

SUBSIDIARY LEGISLATION 260.03**PRISONS REGULATIONS**

1st October, 1995

LEGAL NOTICE 118 of 1995, as amended by Legal Notices 127 of 1997, 14 and 225 of 2000, 58 of 2001, 265, 341 and 423 of 2007, 426 and 435 of 2012, 55 of 201, 15 of 2016 and 122 of 2017.

PART I**Preliminary**

1. The title of these regulations is the Prisons Regulations.

Title.

2. (1) These regulations shall apply to the institution hitherto known as the Corradino Prison and, so far as practicable, to any other place, building or part of a building declared to be a prison under the Prisons Act, and in these regulations the word "prison" shall be construed accordingly:

Application of these regulations and interpretation.
Amended by:
L.N. 15 of 2016.
Cap. 260.

Provided that where a police lock-up has been declared to be a prison, these regulations shall not apply to any person as is referred to in article 4(2)(e) of that Act who is confined in that lock-up.

(2) In these regulations, unless the context otherwise requires -

"Act" means the Prisons Act;

Cap. 260.

"Board" means the Corradino Correctional Facility Monitoring Board referred to in article 8 of the Act;

"cellular confinement" includes solitary confinement as provided in article 9(4) of the Criminal Code;

Cap. 9.

"Director" means the Director of Prisons and includes, to the extent of the authority given, any other public officer authorised in that behalf by such Director with the Minister's approval for that period of time as the Minister decides;

"Minister" means the Minister responsible for the prisons and includes, to the extent of the authority given, any person authorised in that behalf for any purpose of these regulations;

"near relative" means -

- (a) the spouse, or any ascendant, descendant, brother or sister of the prisoner,
- (b) any ascendant, descendant, brother or sister of the prisoner's spouse,
- (c) the spouse of an ascendant, descendant, brother or sister of the prisoner, or
- (d) with the approval of the Minister, any other person with whom the prisoner has had an established relationship prior to his current admission in the prison comparable in significance to those in paragraph (a);

"Secretary" means a member of the Board who shall:

- (a) ensure meetings are effectively organised and minuted;
- (b) maintain effective records and administration;
- (c) maintain effective liaison with the Prison Administration with a view to receiving requests made by prisoners who wish to meet the Board or those who wish to make a complaint to the Board;
- (d) carry out inspections and visits among the prisoners as prescribed by regulation 106(1) together with one member of the Board, as the case may be; and
- (e) have all voting rights similar to any other member, and shall be involved in the decision-making of the Board;

"Tribunal" means the Appeals Tribunal referred to in regulation 79;

"unconvicted prisoner" includes a convicted prisoner where the execution of the sentence has been stayed according to law pending an appeal, as well as any person detained in prison for the purpose of, or pending, his surrender to a foreign state under any law for the time being in force governing extradition.

Basic principles
and treatment
objectives.

3. (1) In the application of these regulations the following basic principles and treatment objectives shall at all times be observed:

- (a) The aim of these regulations is to instill in prisoners a sense of discipline and responsibility and, so far as possible, to enable them to reform their character while undergoing their punishment according to law with the dignity and respect due to the human person, to educate them about the impact of crime on their victims, families and communities, and to improve their prospect of successful resettlement in society after release; and
- (b) The deprivation of liberty, by the keeping of a person in prison, is a punishment in itself and the conditions of that deprivation of liberty and the prison's regime shall not be aggravated except as required for justifiable segregation or the maintenance of security, good order and discipline.

(2) The rules contained in these regulations shall be applied impartially without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social birth, economical or other status.

PART II

Prisoners

General

4. (1) No person shall be confined in a prison without a valid committal document duly signed by an authorised officer of the court or other competent authority giving the sentence or order for such person to be so confined, or, in the case of person arrested for an offence, by a police officer not below the rank of Inspector.

Admission and
release of prisoner.
Amended by:
L.N. 127 of 1997.

(2) The committal document shall be in the form set out in the First Schedule and shall state the particulars required therein.

(3) All committal documents shall be preserved by the Director with the personal records of each prisoner.

(4) The Director shall forthwith inform the Minister of any case in which a person under eighteen years of age is admitted to prison.

(5) The Director shall forthwith inform the Minister of any case in which a prisoner has been detained or kept under arrest in prison for more than forty-eight hours without his being brought before a court.

(6) The prisoner shall be released from prison between nineteen (19) and twenty-two (22) hours of the last day of the expiration of his term of imprisonment.

(7) A destitute prisoner may, on final release from prison, be given a discharge grant which will assist that prisoner to meet immediate needs on release. The amount and method of the grant shall be given in accordance with such general directions as may from time to time be approved by the Minister. In this subregulation "destitute prisoner" means a prisoner who, in the opinion of the Minister, is devoid of the means of maintenance, including the need of food, clothing and lodging.

5. (1) On admission to prison, prisoners shall be assisted, as far as practicable, to resolve their urgent personal problems.

Urgent personal
problems.

(2) On such admission every prisoner shall have the right to inform of his imprisonment, through the Director, his spouse, if he is married, or his nearest relative or any other person indicated by him. If he does not wish to do so no person shall be informed of his imprisonment unless there are over-riding reasons such as the age, state of mind or other incapacity of the prisoner.

(3) Unconvicted prisoners shall be given facilities to contact a legal adviser of their choice and to apply, where necessary, for free legal aid.

6. (1) Every prisoner, on admission to a prison and thereafter whenever deemed necessary, shall be searched in such manner and by such prison officials as the Director deems fit.

Search of
prisoners.

(2) The searching of a prisoner shall be conducted with due regard to decency and self-respect and in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3) A prisoner may be required by the Director to disrobe in order to be searched as provided in subregulation (4). The prisoner may during such search require the presence of another available prison officer.

(4) (a) The Director may order a search, including a visual inspection of body cavities, for the purpose of ascertaining that the prisoner is not carrying any prohibited article.

(b) The Director may in writing order that a digital or instrumental inspection of the prisoner's anal or vaginal cavities for the purpose of ascertaining whether a prisoner is carrying any prohibited article therein, and may likewise order any reasonable test or procedure to ascertain whether a prisoner is carrying anything in any body cavity. Such searches and tests shall be conducted by a member of the Prison Medical Services in the infirmary or other suitable place.

(5) The Director shall keep a register of any search ordered under subregulation (4), indicating therein the prisoner searched and the reasons for ordering the search, as well as the results of such search.

(6) Any search of the person shall be conducted by a prison officer of the same sex, in a private place, and out of sight of others.

Particulars of
prisoner.
Amended by:
L.N. 426 of 2012.

7. (1) A register of every admission into and release from prison and a personal record of each prisoner shall be kept by the Director or any prison officer authorised by him for this purpose.

(2) On admission of a prisoner into prison, the essential details of the committal document together with the prisoner's name, age, height, weight, general appearance, particular marks, if any, nationality and religious denomination shall be immediately recorded in the register of admissions together with other information concerning the identity of the prisoner and the day and hour of his admission.

(3) A prisoner shall on admission be photographed and his fingerprints shall be taken. Thereafter new photographs may be taken as the Director may deem necessary. The said photographs, including the negatives, and fingerprints shall be inserted in the records relating to the prisoner, but shall in the case of an unconvicted prisoner be returned to the prisoner if he is later acquitted.

(4) The register of admissions and other personal records, including the records of the prisoner's property, shall be securely kept in the custody of the Director. Their contents shall not be divulged to any person except with the consent of the prisoner himself, or on the order of the Attorney General or of a court, or with the authorisation of the Minister, or in fulfilment of any international obligation assumed by the Government of Malta.

(5) A prisoner may, either on his admission or at any time thereafter, be interviewed by the Director on matters relating to his

family and social or educational background, including his occupation, particularly with a view to the achievement of the treatment objectives of the prison regime and the drawing up of the prisoner's training programme, but no question may be put to the prisoner by the Director or by any prison officer relating to the commission of any offence, other than an offence against discipline under these regulations.

(6) For the purposes of regulation 2 and regulation 61(1)(a), (b) and (c), the prisoner shall indicate at the time of admission into the prison, on a form approved by the Director, the details relating to his near relatives, which details shall include their names, addresses, and nature of relationship, and, if available, their legally valid identification document numbers and telephone numbers. Claims by the prisoner to have an established relationship with a person, other than his spouse, ascendant, descendant, brother or sister, comparable in significance with those of the nature of a near relative, shall be made through a sworn confirmation of such relationship by the prisoner. Notwithstanding such claims, the Minister may order that investigations be carried out by trusted persons into such relationships in order to further verify and establish the nature and strength of the bond between the prisoner and that other person.

8. (1) An unconvicted prisoner may keep, if he has them with him on his admission to prison, or have supplied to him at his expense and retain for his own use, books, newspapers, writing materials and other means of occupation, unless this is objectionable to the Director on the grounds that they are not compatible with the interest of the administration of justice or the security or good order of the prison.

Prisoner's
property.
Amended by:
L.N. 15 of 2016.

(2) Any money or other effects in the possession of a prisoner which are connected or reasonable suspected to be connected with an offence shall be handed over by the Director to the Police to be dealt with according to law. If any other effects in the possession of a prisoner are of a perishable or dangerous nature they shall, on the order of the Director, be destroyed. If a prisoner brings into the prison any medicines the Director shall decide what use shall be made of them after obtaining the advice of the Medical Officer.

(3) Anything, other than money, not falling under the preceding subregulations, whether brought by the prisoner himself or sent or brought to him for his use while in prison, which the prisoner is, for any reason, not allowed to retain by the Director, shall be withdrawn from him by the Director and shall be recorded in the prisoners' effects inventory which the prisoner shall be required to sign after being given a proper opportunity to see that it is correct. Such property shall be kept for the prisoner in the custody of the Director until the prisoner's release.

(4) Any money which a prisoner is not allowed to retain by the Director, whether brought by the prisoner or sent or brought to him at the prison, shall be paid into an account under the control of the Director and the prisoner shall be credited with the amount in the books of the prison until his release.

(5) If a prisoner requests that any money or property falling

under subregulations (1), (3) or (4) be handed over to a relative or friend, the Director shall give effect to such a request against a receipt by the said relative or friend, provided that the said relative or friend is not a prisoner.

(6) The prisoner shall be given a receipt for any money and effects withdrawn from him and shall give a receipt to the Director when they are returned to him.

(7) Any article belonging to a prisoner which remains unclaimed for a period of more than two years after he leaves prison or dies while in prison may be disposed of in favour of any appropriate after-care organisation or victims fund approved by the Director.

(8) The Director may confiscate any unauthorised article found in the possession of a prisoner.

Notification of death, illness, transfer, etc. Cap. 9.

9. (1) Without prejudice to the provisions of article 551(2) of the Criminal Code, if a prisoner dies, becomes seriously ill, or sustains any serious injury, the Director shall at once inform any person previously designated by the prisoner for such purpose.

(2) A prisoner shall be informed at once of the death or serious illness or injury of any near relative.

Removal of prisoners.

10. (1) A prisoner required to be taken in custody anywhere outside a prison shall be kept in the custody of prison or police officers.

(2) A prisoner required to be taken in custody to any court shall be allowed to wear his own clothing or clothing different from the dress worn at the prison.

(3) The transport of prisoners, in conveyances with inadequate ventilation or light, or which may in any way subject them to unnecessary physical hardship or indignity, shall be prohibited.

(4) When prisoners are being moved to or from a prison or from one prison to another, proper safeguards shall be adopted to protect them from insult and curiosity.

Reports, information and training programme. Amended by: L.N. 127 of 1997; L.N. 15 of 2016.

