2007

SUPPLEMENTARY

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory notes attached)

Prison (Jersey) Rules 2007. R&O 3/2007.
Minister for Home Affairs.

Pilotage (Dues and Fees) (Jersey) Order 2007. R&O 4/2007.
Chief Minister for the Minister of Economic Development.

C. DOCUMENTS PRESENTED OR LAID

Regulation of Election Expenses: consultation paper. R.2/2007.
Presented: 15th January 2007.
Privileges and Procedures Committee.

The Planning Process. S.R.2/2007.
Presented: 16th January 2007.
Environment Scrutiny Panel.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Employment Tribunal (Amendment) (Jersey) Regulations 200- P.135/2006.
(P.135/2006): amendment. Amd.
Lodged: 16th January 2007.
Minister for Social Security.

Relocation of Jersey Dairy: investigation into alternative sites. P.5/2007.
Lodged: 15th January 2007.
Deputy J.B. Fox of St. Helier.

Social Housing Property Plan 2007–2016. P.6/2007.
Lodged: 16th January 2007.
Minister for Housing.

Draft Criminal Offences (Jersey) Law 200-. P.7/2007.
Lodged: 16th January 2007.
Chief Minister.

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The President of the Chairmen's Committee will make a statement regarding the report on Overdale: The Closure of Leoville and McKinstry Wards (S.R.1/2007).

The Chairman of the Privileges and Procedures Committee will make a statement regarding the Machinery of Government Review.

L. PUBLIC BUSINESS

Members are asked to note that consideration of the following matter has been deferred to 30th January 2007 when it will be considered together with an amendment thereto -

Draft Employment Tribunal (Amendment) (Jersey) Regulations 200-. P.135/2006.
Lodged: 24th October 2006.
Minister for Social Security.

Draft Employment Tribunal (Amendment) (Jersey) Regulations 200- P.135/2006.
(P.135/2006): amendment. Amd.
Lodged: 16th January 2007.
Minister for Social Security.

M.N. DE LA HAYE
Greffier of the States

15th January 2007

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.3/2007

These Rules replace the Prison (Jersey) Rules 1957 and the Young Offender Institution (Jersey) Rules 1994.

Rule 1 is the interpretation provision.

Rule 2 defines “prohibited articles”.

Rules 3 to 8 make provision for the procedures to be followed when a prisoner is received into the prison.

Rules 9 to 12 make provision regarding the accommodation of prisoners.

Rules 13 to 15 make provision regarding clothing worn by prisoners.

Rules 16 and 17 make provision regarding food provided for prisoners.

Rules 18 and 19 make provision regarding a prisoner’s hygiene.

Rules 20 to 26 are concerned with the provision of medical treatment for prisoners.

Rule 27 is concerned with enabling prisoners to maintain contact with family, friends and support agencies.

Rules 28 to 31 are concerned with arrangements for religious observance by prisoners.

Rules 32 to 38 are concerned with the establishment of a scheme of privileges within the prison and prisoners rights in relation to their money and other property.

Rules 39 to 52 are concerned with communications, in particular, a prisoner’s right to send and receive letters, and receive visits.

Rules 53 to 60 are concerned with the provision of work, education, counselling and recreation for prisoners.

Rules 61 and 62 make provision for the treatment of pregnant prisoners and female prisoners with young babies.

Rule 63 continues in force the existing arrangements for the Minister for Home Affairs (the “Minister”) to remit up to one third of a prisoner’s sentence, on grounds of the prisoner’s industry and good conduct.

Rule 64 empowers the Minister to release a prisoner temporarily.

Rules 65 to 79 are concerned with security and control of prisoners.

Rules 65 and 66 state the duty of the Governor and other officers to exercise control.

Rule 67 empowers the Governor to remove a prisoner from association for up to 72 hours and the Minister to extend the period for up to one month.

Rules 68 and 69 prohibit prisoners from keeping certain property within the prison and regulate the keeping of other property.

Rules 70 and 71 empower the Governor to order that a prisoner be placed under restraint for up to 24 hours. The Minister may extend the period of restraint.

Rule 72 empowers the Governor to order the confinement of a prisoner in a special cell for up to 24 hours.

Rules 73 to 75 make provision for the searching of, refusal of entry to, and removal of, persons visiting the prison.

Rule 76 regulates persons viewing the prison.

Rules 77 and 78 make provision regarding searches of prisoners, their property and cells.

Rule 79 is concerned with prisoners in custody whilst outside the prison.

Rules 80 to 97 are concerned with disciplinary matters.

Rule 80 and the Schedule state what constitutes a breach of discipline.

Rules 80 to 85 make provision for the reporting of a suspected breach of discipline, removal of the prisoner from association pending the preparation of the report, require any suspected criminal offence to be referred to the Attorney General and require the Governor to determine whether or not a prisoner is charged with a breach of discipline.

Rule 86 requires the Governor to inquire into a charge, unless the Governor is an interested party to the case. If the Governor is an interested party, another officer must conduct the inquiry.

Rules 87 and 88 establish procedures for inquiring into a charge.

Rule 89 provides a defence to a charge of taking a controlled drug.

Rules 90 to 92 state the punishments that can be imposed by the Governor or other officer inquiring into a charge.

Rule 93 requires the Governor to review a punishment where it is subsequently found that the prisoner was suffering from mental disorder at the time he or she committed the breach of discipline.

Rule 94 makes provision for an appeal against a finding by the Governor or other officer inquiring into a charge.

Rule 95 provides for a finding which is quashed to be expunged from the records.

Rule 96 makes provision for the Governor to restore forfeited remission if a prisoner has demonstrated good conduct for an appropriate period after committing the disciplinary offence.

Rules 97 to 101 state a prisoner's right to see a member of the Board of Visitors or write to the Minister at any time and establish a scheme for prisoners to make complaints, as appropriate, to the Governor, the Medical Officer within the prison or the Minister. The scheme also provides for the referral and review of a complaint where the prisoner is dissatisfied with the decision.

Rules 102 to 105 make provision for the arrangements on the discharge or transfer of a prisoner.

Rules 106 to 112 make provision regarding officers and employees within the prison, in particular, empowering the Governor to delegate functions under the Rules and regulating the conduct of officers and employees.

Rule 113 repeals the Prison (Jersey) Rules 1957, as amended, and the Young Offender Institution (Jersey) Rules 1994.

Rule 114 is the citation and commencement provision.

The *Schedule* lists actions which constitute a breach of discipline.

The Rules were made on 12th January 2007 and come into force on 31st January 2007.

R&O.4/2007

This Order increases pilotage fees by 2.5%. The Order was made on 12th January 2007 and comes into force on 19th January 2007.