11. (1) As soon as possible after admission -

(a) full reports shall be compiled and relevant information shall be collected about the personal situation of a prisoner including his family life and his educational background; and

(b) in appropriate cases and in respect of prisoners with a sentence of suitable length, a training programme in preparation for ultimate release may be drawn up in consultation, so far as possible, with the relevant staff and the prisoner himself and consistently with the aims listed in regulation 3(1) and the management needs of the prison.

(2) The training programmes shall provide for the instruction of prisoners in such subjects and trades as may be within the resources of the prison and for their physical education according to their age, personality and general background.

(3) The said reports and information shall always include reports by the Medical Officer and the personnel in direct charge of the prisoner concerned.

(4) The reports and information concerning prisoners shall be maintained with due regard to confidentiality on an individual basis, shall be regularly kept up to date and shall be accessible only to authorised persons.

12. (1) In allocating prisoners to different prisons, or to different sections or divisions of a prison, or to different prison regimes, due account shall be taken of their judicial and legal situation and due distinction shall be made, as far as practicable, between the following:

Allocation,
classification and
separation of
prisoners.
*Amended by:
L.N. 127 of 1997.*

- (a) male and female prisoners;
- (b) unconvicted and convicted prisoners;
- (c) prisoners sentenced to detention and other prisoners;
- (d) prisoners under twenty-one years of age and prisoners over that age;
- (e) prisoners sentenced to imprisonment for the first time and those sentenced more than once; and
- (f) short-term and long-term prisoners.

(2) Due regard shall also be had to any special requirements of the training programmes drawn up for prisoners and of their medical needs.

(3) Male and female prisoners shall, as far as possible, be kept in separate prisons staffed, except for the Director, the Assistant Director and the Chaplain, by prison officers of the same sex as the prisoners. If the prison receives both male and female prisoners the provisions of subregulation (7) shall apply.

(4) Prisoners under twenty-one years of age shall be kept under conditions which take account of the needs of their age and protect them from harmful influences.

(5) As far as it can reasonably be done -

- (a) unconvicted prisoners and prisoners sentenced to detention shall be kept out of contact with other prisoners;
- (b) prisoners who by reason of their criminal record or their personality may exercise a harmful influence shall be kept separate from, and out of contact with other prisoners; and
- (c) prisoners sentenced to more than one year imprisonment shall be kept separate from those undergoing shorter sentences.

(6) Nothing in this regulation shall require a prisoner to be deprived unduly of the society of other persons or prevent prisoners who are to be kept separate from, or out of contact with, others, from taking part, under supervision, in organised activities beneficial to prisoners forming part of an authorised training

programme.

(7) If the prison receives both male and female prisoners the whole of the premises allocated to either sex shall be kept entirely separate and have a separate entrance and exit. If there is an intercommunicating door the key shall be kept in the exclusive possession of the Director and, when he is not present, in the possession of an officer authorised by him. Admissions, searches, medical examinations and interviews or other procedures required or permitted under these regulations shall take place in the section of the prison allocated to the prisoner concerned according to sex, and any medical attention needed shall be given in the same section.

System of
privileges.

13. (1) There shall be established, with the approval of the Minister, a system of privileges appropriate to the different methods of treatment and to the different classes of prisoners, including unconvicted prisoners. Such privileges shall include arrangements and limitations under which prisoners may purchase in prison articles permitted by the Director to be sold therein, and under which they may keep a personal radio or other particular objects in their cell.

(2) Any privilege may be withdrawn by the Director at any time without the need of assigning any reason and may also be forfeited as a punishment for a disciplinary offence as provided in regulation 78.

(3) A right given directly to prisoners by these regulations shall not be treated as a privilege granted by the Director by virtue of the powers delegated under this regulation, and may be forfeited, stopped or postponed only as a punishment for an offence against discipline in so far as such punishment is contemplated under these regulations.

Remission of
sentence.
Amended by:
L.N. 127 of 1997.

14. (*Deleted by L.N. 435 of 2012.*)

Prison timetable
and routine.

15. (1) The Director shall establish a timetable setting out the routine to be followed by prisoners during each day of the week, including the hours reserved for work, meals, study, exercise and recreation.

(2) The timetable shall distinguish clearly between the working days of the prison and Sundays, public holidays and other days and hours during which work is not carried out in prison. The timetable shall also clearly indicate the time of opening and locking of cells, distinguishing between the summer and winter months, and allowing an extra hour before locking up for the summer months. Such timetable shall also comply with the provisions of regulation 28.

Information to
prisoners.

16. (1) Every prisoner shall be provided, as soon as possible after his admission into prison with information, in printed or other suitable form, about those provisions of these regulations and other matters which it is necessary that he should know in order to understand his rights and obligations and to adapt to the life of the institution, including, particularly, disciplinary requirements and

the prison timetable.

(2) Prisoners who are foreign nationals and to whom a treaty or arrangement between Malta and their country regarding the transfer of sentenced persons may apply shall, as soon as possible after conviction, be provided with the necessary information about the substance of that treaty or arrangement.

17. (1) Every request by a prisoner to see the Director, the Board or a member thereof, and any complaint made by a prisoner, shall be recorded by the prison officer to whom it is made and promptly passed on to the Director.

Requests,
complaints and
petitions.
Amended by:
L.N. 15 of 2016.

(2) The Director shall, without undue delay, see prisoners who have asked to see him and take cognizance of any request or complaint made to him.

(3) Where a prisoner has asked to see the Board, or a member thereof, the Director shall ensure that the Secretary of the Board is informed of the request within a reasonable time.

(4) Prison officers in direct contact with prisoners, shall, at their request, supply prisoners with an appropriate form approved by the Director for the purpose of making requests, complaints or petitions. Prisoners may, however, submit any request, complaint or petition in any other proper written form and even verbally.

18. (1) If a prisoner so requests the Director may interview him without any other person being present.

Confidentiality.
Amended by:
L.N. 15 of 2016.

(2) If a prisoner requests an interview with the Board, the Secretary and any two other members thereof may interview him without the Director or any other person being present.

(3) Every prisoner shall be allowed to make a request or complaint to the Director, to the Board or to the Minister, or to petition the President of Malta, or to an internationally recognised human rights body, under confidential cover.

(4) Every request, complaint or petition of a prisoner shall be dealt with and replied to without undue delay.

Physical welfare and work

19. (1) Where accommodation is shared it shall be occupied by prisoners suitable to associate with each other in those conditions.

Accommodation
for prisoners.
Substituted by:
L.N. 15 of 2016.

(2) The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being had to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting and ventilation. Such accommodation shall also allow the prisoner to communicate at any time with a prison officer.

20. In all places where prisoners are required to live or work -

Lighting.

(a) the windows shall be such as to enable the prisoners to read or work by natural light in normal conditions and shall be so constructed that they can allow the entrance of fresh air, and shall, with due regard to security requirements, present in their size, location and

construction as normal an appearance as possible;

- (b) artificial light shall satisfy recognised technical standards and, as regards the cells, shall be capable of being dimmed at night in such a way as to permit supervision.

Bedding. **21.** Every prisoner shall be provided with a separate bed and separate bedding appropriate for warmth and health, which shall be kept in good order and changed often enough to ensure its cleanliness in accordance with the orders of the Director.

Clothing. **22.** (1) (a) The Minister may direct that sentenced prisoners be provided with an outfit of clothing that may be of a uniform type or of a civilian type, suitable for the climate and adequate to keep them in good health.

(b) The Minister may prescribe different types of clothing for different classes of prisoners.

(c) In such case, and subject to the provisions of regulation 10(2), they shall wear no clothing except that provided to them under this regulation. Such clothing shall in no manner be degrading or humiliating.

(2) (a) Unconvicted prisoners shall be allowed to wear their own clothing provided it is clean and suitable.

(b) Prisoners who do not avail themselves of this facility, shall be supplied with suitable clothing.

(c) If they have no suitable clothing of their own, unconvicted prisoners shall be provided with civilian clothing in good condition in which to appear in court or on prison leave.

(3) All clothing shall be clean and kept in neat and proper condition and shall be changed and washed as often as necessary for the maintenance of hygiene in accordance with the orders of the Director.

(4) When prisoners have permission to go outside the prison, they may be allowed to wear their own clothing or other inconspicuous clothing.

(5) On the admission of prisoners adequate arrangements shall be made to ensure that their personal clothes are kept in good condition and are returned to them on their release, unless it has been found necessary to destroy or otherwise dispose of them, in which case suitable alternative clothing shall be provided.

(6) The clothing provided under this regulation shall include suitable protective clothing for use at work, where this is needed.

(7) In this regulation "clothing" includes footwear.

Personal
cleanliness and
prison hygiene.

23. (1) Prisoners shall be required to keep their persons clean, and to this end they shall be provided with such toilet articles as are needed for health and cleanliness, which articles shall be replaced as necessary.

(2) Adequate bathing and showering installations shall be provided so that every prisoner may be enabled and, unless

otherwise directed by the medical officer, required to have a bath or shower, at a temperature suitable to the climate, on admission, and thereafter as frequently as the Director or the Medical Officer may deem necessary for general hygiene, according to the season but in any case at least once a week.

(3) Each cell shall be provided with a washhand basin with running water and with a toilet. If there is no flushing equipment each prisoner shall be allowed to have a sufficient quantity of water for keeping the toilet clean.

(4) Proper toilet facilities shall also be provided in other parts of the prison.

(5) All parts of the prison shall be properly maintained and kept scrupulously clean at all times by prisoners detailed to such service by the Director.

(6) Prisoners shall keep their cells and the articles issued for their use clean and neatly arranged and shall obey all such orders as may be given by the Director for this purpose.

24. (1) Male prisoners shall be required, unless excepted or excused by the Director or the Medical Officer, to shave daily.

Personal appearance.

(2) Male prisoners, not excepted or excused by the Director or the Medical Officer, shall have their hair cut as frequently as necessary for neatness but, subject to the need for maintenance of appropriate discipline and hygienic standards, they shall be allowed a reasonable choice selection of their own hairstyles and personal grooming provided that unconvicted prisoners and prisoners sentenced to detention shall not be required to have their hair cut or any beard or moustache usually worn by them shaved off except where the Medical Officer directs this to be done for the sake of health or cleanliness.

(3) The Director shall engage a suitably trained person to carry out the duties of barber.

(4) A woman prisoner's hair shall not be cut without her consent except where the Medical Officer certifies in writing that this is necessary for the sake of health or cleanliness.

25. (1) Prisoners sentenced to imprisonment shall be provided at the normal times with food which is suitably prepared and presented, and satisfies in quality and quantity modern standards of diet and hygiene, and which takes into account the age, sex, and health of the prisoners, the nature of their work and so far as possible, their religious or cultural requirements.

Provision of food to prisoners.

(2) The Director shall regularly inspect food provided to the prisoners and shall ensure that no prisoner shall be given food which is less than or different from that which is ordinarily provided, except upon the written recommendation of the Medical Officer.

(3) The provisions of this regulation shall also apply to unconvicted prisoners and prisoners sentenced to detention, provided that the Director may establish a system under which such prisoners may be supplied with reasonable amount of food at their

own expense or at the expense of their family. In no case can such food be passed to other prisoners without the permission of the Director.

(4) No prisoner sentenced to imprisonment shall be allowed, except as authorised by the Director or by the Medical Officer, to have any food other than that ordinarily provided.

(5) In this regulation "food" includes drinking water.

Refusal of food.
Amended by:
L.N. 15 of 2016.

26. (1) On every occasion on which a prisoner refuses his food the occurrence shall be recorded in writing by a prison officer in a special register to be kept for the purpose and the prisoner shall be asked to countersign each entry of any such occurrence. During any period of refusal of food by any prisoner the book shall be inspected and signed daily by the Director and the Medical Officer.

(2) If the refusal of food lasts for more than twenty-four hours, the Director and the Medical Officer shall seek to persuade the prisoner, without the use of force or other means of constraint, to resume eating, and if he persists in such refusal for a further period of more than forty-eight hours, they shall inform a member of his family or a relative, if known, and in the case of any foreign national who is not known to have any relative in Malta, the diplomatic or consular representative of his country, if any, in Malta.

(3) In the carrying out of the duties under the last preceding sub-regulation, the Director and the Medical Officer shall, if the refusal of food persists beyond forty-eight hours, also seek the assistance of a competent professional or any other official who attends to welfare duties at the prison.

Alcohol and
tobacco.

27. (1) No prisoner shall be allowed to have any intoxicating liquor except under a written order of the Medical Officer specifying the quantity and the name of the prisoner.

(2) No prisoner shall be allowed to smoke or to have any tobacco except as a privilege under regulation 13 and in accordance with any orders of the Director.

(3) The Director may designate certain areas of the prison as no-smoking areas.

(4) No person shall smoke in a no-smoking area.

Exercise and sport.

28. (1) Prisoners not engaged in outdoor work shall be given exercise in the open air for not less than a total of one hour, each day, if weather permits:

Provided that exercise consisting of physical training may be given indoors instead of in the open air.

(2) The Director may in exceptional circumstances authorise reduction of the period aforesaid.

(3) The Medical Officer shall decide on the fitness of every prisoner for exercise and physical training, and may excuse a prisoner from, or modify, any such activity on medical grounds. Special arrangements shall be made for remedial physical education and therapy for those prisoners who need it.

29. (1) Subject to the following provisions of this regulation, prisoners sentenced to imprisonment shall be required, subject to the needs of security, discipline and good order, to do useful work for not more than fifty hours a week in accordance with the treatment objectives of the prison regime and their training programme, regard being had to their age, sex, fitness and, so far as practicable, their personal skills and wishes in relation to the type of work available at the prison. Arrangements shall be made to allow prisoners to work, where possible, outside the cells, and in association with one another. No unnecessary work shall be required to be done on Sundays and public holidays.

Work.

(2) No work shall be of an afflictive nature.

(3) The Medical Officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to do work which is not of a kind for which he has been passed by the Medical Officer as being fit.

(4) Except as may be authorised in writing by the Minister, no prisoner shall work in the service of another prisoner or a prison officer, or for the private benefit of any person.

(5) Unconvicted prisoners and prisoners sentenced to detention shall be permitted, if they so wish, to work as if they were sentenced to imprisonment.

(6) Prisoners shall be remunerated for their work at such rates as may be approved by the Minister.

(7) The Minister may establish a system whereby a prisoner is required to allocate such earnings for the following purposes:

- (a) support for his family,
- (b) compensation for victims of crime,
- (c) a savings fund to be handed to him on his release, and
- (d) the prisoner's personal requirements.

(8) The work performed in prison shall, so far as possible, be carried out under conditions comparable to similar work outside the prison. Due safety and health precautions shall be ensured by the Director.

30. (1) A prisoner, whether required or permitted to work, who is exempted from work by the Medical Officer on health grounds or who for any reason permitted under these regulations, other than as a consequence of a punishment for an offence against discipline, is not given work by the Director, shall receive such weekly allowance as the Minister may direct.

Prisoners exempted from work.

(2) Regulation 29(7) shall apply to the allowance received under this regulation.

Medical Service

31. (1) A prison medical service shall be organised in consultation with the Minister responsible for health and shall include the services of registered medical practitioners who shall have the care of the health of prisoners. These services shall include daily visits to the prison for such number of hours as the

Medical service.

proper carrying out of their duties may require and for on call duties at all other times of the day or night.

(2) The Director shall designate one of the medical practitioners as the Medical Officer of the Prison. Such officer shall be responsible for the co-ordination and management of the prison medical service.

(3) The prison medical service shall provide for specialised services from among those available without charge to the community outside prison for diagnosis and in proper cases, the treatment of any illness, whether physical or mental, or of drug abuse or addiction. It shall be the duty of the Medical Officer to make use of such services whenever advisable.

(4) The services of a qualified dental surgeon who forms part of the dental services available without charge to the community outside prison, shall also be available at least once a week at the prison.

(5) There shall be kept at the prison a properly equipped infirmary for the care of any prisoner who, in the opinion of the medical practitioner in charge, does not require hospitalisation outside prison but should not be kept in his cell. The Director shall engage the services of a pharmacist and of the required qualified nursing and paramedical personnel. Such services shall be attached to the infirmary, under the direction of the Medical Officer. Separate arrangements shall be made for male and female prisoners.

(6) Sick prisoners who, in the opinion of the medical practitioner in charge, need treatment outside prison shall be transferred to a specialised institution or to a general hospital, as the case may require, subject to the provisions of any law relating to mental health and to admission to a mental institution.

(7) The Medical Officer shall inform the Director if he suspects any prisoner of having suicidal intentions, and such prisoner shall be placed under special observation.

General medical care.

32. (1) The Medical Officer shall ensure the care of the physical and mental health of the prisoners and shall also ensure that medical doctors see, under proper conditions and with such frequency as is reasonably required, all sick prisoners, those who report illness or injury, and any prisoner who may require medical attention.

(2) The Director shall ensure that the name of every prisoner who requests medical attention is entered in a register to be kept for the purpose and that such register is inspected and signed by the Medical Officer daily.

(3) (a) The Medical Officer shall report to the Director whenever he considers that a prisoner's physical or mental health has been or will be adversely affected by continued imprisonment or by any condition of imprisonment.

(b) If any prisoner is found to have any infectious or contagious disease, a report thereof shall be made

forthwith to the Director by the Medical Officer, under whose direction steps shall be taken to treat the condition and to prevent its transmission to others.

(4) Prison officers shall direct the Medical Officer's attention to any prisoner who may appear not to be in good health although not complaining of sickness or whose state of mind may appear deserving of special notice and care.

33. (1) (a) Every prisoner shall, as soon as possible after admission, and prior to his release, be separately examined by a medical practitioner of the prison medical services. A record is to be entered of the state of health of the prisoner and other necessary particulars in a register kept for the purpose.

Medical examinations.

(b) When a prisoner is admitted 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 admission:

Provided that the Director shall ensure that a prisoner is immediately examined upon his admission by the Medical Officer if the prisoner himself so requests or if such examination is ordered by the Attorney General or by any court.

(2) A prisoner shall not be removed to another prison if the Medical Officer certifies that he is not fit for such removal.

(3) The medical practitioner on duty shall inform the Director and the prisoner's religious representative when the sickness or condition of any prisoner appears to him to give rise to the possibility of loss of life.

(4) The medical practitioner on duty shall also attend to the needs of any prison officer who, while on duty, appears to be in need of medical attention.

34. (1) The Medical Officer shall regularly advise the Director on:

Other duties of Medical Officer.

- (a) the quantity, quality, preparation and serving of food and water;
- (b) the hygiene and cleanliness of the prison and prisoners;
- (c) the sanitation, heating, lighting, and ventilation of the prison; and
- (d) the suitability and cleanliness of the prisoners' clothing and bedding.

(2) The Medical Officer shall at least once every six months make a report to the Director on the health of the prisoners and on the general sanitation of the prison.

35. The Director shall consider the reports and advice submitted by the Medical Officer under the foregoing regulation and, when in concurrence with the advice given, shall take immediate steps to give effect to it. If he does not concur with it he

Consideration of Medical Officer's reports and advice.

	shall immediately submit a personal report and the advice of the Medical Officer to the Minister.
Prohibition of experiments and operations.	<p>36. (1) Prisoners may not be submitted to any medical experiments.</p> <p>(2) No serious operation shall be performed in prison except by, or with the advice of, a consultant surgeon unless the urgency of the circumstances otherwise requires.</p>
Medical services and re-settlement.	<p>37. The medical services of the prison shall seek to detect and shall treat any physical or mental illness or defect or drug-related condition which may affect a prisoner's well being in prison or which may impede a prisoner's re-settlement after release. All necessary medical, surgical and psychiatric services available without charge to the community outside prison shall also be provided to the prisoner.</p>
Infants.	<p>38. (1) In the case of female prisoners with child, arrangements shall be made for prenatal care and for their transfer to a hospital for their confinement and the delivery of the child.</p> <p>(2) The child of a female prisoner may be received and kept in the prison in order to be taken care of by the said prisoner until the child is one year old. Arrangements shall be made for the proper care and safety of a child kept in prison whenever the child is not in the care of the mother.</p> <p>(3) No child older than one year shall be kept in prison unless the Director is satisfied that there are special reasons justifying a longer period.</p> <p>(4) If a child is born in prison the fact that the child is born therein shall not be mentioned in the act of birth and only the name of the locality within which the prison is sited shall be mentioned.</p>
Medical records.	<p>39. (1) The Medical Officer shall ensure that the prison medical service keeps proper medical records for each prisoner, and such other records as may be necessary including the times of attendance of medical practitioners, all examinations, inspections and visits carried out, all prescriptions and orders issued, any advice given to the Director relating to any prisoner or prison officer. The stocks of medicines and medical equipment, and generally of all matters relevant to the performance of the duties pertaining to the prison medical service.</p> <p>(2) All records under this regulation shall be kept in the prison and shall be accessible, subject to their confidentiality, to the Minister, the Director, the Board and to any properly authorised person:</p> <p>Provided that as regards the medical records of prisoners the provisions of regulation 7(4) shall, <i>mutatis mutandis</i>, apply.</p>
Cap. 9.	<p>(3) In the event of the death of any prisoner the Medical Officer shall, without prejudice to the provisions of article 551(2) of the Criminal Code, enter into a special register to be kept by him all the necessary details concerning the death, the date, time and nature of any antecedent illness or injury, and the result of the autopsy carried out according to law.</p>

Religious and moral assistance

- 40.** So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and to have in his possession any necessary books or literature. Satisfaction of religious needs.
- 41.** (1) On his admission, a prisoner shall declare to the Director the religion or the religious denomination to which he belongs, and such declaration shall be recorded in the register of admission. Religious denomination.
- (2) The prisoner's declaration shall be amended by the Director, if so requested by the prisoner, unless such a request is frivolously made. In such a case the prisoner shall be counselled on the issue.
- 42.** (1) There shall be appointed a Prison Chaplain to cater and minister for the religious needs of prisoners belonging to the Roman Catholic Church. Prison Chaplain and other religious representatives.
- (2) If there is in the prison a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or arrangements shall be made with a qualified representative.
- 43.** (1) A religious representative appointed or approved under regulation 42 shall be allowed to hold regular services and activities and to pay pastoral visits in private to prisoners of his religion at such times as may be fixed by, or agreed with, the Director. Access to religious representatives.
- (2) Reasonable access to a religious representative shall not be refused to a prisoner during such times as may be fixed or agreed to by the Director. If any prisoner should object to a visit of any religious representative, the prisoner shall be allowed to refuse it.
- 44.** Arrangements shall be made so as not to require prisoners to do any unnecessary work on their recognised days of religious observance. Work on Sundays or days of religious observance.
- 45.** (1) The Prison Chaplain shall say Holy Mass daily at such time as shall be fixed by the Director, for prisoners belonging to the Roman Catholic Church and shall generally minister to the other religious needs of such prisoners, giving them instruction at such time as shall be fixed by the Director and conferring with the Director on any matter connected with their welfare. He shall also pay special attention to young prisoners and habitual offenders, sick prisoners, prisoners with personal or family difficulties, and prisoners under restraint or undergoing cellular confinement. Whenever the Prison Chaplain is unable to attend to his duties, such duties shall be performed by another priest of the same religious denomination as approved by the Director. Special duties of Prison Chaplain and other religious representatives.
- (2) The religious representative provided for in regulation 42 shall interview every prisoner of that religion individually soon after the prisoner's admission and shortly before his release.
- (3) The religious representative shall also visit as frequently as necessary all prisoners of that religion who are sick, under restraint

or undergoing cellular confinement, and shall visit all other prisoners of that religion regularly at proper times fixed or agreed to by the Director.

Education, social welfare and contacts with the outside world

Education.
Amended by:
L.N. 15 of 2016.

46. (1) Educational and training facilities shall be maintained by the Director in accordance with such directions as the Minister may give after consulting the Director, the Board, the Ministry of Education and, or any other professional/s versed in the field of education and training.

(2) In the provision of educational facilities as aforesaid special attention shall be given to the education of young prisoners and of illiterate prisoners.

(3) Every prisoner able to profit from the educational facilities available at the prison shall be encouraged to do so. The pursuit of education by a prisoner shall be regarded as an activity of the prison regime, attracting the same status within that regime as work, provided that it takes place in the normal working hours and is part of an authorised individual training programme.

(4) Programmes of spare-time education shall also be arranged at the prison and, subject to any directions of the Minister, reasonable facilities shall be afforded to prisoners who wish to do so, to improve their education by correspondence and private study, or to practice handicrafts, during their spare time.

Library.

47. An adequately stocked library containing books and periodicals of a suitable instructional and recreational range shall be provided at the prison and, subject to any directions of the Director, every prisoner shall be allowed to have library books and periodicals and to exchange them. The library shall, as far as practicable be organised in co-operation with public and community library services.

Information
through press and
media.

48. The Director shall, subject to the need of maintaining good order and discipline, afford prisoners reasonable opportunity to keep themselves informed of the news by reading newspapers and periodicals, by radio and television, by lectures or by any similar means authorised or controlled by the prison administration.

Prohibition of
certain measures
before conviction.

49. No measures shall be taken implying that rehabilitation is in any way appropriate to an unconvicted prisoner. Nevertheless an unconvicted prisoner may, subject to the other provisions of these regulations, participate in such activities as are useful for his education or generally.

Encouragement of
outside contacts.

50. Subject to the other provisions of these regulations and to any directions given by the Minister, generally for the needs of treatment, discipline and good order, after hearing the advice of the Director, prisoners shall be encouraged as much as possible to establish and maintain such relations with their families as are desirable in the best interests of both, as well as such relations with persons and organisations outside prison as may best promote the interests of the prisoners' families and the prisoners' own social rehabilitation.

51. (1) Except as provided by these regulations, every letter and communication to or from a prisoner may be read or examined by the Director or a prison officer deputed by him, and the Director may stop any letter or communication if its contents are objectionable or if it is of inordinate length. Letters and visits generally.

(2) Every visit to a prisoner shall take place within the sight of a prison officer.

(3) Visits to a prisoner may, with the consent of the Director, take place within the hearing of a prison officer.

(4) No object may be handed over to a prisoner during any visit without the approval of the Director.

(5) The Minister may give directions, generally or in relation to any visit or class of visits, concerning the days, times, duration and any other condition of visits to prisoners.

52. (1) Subject to the provisions of subregulation (11), an unconvicted prisoner may send and receive as many letters and may receive as many visits within such limits and subject to such conditions, as the Minister may direct, either generally, or in particular cases. Letters and visits.

(2) A convicted prisoner shall be entitled:

(a) to send and receive a letter on his admission to prison and thereafter once a week; and

(b) to receive a visit once a week.

(3) The Director may allow a prisoner to send or receive an additional letter or visit where necessary for his welfare or that of his family.

(4) The Director may allow a prisoner entitled to a visit to send and receive a letter instead.

(5) The Director may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(6) A prisoner shall not be entitled under this regulation to receive a visit from any person other than those as are referred to in regulation 50 except with the leave of the Minister.

(7) Subject to any direction of the Minister under regulation 51(5), the duration of any visit and the number of visitors in respect of any particular visit shall be established by the Director according to the needs of security, discipline and good order.

(8) Visits, other than those referred to in regulations 53 and 54, shall take place in the room or rooms designated for such purpose by the Director who may also permit visits to take place outside such rooms on special grounds and under appropriate supervision.

(9) A full record shall be kept in an appropriate register of all visits to prisoners and such record shall include the date and time of the visits and particulars relating to the identity of the visitor.

(10) Letters and visits under regulations 53, 54 and 55 or from a representative of any such organisation outside prison as is referred to in regulation 50 shall not be counted as letters or visits for the

purposes of this regulation.

(11) The foregoing provisions of this regulation and the provisions of regulation 53(2) and (3) shall be subject and without prejudice to the provisions of article 408, article 431(2) and article 437 of the Criminal Code.

Cap. 9.

Visits by legal advisers.

53. (1) The legal adviser of a prisoner in any judicial proceedings, civil or criminal, to which the prisoner is a party shall be afforded reasonable facilities for interviewing the said prisoner in connection with those proceedings.

(2) With the permission of the Director, the legal adviser of a prisoner may interview him in connection with legal matters other than those referred to in the foregoing subregulation.

(3) With the permission of the Director, a notary public may interview a prisoner in connection with the drawing up and signature of any public deed or private writing to which the prisoner is a party.

(4) The interviews referred to in the foregoing subregulations shall be conducted out of hearing but in the sight of a prison officer.

(5) Visits under this regulation shall take place in a room different from the room or rooms where visits referred to in regulation 52 are held, but shall also be recorded in the register of visits under subregulation (9) of that regulation.

Further facilities in connection with legal proceedings.

54. (1) A prisoner who is a party to any legal or judicial proceedings may correspond with his legal adviser in connection with those proceedings and, unless the Director has reason to suspect that any such correspondence contains matter not relating to the proceedings, the said correspondence shall not be read or stopped under regulation 51(1).

(2) A prisoner shall on request be provided with writing material for the purposes of the foregoing subregulation and of subregulation (4).

(3) A registered medical practitioner selected by or on behalf of such prisoner in connection with such proceedings shall be afforded reasonable facilities for examining him, and may do so out of hearing but in the sight of a prison officer including the Medical Officer.

(4) A prisoner may correspond with an advocate or legal procurator for the purpose of obtaining legal advice on matters other than those referred to in subregulation (1).

Interviews by police or prison officers.

55. (1) A police officer may request to visit a prisoner for purposes of identification or investigation in connection with a criminal prison offence (other than the offence in respect of which the prisoner is awaiting trial) upon production of an order to that effect from the Commissioner of Police.

(2) No prison officer shall interrogate a prisoner with regard to any criminal offence unless such offence constitutes an offence against discipline under these regulations.

Securing release.

56. A person detained in prison for any of the following

reasons, that is to say -

- (a) in default of finding security or surety for his temporary release on bail or for the purposes of article 384 or article 416(1) of the Criminal Code; Cap. 9.
- (b) for failing to enter into his own recognisance when so required by a competent court according to law;
- (c) for non-payment of the sum in which he bound himself as provided in subarticle of article 586(1) of the Criminal Code;
- (d) in default of payment of costs as provided in article 533(2) of the Criminal Code; or
- (e) in default of payment of a fine (multa), a fine (ammenda) or any other pecuniary penalty

may communicate with, and be visited at any reasonable time by, any relative or friend for the purpose of securing his release according to

57. (1) Prisoners who are foreign nationals shall be informed, without delay, of their right to request contact and to be allowed reasonable facilities to communicate with the diplomatic or consular representative of the state to which they belong. Foreign nationals.

(2) The prison administration shall cooperate fully with such representatives in the interests of foreign nationals in prison who may have special needs.

(3) Prisoners who are nationals of states without diplomatic or consular representation in Malta or who are refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic or consular representative of the state which takes charge of their interests or with any national or international authority whose task it is to serve the interests of such persons.

58. (1) Every person about to visit a prisoner shall reveal his identity to the responsible prison officer. Identification and powers of search of visitors.

(2) The Director may order the search of any person about to visit a prisoner. Such search shall be carried out by a prison officer of the same sex as the visitor and shall be recorded in the register mentioned in regulation 52(9).

(3) Any person who refuses to reveal his identity or comply with an order of the Director under subregulation (2) shall be refused permission to carry out the visit.

(4) All cases in which a visit is refused under the foregoing subregulation shall be recorded in the register mentioned in regulation 52(9).

59. (1) Telephone calls by prisoners shall be subject to the needs of security, discipline and good order of the prison and shall be considered as a privilege in terms of regulation 13. All telephones within the Prisons shall be equipped for monitoring and recording of conversations, and the Director may authorise the intentional hearing of such conversations to safeguard members of the public or the security or safety within the prison, or to prevent Telephones.
Amended by:
L.N. 127 of 1997.

the furtherance of any illegal activity.

(2) A notice shall be affixed inside the prison indicating that every telephone conversation mentioned in subregulation (1) may be monitored and, or recorded.

(3) Without prejudice to other laws and to the course of the administration of justice, the Director shall, with the approval of the Minister, determine the frequency and duration of telephone calls made or received by prisoners, as well as the persons with whom such communications can be held.

(4) A prisoner who is a foreign national and who has no relative in Malta may be allowed one free phone call a month to a relative overseas. The duration of such phone call shall be determined by the Director in accordance with any directions by the Minister.

(5) The foregoing provisions of this regulation shall be subject and without prejudice to the provisions of article 408, article 431(2) and article 437 of the Criminal Code.

Cap. 9.

Suspension of visits.

60. Should the Director have reasonable cause to suspect that a visitor may tend to disturb the security, discipline and good order of the prison, he may prohibit or suspend the visit and remove the visitor from the prison, duly recording the fact in the register mentioned in regulation 52(9).

Prison leave.
Amended by:
L.N. 127 of 1997;
L.N. 225 of 2000;
L.N. 122 of 2017.

61. (1) Prison leave may be granted by the Director, in accordance with such general directions as may be from time to time given by the Minister, to a prisoner under such conditions as may be determined by the Director in accordance with such directions as follows:

- (a) for a period not exceeding twelve hours on the occasion of the birth, marriage, or other special family occasion of a child or grandchild of the prisoner or on a special family occasion of the prisoner's spouse, including those connected with a near relative;
- (b) (i) on compassionate grounds for a period considered by the Director to be sufficient time to allow the prisoner to attend the religious service and burial in cases of the death of a near relative;
- (ii) on compassionate grounds for a period considered by the Director to be sufficient time for the prisoner to visit a near relative who is seriously ill;
- (c) without prejudice to other parts of these regulations, prison leave granted in terms of the paragraphs (a) and (b) shall be granted subject to the provisions of regulation 2 and regulation 7(6);
- (d) for periods not exceeding eight hours in any one day for a maximum of fifteen days in any one month for the purpose of enabling the prisoner to do community work;

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- (e) (i) for such periods as may be required for the prisoner to be treated and rehabilitated from drug addiction in a therapeutic facility or community outside the prisons as approved by the Minister, or in relation to a prisoner undergoing a drug rehabilitation programme inside the prison, for purposes conducive to the prisoner's treatment;
- (ii) for such periods as may be required for young prisoners to spend a part or the whole of their term of imprisonment in a young offenders rehabilitation institution or in a similar facility as approved by the Minister;
- (f) during the period commencing three months before the date on which a prisoner may be finally released in order to enable the prisoner to engage in employment, or to receive instruction or training or to otherwise assist him in the transition from prison life, provided that any prison leave granted under this paragraph shall not be granted on Saturdays, Sundays and Public Holidays;
- (g) subject to any other directions that the Minister may deem necessary, for such periods as may be required for prisoners to undertake courses of study or training at educational institutions or facilities outside the prison as approved by the Minister for the purpose of improving a prisoner's education and the furtherance of learning of prisoners in general.
- (2) (a) Leave under this regulation may be granted by the Director with the approval of the Minister, or a public officer designated by the Minister to so act on his behalf, except in especially urgent cases in respect of which such leave may be granted by the Director.
- (b) In the case of unconvicted prisoners any authorisation by the competent authority, if necessary, shall be requested prior to the granting of leave.
- (3) The conditions which may be imposed on prison leave under this regulation shall always include, among any others that may be deemed appropriate, the conditions that the prisoner shall reside at the address specified in the leave permit and return thereto daily at such time as shall be ordered in such permit, and, where the length of the leave period permits, remain in daily contact with or under supervision of, a competent officer mentioned in the permit.
- (4) A written record shall be kept of all cases in which leave under this regulation has been granted and such record shall include the degree of co-operation demonstrated by the prisoner during and in connection with each period of leave.
- (5) A prisoner granted leave under this regulation may be recalled to prison at any time whether the conditions of his leave have been broken or not.

(6) Saving the cases of leave granted under subregulation (1)(a), (b), (c) or (e) and of any other temporary leave of absence of prisoners from prison granted by a competent court or other competent authority, this regulation applies only to sentenced prisoners who have been of regular good conduct in the prison, have made satisfactory progress in the course of their programme of treatment and are not considered dangerous to society.

(7) The Minister may also give general directives under which groups of prisoners may be allowed outside the prisons, under adequate supervision, in order to attend or take part in sports or cultural activities.

Pre-release and after-care.

62. (1) From the beginning of a prisoner's sentence, consideration shall be given, in consultation with the social welfare services authorities and any appropriate after-care organisation approved by the Minister, to the prisoner's future and the assistance to be given him on and after his release.

(2) The authorised representatives of the social welfare services authorities and of any approved after-care organisation shall be afforded all reasonable access to the prison and the prisoners with a view to making their contribution to the preparation of prisoners for their release and after-care.

(3) With the consent of the prisoner, the Director and the Medical Officer shall seek to assist a prisoner receiving any medical care at the time of his release to continue to receive such treatment after his release, through the medical services available without charge to the community outside the prison.

Restrictions on communications.

63. (1) Except as provided by these regulations, a prisoner shall not be permitted to communicate with any outside person or organisation.

(2) The Minister may, with a view to securing discipline and good order or for the prevention of crime or in the interests of any persons, impose restrictions, either generally or in particular cases, upon the communications to be permitted between a prisoner and other persons or organisations other than communications as are referred to in regulation 53(1).

Prohibited articles.

64. (1) The Director shall confiscate any article whatever which, without lawful authority, is brought, conveyed or thrown into or deposited in a prison, or conveyed to a prisoner, or deposited in any place with intent that it should come into the possession of a prisoner; and such article shall be deemed to be prohibited article for the purposes of article 7 of the Act and for the purposes of these regulations.

(2) The Director may, from time to time, draw up or cause to be drawn up a list of articles which may lawfully be introduced into prison by any person (including prison officers) without the Director's prior consent. Such list is to be made available to prisoners, prison officers visitors.

(3) No prisoner, unless previously authorised in writing by the Director, shall be allowed to lend, sell or transfer in any manner whatsoever to any other prisoner any article introduced for his own

use and any article so lent, sold or transferred shall be immediately confiscated by the Director.

65. (1) Any person or vehicle entering or leaving a prison may be stopped, examined and searched. Control of persons and vehicles.

(2) The Director may order the removal from a prison of any person who does not leave on being required to do so.

66. (1) No outside person shall be permitted to enter and view a prison unless authorised by these regulations or any other law or by the Minister. Restrictions on entry or viewing.

(2) No person visiting a prison shall be permitted to take any photograph, make any sketch or communicate with any prisoner unless authorised as aforesaid.

Control and restraint of prisoners

67. (1) Where it appears desirable, in the interests of security or for the maintenance of good order or discipline or in his own interest, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Director may arrange for the prisoner's removal from association accordingly. During such periods the Director may also order the cancellation of visits, other than those referred to in regulations 53, 54 and 55. Removal from association.
Amended by:
L.N. 127 of 1997.

(2) A prisoner shall not be removed from association under the foregoing subregulation for a period of more than forty-eight hours without the authority of the Minister. An authority given under this subregulation shall be for a period not exceeding fifteen days, but may be renewed for similar periods. Such an authority shall be immediately notified to the Chairman of the Board.

(3) The Director may, in his discretion, direct that the prisoner resume association with other prisoners, and shall so direct if the Medical Officer advises accordingly on medical grounds:

Provided, that when such removal had been effected under the Minister's authority in terms of the preceding subregulation, the Minister and the Chairman of the Board shall be notified immediately of such direction.

68. (1) The Director may order a violent prisoner to be confined temporarily in an appropriate cell, but a prisoner shall not be so confined as a punishment, or after he has ceased to be violent. Temporary confinement.

(2) If the Director keeps such order in force for more than forty-eight hours he shall consult the Medical Officer and shall inform the Chairman of the Board.

69. (1) The use of chains and irons shall be prohibited. Handcuffs, restrain-jackets and other body restraints shall not be applied as a punishment. They shall not be used except in the following circumstances: Restraints.

- (a) where the Director deems it necessary, as a precaution against escape during the movement of a prisoner, provided that they shall be removed when the prisoner appears before a judicial or administrative authority unless that authority orders otherwise;

- (b) on medical grounds by direction and under the supervision of the Medical Officer;
- (c) by order of the Director, if other methods of control fail, to prevent a prisoner from injuring himself or others, damaging property or creating a disturbance.

(2) On giving an order under paragraph (c) of the foregoing subregulation, the Director shall without delay consult the Medical Officer and inform the Chairman of the Board.

(3) The Director shall give effect to any recommendation which the Medical Officer may make in respect of cases dealt with under this regulation or regulation 68(2).

(4) No means of restraint whatever shall be applied for any time longer than is strictly necessary, and, in any case, for longer than twenty-four hours without informing in writing the Chairman of the Board. The Director shall personally, before giving an order under subregulation (1)(b) or (c), see the prisoner. The Director shall visit such prisoner at least twice a day and the prisoner must be observed by a prison officer at frequent intervals as directed in writing by the Director.

Provision of a sample.
Added by:
L.N. 14 of 2000.

70. (1) The Director may order a prisoner to provide a sample for the purpose of ascertaining by means of laboratory analysis or of a device approved by the Minister whether he has any drugs or alcohol in his body.

Cap. 101.
Cap. 31.

(2) In this regulation "drugs" means any dangerous drug as defined in article 12 of the Dangerous Drugs Ordinance, or any specified or restricted drug under the Medical and Kindred Professions Ordinance, and "sample" means a sample of urine and, or a sample of breath.

(3) When requiring a prisoner to provide a sample the Director shall, as far as is reasonably practicable, inform the prisoner:

- (a) that he is being required to provide a sample for the purpose of this regulation; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

(4) The sample shall be a fresh sample, free from adulteration.

(5) When requiring a sample from a prisoner, the Director shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(7) A prisoner who is unable to provide a sample may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this subregulation for a period of more than five hours.

(8) A prisoner required to provide a sample of urine shall be afforded such degree of privacy as may be compatible with the need

to prevent or detect any adulteration or falsification, in particular a prisoner shall not be required to provide a sample of urine in the sight of a person of the opposite sex.

71. (1) Force may be used by prison officers only where it is necessary to prevent or impede acts of violence, attempted escape or active or passive resistance to lawful orders. Use of force.

(2) Prison officers who have recourse to force shall use no more than is strictly necessary and shall report the incident immediately to the Director.

(3) Saving exceptional circumstances in which they are authorised to do so by the Director, prison officers performing duties which bring them into direct contact with prisoners shall not carry arms or batons. On giving any such authorisation the Director shall as soon as is practicable report his action to the Minister and the Chairman of the Board.

(4) On receiving information about the application of force to any prisoner the Director shall ensure that any necessary investigation is carried out without delay.

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

72. Prison officers shall in no circumstances be provided with arms or batons or use any means or method of restraint unless they have received special technical training in their use and application in such a way as to avoid, so far as possible, the causing of harm to prisoners and, where such harm is inevitable, to restrict it to the minimum. Training of officers in arms and means of restraint.

73. Particulars of every case dealt with under regulations 67, 68, 69 and 71 shall be forthwith recorded by the Director in a register kept for the purpose. Records to be kept.

Discipline

74. (1) Discipline and order shall be maintained with firmness, but with no more restrictions than is required, in the interests of safe custody, ordered community life and the treatment objectives of the prison. Maintenance of discipline.

(2) No prisoner shall be employed in the service of the prison in any disciplinary capacity.

(3) This regulation shall not, however, impede the proper functioning of arrangements under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purpose of their participation in regime programmes.

75. A prisoner shall be guilty of an offence against discipline if he - Offences against discipline.

- (a) commits mutiny or incites others to mutiny;
- (b) assaults any person;
- (c) denies access to any part of the prison to any prison officer;

Amended by:
L.N. 14 of 2000

- (d) fights with any person;
- (e) endangers the health or personal safety of others;
- (f) obstructs a prison officer in the execution of his duty;
- (g) has in his possession:
 - (i) any prohibited or unauthorised article; or
 - (ii) a greater quantity of any article than he is authorised to have;
- (h) sells or delivers to any person any prohibited article;
- (i) sells or transfers to any person any article which he is allowed to have only for his own use;
- (j) takes, without lawful authority or excuse, any article belonging to another person or to the prison;
- (k) sets fire to any property, whether or not his own;
- (l) destroys or damages any part of the prison or any other property, other than his own;
- (m) absents himself from any place where he is required to be or is present at any place where he is not authorised to be;
- (n) makes any frivolous or any false and malicious allegation or complaint against a prison officer;
- (o) is disrespectful to any prison officer or any person visiting the prison;
- (p) swears or uses threatening, abusive, obscene or insulting words or behaviour;
- (q) fails to work properly or, being required to work, refuses to do so;
- (r) disobeys any lawful order;
- (s) disobeys or fails to comply with any regulation applying to him;
- (t) detains any person against his will;
- (u) escapes while confined or deemed to be confined in prison;
- (v) abuses drugs or drinks alcohol;
- (w) in any other way offends against good order and discipline;
- (x) fails to comply with an order to provide a sample in terms of regulation 70;
- (y) without prejudice to any other liability at law, takes drugs referred to in regulation 70:

Provided that it shall be a defence for a prisoner charged with an offence under this paragraph to prove that -

- (i) the drug had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful

- supply of the drug to him by another person;
- (ii) the drug was administered by or to him in circumstances in which he proves to the satisfaction of the Director that he did not know and had no reason to suspect that such drug was being administered;
 - (z) fails to comply with any condition upon which he is granted prison leave; or
 - (aa) attempts to commit, or incites another prisoner to commit, or assists another prisoner to commit or to attempt to commit any of the foregoing offences.

76. (1) Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible and, save in exceptional circumstances, within forty-eight hours of the discovery of the offence. Disciplinary charges.

(2) A prisoner charged with such an offence may be kept apart from other prisoners until the adjudication is over, but the Chairman of the Board shall be informed that he is being so kept apart and of the conditions under which he is being kept.

(3) Every charge shall be inquired into, in the first instance, by the Director.

(4) Save in exceptional circumstances, notified to the Chairman of the Board, every charge shall be first inquired into not later than the next day, not being a Sunday or public holiday, after it is laid.

77. (1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time it is inquired into by the Director. Rights of prisoner charged.

(2) At any inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

(3) Where necessary and practicable a prisoner shall be allowed to make his defence through an interpreter.

78. (1) If the Director finds a prisoner guilty of an offence against discipline he may impose one or more of the following punishments: Director's punishments.

- (a) caution;
- (b) forfeiture or postponement for any period of any of the privileges under regulation 13;
- (c) exclusion from associated work for a period not exceeding fifty-six days;
- (d) assignment or reassignment of work for a period not exceeding fifty-six days;
- (e) stoppage of earnings, including any allowance, referred to in regulation 29(6) and regulation 30(1), for a period not exceeding fifty-six days;
- (f) cellular confinement not exceeding thirty days;

- (g) forfeiture of not more than one hundred and twenty days of remission, whether earned or prospective, referred to in regulation 14 except in the case of a prisoner found guilty of wilful homicide, or attempted wilful homicide, or mutiny, or incitement to mutiny, or escape or attempted escape from prison, or assault on any person resulting in grievous bodily harm, and/or possession of and/or trafficking in narcotic drugs, in which case the forfeiture may be of not more than three hundred and sixty-five days;
- (h) in the case of a prisoner otherwise entitled to them, forfeiture for any period of the right, under regulation 8(1) to have the articles there mentioned;
- (i) in the case of a prisoner guilty of escaping or attempting to escape and who is otherwise entitled to it, forfeiture of the right to wear his own clothing under regulation 22(2).

(2) When a prisoner is found guilty of more than one charge arising out of an incident, the punishments under this regulation may be ordered to run consecutively.

Appeals Tribunal.
Amended by:
L.N. 14 of 2000.

79. (1) The Minister shall appoint an Appeals Tribunal composed of a Chairman and two members to review disciplinary cases decided by the Director for punishments as specified in regulation 80, and to review cases involving the non-award of remission as provided for in regulation 14. The Minister may appoint, when necessary, more than one Appeals Tribunal. The Minister may also appoint supplementary members who will substitute the Chairman or a member of the Tribunal whenever the said Chairman or member cannot attend sittings for any valid reason, provided that the Chairman shall, as far as practicable, ensure that the same members hear and conclude the same case.

- (2) (a) The Minister may also appoint persons of integrity who in his opinion have the necessary qualifications, experience and knowledge to represent and assist prisoners during the hearings by the Tribunal of the reviews of disciplinary cases.
- (b) It shall be the duty of the person appointed as aforesaid -
 - (i) to act in the best interests of the prisoner;
 - (ii) to be present when the case of the prisoner is being heard by the Tribunal;
 - (iii) to make the necessary submissions and pleadings on behalf of the prisoner as circumstances require during the hearings of the Tribunal;
 - (iv) to take all necessary measures to safeguard the prisoner's rights.

(3) In the exercise of their function under this regulation members of the Tribunal shall be accorded the same rights and facilities as are granted under these regulations to members of the

Prison Board. The Tribunal shall also regulate its own procedures.

80. (1) Where the Director awards a punishment for any offence which includes -

- (a) cellular confinement for a continuous period exceeding six days;
- (b) forfeiture, continuously or cumulatively, of more than twenty-eight days of remission referred to in regulation 14,

Review of disciplinary cases.
Amended by:
L.N. 14 of 2000;
L.N. 58 of 2001.

the prisoner may petition a review of the disciplinary case to the Appeals Tribunal by filing a notice of intention to appeal with the Tribunal within five days of imposition of the punishment.

(2) Where a punishment described in subregulation (1) is imposed, the Director shall immediately inform -

- (a) the prisoner of his right to petition the Appeals Tribunal;
- (b) the Chairman of the Appeals Tribunal shall be informed in writing of the name of the prisoner, the offence with which he was charged, and the punishment imposed.

(3) Where a petition is made to the Appeals Tribunal under this regulation, the Chairman shall summon a special meeting of the Tribunal to be held within six days from receipt of the notice of appeal:

Provided that if the punishment includes cellular confinement, an appeal under this regulation shall not stay the execution of the punishment ordered by the Director, during the first six days of the cellular confinement:

Provided, further, that if the punishment includes cellular confinement, the Chairman shall summon a special meeting of the Appeals Tribunal to be held within three days.

(4) The Appeals Tribunal shall inquire into the charge, the punishment imposed, and the grounds for the prisoner's appeal. The Appeals Tribunal shall be entitled to regulate its own proceedings.

(5) The Chairman of the Appeals Tribunal shall notify the prisoner and the Director in writing of its decision within four days of the hearing.

(6) In cases of acquittal, or where the punishment of cellular confinement is reduced to less than six days, the Tribunal shall have the power to order compensation in the form of remission or special privileges.

(7) In subregulation (3), other than in the first proviso thereto, and in subregulation (5) the word "days" shall not include Saturdays, Sundays and public holidays.

81. A punishment of stoppage of earnings may, instead of forfeiting all a prisoner's earnings for a specified period not exceeding twenty-eight or fifty-six days (as the case may be), be expressed so as to forfeit a proportion (not being less than one-half)

Stoppage of earnings.

of his earnings for a specified period not exceeding a correspondingly greater number of days.

Cellular
confinement.

82. (1) Cellular confinement in respect of offences against discipline shall be undergone in a cell which meets the standards of these regulations.

(2) The Medical Officer shall monitor the condition of prisoners undergoing cellular confinement and shall advise the Director if the termination or alteration of the relative punishment is considered necessary on grounds of physical or mental health. If the Director, acting on such advice, terminates or alters the punishment of cellular confinement, he shall substitute for it an alternative punishment specified in regulation 78.

(3) It shall also be the duty of the Medical Officer to monitor the condition of any prisoner sentenced to solitary confinement by any court.

Remission:
prospective
forfeiture, special
award of and
cancellation.

83. (1) In the case of an offence against discipline committed by an unconvicted prisoner, a punishment of forfeiture of remission may be awarded notwithstanding that the prisoner has not, or had not at the time of the offence, been sentenced.

(2) (a) Notwithstanding anything contained in these regulations, the remission earned by every prisoner, convicted or unconvicted, may, on commission of any grave offence, be cancelled, in whole or in part, by the authority of the Minister; and conversely additional remission beyond that provided for in regulation 14, without limit of number, may be given for special services by the same authority.

(b) Remission cancelled in accordance with the foregoing paragraph, may, on the authority of the Minister, be restored to a prisoner in whole or in part in consideration of subsequent meritorious conduct.

(c) In this regulation "grave offence" means:

- (i) wilful homicide, attempted wilful homicide, grievous bodily harm resulting from an assault on any person; or
- (ii) mutiny; or
- (iii) incitement to mutiny; or
- (iv) escape or attempted escape from prison; or
- (v) possession of and, or trafficking in narcotic drugs.

Order of
suspension.

84. (1) The power to award disciplinary punishments, other than a caution, shall include the power to order that the punishment is not to take effect unless, during a period specified in the order, not being more than six months from the date of the order, the prisoner commits another offence against discipline and a direction is given under subregulation, provided that no such suspension may be granted when the prisoner is found guilty under these regulations of any offence mentioned in regulation 83(2)(c).

(2) Where a prisoner commits an offence against discipline

during the period specified in an order given under subregulation (1), the Director, or the Tribunal, may -

- (a) direct that the suspended punishment shall take effect;
- (b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced; or
- (c) vary the original order of suspension by substituting for the period specified therein a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended punishment.

85. Collective punishments, corporal punishments, punishment by placing in a dark, darkened or unventilated cell or in a cell which is not within hearing range of human sound or in which the prisoner is exposed to unreasonable degrees of temperature, noise or light and all other forms of cruel, inhuman or degrading punishment or treatment shall be prohibited.

Prohibition of inhuman punishments or treatment.

86. (1) Prison officers shall not inflict any punishment, or resort to any mode of treatment similar to a punishment, on or in respect of any prisoner except with the authority of the Director or, as the case may be, of the Tribunal.

Prohibition of unauthorised punishments.

(2) The Director and the Tribunal shall not inflict any punishment, or resort to any mode of treatment similar to a punishment, on or in respect of any prisoner except after regular proceedings for a disciplinary offence and adjudication in accordance with these regulations.

87. No prisoner shall be subjected to any form of disciplinary punishment unless he is found guilty of an offence against discipline.

Standard of proof.

88. Criminal proceedings instituted against a prisoner in any court, in respect of a fact likely to warrant disciplinary proceedings, shall not stay disciplinary proceedings against such prisoner for any infringement of discipline under these regulations.

Criminal proceedings.

PART III

Prison Officers

The Director and other officers

89. (1) Prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties.

Personnel.

(2) Personnel shall be appointed on those terms and conditions as agreed to by the competent authorities who shall always give the utmost consideration to good conduct, efficiency, integrity, suitability, and an adequate standard of education.

(3) Whenever it is necessary to employ part-time staff, these criteria should apply to them as far as that is appropriate.

The Director.

90. (1) Subject to the provisions of the Act and of these regulations, the Director shall be responsible for the general administration of the prison and, in particular, the maintenance of security, discipline and good order therein, the health, hygiene and general welfare of prisoners and the management of the training programmes for the realisation of the treatment objectives.

(2) The Director shall carry out regular inspections, including surprise inspections by night, of the different parts of the prison as frequently as necessary.

(3) Saving his powers to give orders, whether verbally or in writing, as he may deem fit for the proper running of the daily administration of the prison, the Director may also make orders in writing relating to any aspect of the administration of the prison and the maintenance of discipline, security and good order therein, as well as to any other matter forming part of his duties as set out in these regulations:

Provided that nothing in such orders shall be contrary to the provisions of the Act or of these regulations.

(4) The Director shall take strict care to ensure that these regulations and any direction or order given thereunder, as well as any order relating to the prison, are complied with and enforced.

(5) If a prisoner escapes the Director shall at once inform the Commissioner of Police, giving a full description of the prisoner, and shall moreover take all necessary action for the recapture of the escaped prisoner. He shall also hold an inquiry without delay into the circumstances of the escape transmitting the proceedings together with a report thereon to the Minister. A copy of the proceedings and of the report shall be transmitted to the Attorney General.

(6) In the case of an emergency not provided for in these regulations the Director may take such action as he may consider reasonably necessary and shall report such action forthwith to the Minister and to the Chairman of the Board.

Records.

91. (1) In addition to any other records required to be kept under any other provision of these regulations or of any other law, the Director shall keep, or cause to be kept by any prison officer authorised by him for the purpose, the following records:

- (a) a journal, to be signed by him daily, in which there shall be recorded day by day the occurrences in the prison, the number of prisoners in custody and all such matters, other than those to be recorded in any special register, as are required to be recorded by these regulations;
- (b) an adjudication book showing all disciplinary punishments awarded by him;
- (c) an order book in which there shall be recorded all orders made or given in writing by the Director in the carrying out of his duties;
- (d) an official Visitors Book referred to in article 8(5) of the Act;

- (e) a prisoners' record in which there shall be entered the names of all prisoners together with full particulars relating to their identity and the dates of commencement and expiration of their sentence, as well as an alphabetical index of such record;
- (f) a register showing the daily allocation and roster of duties of all prison officers;
- (g) a daily record of the work given out to prisoners and the work performed by them;
- (h) a stores book in which there shall be recorded all stocks of food and provisions, clothing, bedding, furniture, plant, tools, utensils and other stocks;
- (i) a register showing daily the food prepared and issued to prisoners, including those on any special diet.

(2) The Director shall ensure that all records required to be kept under these regulations or any other law shall, as far as practicable, be securely kept. He shall likewise securely keep a printed copy with numbered pages in bound forms of all those records as directed by the Minister:

Provided that nothing in this regulation shall preclude the Director from keeping records in any form which he may deem expedient and which is agreed to by the Minister.

92. The Director shall make an annual report on the prison to the Minister.

Annual report.

93. There shall be other prison officials appointed to assist the Director in the carrying out of his duties, deputising for him in the performance of any of the Director's duties during his absence or whenever authorised to do so.

Other officials.

94. (1) The Director shall ensure that prison officers shall maintain and improve their knowledge of these regulations and their efficiency by attending courses of in-service training and lectures at suitable intervals.

Training of prison officers.

(2) The said courses shall also include training in methods of physical control and restraint of aggressive prisoners and in the proper use of any arms or batons that prison officers may be allowed to carry under these regulations.

95. (1) The Director shall assign to all prison officers, including those of the female section, as well as to all other persons employed in the prison, the duties to be carried out by them.

Duties of prison officers and other persons employed in the prison.

(2) Such duties shall be set out in detail in written orders made by the Director.

(3) The prison officers in charge of the female section of the prison shall in that section be assigned the duties that are generally performed by comparable prison officers in the male section.

(4) It shall be the duty of every prison officer to conform to these regulations and to any direction given thereunder, to assist and support the Director in the maintenance of such regulations and directions, and to obey all lawful orders relating to the prison.

Further duties of
prison officers.

96. (1) Prison officers shall at all times so conduct themselves and perform their duties as to command the respect of the prisoners and the trust of the community.

(2) Prison officers shall treat prisoners with justice and humanity, complying firmly and consistently with all regulations, directions and orders relating to the prison and ensuring their complete observance.

(3) Prison officers shall -

- (a) perform their duties with a high degree of alertness and watchfulness and shall inform the Director promptly of any breach of discipline, abuse or impropriety relating to the prison which comes to their knowledge;
- (b) exercise their utmost vigilance to ensure the safe custody of prisoners;
- (c) pay strict attention to cleanliness and dress and shall always wear the approved uniform within the precincts of the prison and when on duty; and
- (d) refrain from receiving visitors in the prison without the permission of the Director.

Unauthorised
work.

97. No prison officer shall allow any prisoner to be employed on any work other than that authorised by the Director.

Search of officers.

98. A prison officer and any other person employed in the prison shall submit himself to be searched in the prison if the Director so orders.

Prohibited
contacts.

99. The Director shall have the authority to order any prison officer to refrain from communicating with any specified former prisoner or with any relative or friend of a prisoner or a former prisoner.

Complaints or
requests by prison
officers.

100. (1) A prison officer who has any complaint or request to make in connection with his duties or situation in the prison shall submit such complaint or request to the Director.

(2) The Director, if unable to dispose of such complaint or request himself, shall submit the case with his remarks for the consideration of the Minister.

(3) If the Director declines to attend to the complaint or request of the prison officer or to take any action thereon within fifteen days, the prison officer shall be entitled to submit his representations in writing to the Minister through the Director. The Director shall transmit such representations to the Minister without delay.

(4) No prison officer shall make any frivolous or vexatious complaint or request.

Right of association

101. (1) The prison service is a disciplined force in terms of the Constitution of Malta and the Employment and Industrial Relations Act.

Right of association of Prison officers.
Substituted by:
L.N. 55 of 2015.
Cap. 452.
Cap. 452.

(2) Prison officers shall be entitled to join a trade union as provided in the Employment and Industrial Relations Act.

Code of discipline of prison officers

102. A prison officer commits an offence against discipline if he is guilty of:

Conduct of prison officers.

- (a) disobedience to orders, that is to say, if without good and sufficient cause he fails to carry out any lawful order or direction whether given to him in writing or otherwise;
- (b) neglect of duty, that is to say, if he:
 - (i) neglects, or without good and sufficient cause fails, to do anything promptly and diligently which it is his duty as a prison officer to do; or
 - (ii) by carelessness or neglect contributes to the escape of a prisoner; or
 - (iii) by carelessness or neglect in the course of his duty contributes to the occurrence of any loss, damage or injury to any person or property; or
 - (iv) takes any key belonging to the prison outside the main gate of the prison except with the special permission of the Director or, before going out of the prison, leaves his keys in any place other than that designed for such purpose by the Director;
- (c) improper conduct with or towards prisoners or ex-prisoners, that is to say, if he:
 - (i) communicates with a prisoner for an improper purpose or enters into unnecessary conversation with a prisoner or allows any undue familiarity to occur between him and any prisoner; or
 - (ii) assaults a prisoner or uses obscene, insulting or abusive language towards him; or
 - (iii) knowingly and without proper authority -
 - (1) communicates with any ex-prisoner or with a friend or relative of any prisoner or ex-prisoner in violation of an order given by the Director pursuant to regulation 98; or
 - (2) discusses his duties or any matter of discipline or prison arrangements with a prisoner or within his hearing; or
 - (3) takes into his employment an ex-prisoner; or
 - (4) writes, signs or gives any testimonial of character or other recommendation with the

object of obtaining employment for any person or of supporting an application of any kind;

- (d) insubordinate conduct, that is to say, if he -
 - (i) is insubordinate by word, act or demeanour towards any prison officer whose orders it is for the time being his duty to obey; or
 - (ii) gives any orders, or causes or incites anyone to act, in variance with any order or direction relating to the prison; or
 - (iii) induces, or attempts to induce, any prison officer, prisoner or other person to do any act calculated to lead to the commission of any breach of these regulations or of any order or direction relating to the prison;
- (e) corrupt practice, that is to say, if knowingly he improperly uses his position as a prison officer for his private advantage;
- (f) unlawful or unnecessary exercise of authority;
- (g) absence without leave or being late for duty, that is to say, if without reasonable excuse, he is absent without leave from the prison or from any parade or place of duty or is late for any duty or parade;
- (h) trafficking, that is to say, if he knowingly and without proper authority -
 - (i) carries out any pecuniary or business transaction with or on behalf of any prisoner or ex-prisoner or with a friend or relative of any prisoner or ex-prisoner; or
 - (ii) accepts any present or consideration from any prisoner or ex-prisoner or from a friend or relative of any prisoner or ex-prisoner;
- (i) breach of confidence, that is to say, if he without the Director's prior authority -
 - (i) divulges any matter which it is his duty to keep secret; or
 - (ii) communicates directly or indirectly to the press, broadcasting media or to any unauthorised person any matter which may have become known to him in the course of his duty as a prison officer; or
 - (iii) publishes any matter or makes any public pronouncement relating to the administration of the prison or to any of its inmates;
- (j) false statements, that is to say, if he knowingly makes any false, misleading or inaccurate statement either orally or in any official document or book, or signs any such statement, or with intent to deceive destroys or mutilates any such document or book or alters or

erases any entry therein in connection with his duties as a prison officer;

- (k) failure in account, that is to say, if he fails to account for, or to make a prompt or true return of, any money or property for which he is responsible in connection with his duties as a prison officer;
- (l) failure to report any breach of regulations, directions or orders, that is to say, if he fails to report forthwith to the Director any breach of these regulations or of any other regulations, directions or orders relating to the prison or applicable to the public service;
- (m) unauthorised possession of property, that is to say if, while on or off duty, he is knowingly and improperly in possession of property belonging to any other prison officer or to any other person employed in the prison, or of property belonging to any prisoner or to a friend or relative of any prisoner;
- (n) damage to clothing or other articles supplied or removal of prison property, that is to say, if he -
 - (i) wilfully or negligently damages or loses any article of clothing or personal equipment with which he has been provided or entrusted, or fails to take proper care thereof; or
 - (ii) neglects to report any damage to, or loss of, any article of clothing or personal equipment, however caused; or
 - (iii) without proper authority takes out of the prison any public property or removes any such property from one part of the prison to another;
- (o) failure in making reports or keeping of records, that is to say, if he -
 - (i) fails to report expeditiously to the Director any matter, other than those mentioned in the last preceding paragraph, which it is his duty to report; or
 - (ii) fails to make any necessary entry in the appropriate official book, register or record which is kept under these regulations or under any order of the Director;
- (p) attempting to enlist outside influence, that is to say, if he procures or attempts to procure the intervention on his behalf of any person for the purpose of securing his own advancement or the improvement of his personal position or of making charges against other prison officers;
- (q) misconduct towards the public, that is to say, if he assaults or uses any obscene, abusive or insulting language towards any member of the public with whom he may be brought into contact in the execution of his duties;

-
- (r) taking part in any activity likely to interfere with the impartial discharge of his duty or which may give rise to the impression among the public that it may so interfere;
- (s) discreditable conduct, that is to say, if he -
- (i) while on or off duty acts in a disorderly manner or in any manner prejudicial to the discipline of the prison service or likely to bring discredit on the prison service; or
 - (ii) while on or off duty borrows money from a prisoner or subordinate or junior in rank, or lends money to a superior prison officer; or
 - (iii) smokes or drinks intoxicating liquor either within the prison walls (except under such conditions as may from time to time be permitted) or while on duty in charge of prisoners outside the prison; or
 - (iv) while on duty assaults any prison officer or other person employed, or on official duty, in the prison or uses obscene, abusive or insulting language to any such officer or person; or
 - (v) while on duty, or liable to be called up on duty, is unfit for duty through drinking intoxicating liquor or abusing drugs; or
 - (vi) falls into pecuniary embarrassment through his fault or neglect; or
 - (vii) uses any defamatory, insulting or disparaging words, acts or gestures in contempt of the Government of Malta or of any person employed or concerned in the administration of the Government of Malta; or
 - (viii) imputes misconduct to a person employed or concerned in the administration of the Government of Malta; or
 - (ix) utters or otherwise expresses disparagement of the Director or of any member of the Board, or of any one of the Special Visitors mentioned in article 8(5) of the Act or of the prison administration, or uses any word or expression tending or intended to bring into hatred, ridicule or contempt, the Director or any member of the Board or any Special Visitor or the prison administration; or
 - (x) utters words or in any manner whatsoever does anything which brings or has a tendency to bring dissatisfaction among members of the prison service or among the prisoners; or
- (t) any other breach of regulations, directions or orders, that is to say, if he commits or attempts to commit any other breach or of these regulations or of any direction or order given thereunder.

103. (1) A prison officer who commits an offence against discipline shall be subject to such disciplinary proceedings as may be taken against him in pursuance of powers conferred by or under the Constitution of Malta.

Disciplinary
proceedings and
fines.

(2) All fines imposed in respect of offences against discipline shall be recovered by stoppage from the offender's pay due or to become due and the amount so recovered shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender except in the event of the offender leaving the prison service, when the whole amount of any fine then unpaid may be deducted from any pay then due.

PART IV

The Corradino Correctional Facility Monitoring Board

*Amended by:
L.N. 15 of 2016.*

104. The Board shall have the following functions:

Functions of the
Board.

- (a) to satisfy itself as to the treatment of prisoners, the state of prison premises and the administration of the prison;
- (b) monitor the administration of the prison disciplinary system and inform the Minister of its findings; this includes the authority to request the Director for a report from time to time on disciplinary hearings of prisoners;
- (c) to advise the Minister on any matter relating to the care and rehabilitation of prisoners, as well as to the organisation and improvement of the prison and the prison service, which the Minister may refer to it or any ancillary matter on which the Board deems it opportune to tender its advice to the Minister;
- (d) to advise the Minister on matters relating to work, education and training activities to be performed by the prisoners;
- (e) to inquire into and report upon any matter which it deems proper, or the Minister requests it, to enquire into;
- (f) to act as the body responsible for a National Preventive Mechanism for the prevention of torture, as provided for in the Optional Protocol to the United Nations Convention against Torture; and
- (g) to perform such other functions as are assigned to it under these regulations.

*Amended by:
L.N. 265 of 2007;
L.N. 15 of 2016.*

104A.(1) The Board shall consist of:

- (a) a Chairperson; and
- (b) at least six other members to be appointed by the President of Malta, from amongst persons who are experienced in the criminal justice or social science field including members of non-governmental organisations;

Composition of the
Board.
*Added by:
L.N. 15 of 2016.*

Cap. 12.

(2) A Secretary shall be nominated from amongst the members and shall be responsible for the administrative support to the Board as well as having other responsibilities as defined in regulation 2.

(3) A member of the Board shall be disqualified in such circumstances as would disqualify a judge in terms of Sub-Title II of Title II of Book Third of the Code of Organization and Civil Procedure; and in such case that member shall be substituted by another member appointed for the purpose by the Minister.

(4) The members of the Board shall be eligible for re-appointment every two years.

Meetings and proceedings of the Board.
Amended by:
L.N. 127 of 1997;
L.N. 15 of 2016.

105. (1) The Board shall meet at least once a month at Corradino Correctional Facility or at such other place as the Board may from time to time determine.

(2) Except where otherwise provided in these regulations, the quorum for meetings of the Board shall be of half the number of members plus one.

(3) The meetings of the Board shall be presided by the Chairman or in his absence the Deputy Chairman or a member appointed by the Board to preside the meeting.

(4) The Director may attend the whole or any part of a meeting of the Board if so invited by the Board and shall give to the Board any information it may require for the due exercise of its functions.

(5) All monthly meetings of the Board and its meetings with the prisoners shall be minuted. A note shall also be kept of any subsequent action taken:

Provided that it shall be the responsibility of the Board to retain all relevant information, including minutes of meetings and of interviews with inmates, reports of visits and inspections and any other records in order that they are made available to the Committees established by the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

(5A) The Board shall hold regular meetings with the Minister responsible for Prisons.

(6) Evidence on oath in connection with a complaint or an enquiry under these regulations may be heard by one or more of the Board's members as may be designated for that purpose by the Board which shall also designate the member who will administer the oath.

Visits and inspections by the Board.
Amended by:
L.N. 265 of 2007;
L.N. 15 of 2016.

106. (1) The Secretary of the Board together with any other member shall visit and inspect the prison between the monthly meetings of the Board and meet prisoners either at their place of work or study or place of confinement or in such other manner as the Board deems convenient:

Provided that any record kept by the members carrying out such a visit or inspection and any complaint received by such members shall be referred to the Board at its next meeting and entered in the minutes.

(2) If the Board so requests, such visits and inspections shall be attended by the Director and any other prison officer or officers designated by the Director.

(3) The prisoners shall be asked if they have any complaints to make with regard to their treatment in the prison and any prisoner wishing to make a complaint shall be heard in such part of the prison as the Board may deem fit:

Provided that no sanction shall be ordered, applied, permitted or tolerated against any person or organization for having communicated to the Board any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

(4) Neither the Director nor any other prison officer shall be present while a prisoner is making a complaint before the Board. The Director, however, shall be heard on any such complaint.

(5) The Board shall keep a record of all complaints made to it by prisoners and its decision thereon, and shall, if it deems necessary, take evidence of the complainant and of such prison officer and other prisoners or other persons as the Board may deem relevant.

(6) Unless it is evidently frivolous or groundless, every request or complaint shall be dealt with and replied to without undue delay.

(7) (a) Where it is not considered practicable by the Board to carry out a visit or an inspection under the foregoing provisions of this regulation by all the members of the Board, a visit or an inspection may be carried out by not less than two members designated for such purpose by the Board.

(b) Such visit shall be deemed a visit or an inspection carried out by the Board, and the foregoing provisions shall apply to any such visit or inspection in the same manner and to the like effect as to one carried out by the Board. Any record kept by the members carrying out such a visit or inspection and any complaint received by such members shall be referred to the Board at its next meeting and entered in the minutes.

(8) The members of the Board may also make such visits or inspections either together or separately at any time, whether by day or night, whenever they consider it desirable to do so. Such visits or inspections may also be made without prior notice to the Director. A report of such visits or inspections shall be made to the Board at its next meeting unless the members carrying out the visit or inspection consider to inform the Board earlier through the Chairman.

107. It shall also be the duty of the Board to hear and decide upon, as soon as practicable, any request or complaint made to it by a prisoner directly to the Secretary or to any of its members during the course of a visit or inspection.

Hearing of other
complaints.
Substituted by:
L.N. 15 of 2016.

Decisions of the Board.

*Amended by:
L.N. 127 of 1997;
L.N. 265 of 2007;
L.N. 15 of 2016.*

108. (1) The decisions of the Board shall be taken by a majority of the members present and voting. In the case of an equality of votes the Chairperson shall have a casting vote in addition to his original vote.

(2) The decisions of the Board shall not be binding upon the Director but it shall be the duty of the Director to take serious cognizance of the recommendations of the Board following a decision taken as provided in subregulation (1) and to enter into a dialogue with the Board on possible implementation measures. Subject to the provisions of subregulation (3), where the Director, or any other prison officer acting on his behalf, is of the opinion that the recommendations of the Board cannot be implemented for reasons which are in the best interests of the prison administration, an explanation in writing of these reasons shall, within one month of the date of receipt of the Board's recommendations, be forwarded to the Chairperson of the Board and copied to the Minister, or to a person delegated by him. The Minister, or the person delegated by him, may confirm or vary the decision of the Director.

(3) Where the recommendation of the Board entails, in the opinion of the Director, a security issue requiring strict confidentiality the Director, within the period of one month mentioned in subregulation (2), shall make a statement to this effect to the Chairperson of the Board and shall concurrently submit a personal report directly to the Minister, or to the person delegated by him, giving his own comments on the recommendation, together with his opinion as to whether or not such recommendation should be accepted. The Minister's decision, or that of the person delegated by him, shall be final and conclusive.

Official record of visits by Board or its members.

*Amended by:
L.N. 15 of 2016.*

109. (1) The Secretary and the members of the Board shall make a note in the official Visitors' Book of every visit or inspection made by them, with such remark as they deem proper in regard to the prisons and the prisoners.

(2) The official Visitors' Book shall be produced to the Board at each monthly meeting or at such other times as the Board may require.

(3) The Minister may request to examine the official Visitors' Book and the minutes book of the Board.

Disqualification and abstention of members.

*Substituted by:
L.N. 15 of 2016.*

110. (1) If any issue concerning a particular prisoner that is to be discussed or decided by the Board involves potential conflict of interest for any Board member, it shall be the responsibility of the Board member to:

- (a) declare the potential conflict of interest;
- (b) not participate in any discussion concerning the issue or the prisoner or any other matter related thereto; and
- (c) not vote on the issue of the prisoner or any other matter related thereto.

(2) A member who absents himself without valid reason for more than three consecutive meetings shall be considered as having

resigned his post.

111. The Board shall draw the attention of the Director to any matter which calls for his attention and shall report to the Minister any matter which it considers expedient to report to him.

Matters for Director's attention.

112. The Board shall inform the Minister immediately of any abuse which comes to its knowledge and shall have power to recommend to the appropriate authority the taking of disciplinary action against any prison officer.

Abuses in prison.

113. The Board shall arrange for the food of the prisoners to be inspected by a member of the Board at frequent intervals.

Inspection of food.

114. The Board shall inquire into any report made to it, or any information otherwise coming to its knowledge, that a prisoner's health, mental or physical, has been or is likely to be injuriously affected by any conditions of his imprisonment.

Reports on prisoner's health.

115. (1) The Board and every member thereof shall have access at any time to every part of the prison including divisions outside the Corradino Facility and to every prisoner and may interview any prisoner out of the sight and hearing of all prison officers.

Access to premises and records.
Amended by:
L.N. 15 of 2016.

(2) The Board and every member thereof shall have access to all prison records.

116. (1) The Board shall make an annual report to the Minister at the end of each year concerning the state of the prison and its administration and, generally, the carrying out of its functions.

Annual report.
Amended by:
L.N. 265 of 2007.

(2) Confidential information collected by the Board shall be privileged and no personal data shall be published without the express consent of the person concerned.

PART IV A

Prison Addiction Rehabilitation Management Board

116A. (1) There shall also be established a Board, to be known as the Prison Addiction Rehabilitation Management Board which shall, in compliance with the care plan drafted in respect of each inmate in accordance with the Restorative Justice Act, as well as in due consideration of the inmate's needs and circumstances, allocate each inmate requiring treatment for substance abuse and other dependencies within a specific rehabilitation programme.

Prison Addiction Rehabilitation Management Board.
Added by:
L.N. 435 of 2012.
Cap. 516.

(2) The Manager, Care and Reintegration Unit at the Prison, or his representative, shall communicate to the Board the needs identified in the care plan in respect of each inmate requiring treatment.

(3) The representatives of the institutions providing rehabilitative services to prisoners shall report to the Board, at least once every six months, on progress reached in respect of each inmate following a rehabilitation course at their institution. The Board shall determine the content of the reports, which as a minimum shall include information on the behaviour of each inmate and the degree of commitment shown towards rehabilitation.

(4) The Board shall regulate its own proceedings.

Composition of the Board.
Added by:
L.N. 435 of 2012.

116B. (1) The Board shall be composed of:

- (a) a Chairman, who shall be appointed by the Minister;
- (b) a representative of each institution providing rehabilitative services to inmates at the Prison; and
- (c) the Manager, Care and Reintegration Unit at the Prison, or his representative.

(2) The Board members shall hold office for a period of one year which may be renewable for subsequent terms. Each institution represented on the Board shall communicate to the Minister its lawful representative on the board and its alternate member.

PART V

Supplemental

Other persons employed in the prison.

117. Persons, other than prison officers, employed in the prisons shall not hold any communication or have any direct contact with any prisoner except by permission of the Director, and in such cases the relevant provisions of these regulations shall apply to them as they do to prison officers.

Amended by:
L.N. 426 of 2012.

FIRST SCHEDULE
(Regulation 4)

PRISON COMMITTAL DOCUMENT

To the Director of Prisons:

The below-named individual is committed for confinement to the prison:

Name Age

Legally Valid Identification Document or Passport Number

Last Known Address

.....

.....

Other particulars sufficient to establish the identity of the person admitted

.....

This committal is made pursuant to order of Court

Name of Court

Name of Presiding Judge or Magistrate

Date of Sentence or other order of Court

Details of conviction or other reason for committal

.....

Length of sentence or other measure restrictive on personal liberty

.....

Signed this day of,

Signature of Registrar
or other authorised officer

Form A - Registrar or other authorised officer

PRISON COMMITTAL DOCUMENT

To the Director of Prisons:

The below-named individual is committed for confinement to the prison:

Name Age.....

Legally Valid Identification Document or Passport Number

Last Known Address

.....

.....

Other particulars sufficient to establish the identity of the person admitted

.....

This committal is made pursuant to competent authority other than a Court or the Police

Name of Authority

Reason for committal (indicate relevant provision of article 4 of the Prisons Act, (Cap. 260))

.....

Date of order of competent authority

Length of period for which person is committed to prison by such authority

.....

Signed this day of,

Signature of Officer
authorised by the competent authority

Form B - Authority other than Court or Police

PRISON COMMITTAL DOCUMENT

To the Director of Prisons:

The below-named individual is committed for confinement to the prison:

Name Age.....

Legally Valid Identification Document or Passport Number

Last Known Address

.....

.....

Other particulars sufficient to establish the identity of the person admitted

.....

This committal is made pursuant to competent authority

Name of Police Officer

Reason for committal (indicate relevant provision of article 4 of the Prisons Act, (Cap. 260))

Signed this day of,

Signature of Police Officer

Form C - Police

SECOND SCHEDULE
(Regulation 101)

Amended by:
L.N. 423 of 2007.

STATUTE OF
THE PRISON OFFICERS ASSOCIATION OF MALTA
(Deleted by Legal Notice 55 of 2015)