



Jersey

## **PRISON (JERSEY) LAW 1957**

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## PRISON (JERSEY) LAW 1957

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Jersey

## PRISON (JERSEY) LAW 1957<sup>1</sup>

A LAW relating to the administration of the Prison, to provide for the establishment and administration of institutions for young offenders, and to provide for matters incidental thereto<sup>2</sup>

Commencement [[see endnotes](#)]

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### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“ammunition” has the meaning given in Article 1(1) of the [Firearms \(Jersey\) Law 2000](#);

“authorization” means written authorization;

“biometric information” means data about an individual’s external characteristics, including, in particular, the features of an iris or of any other part of the eye;

“controlled drug” has the meaning given in Article 3 of the [Misuse of Drugs \(Jersey\) Law 1978](#);

“cooperation scheme” means a scheme for ensuring that assistance may be provided between the Minister and an overseas prison authority, to enable the Minister and the overseas prison authority to perform their functions;

“convey” includes bring and throw;

“electronic communication” has the meaning given in Article 1(1) of the [Electronic Communications \(Jersey\) Law 2000](#);

“explosive” has the meaning given to ‘explosives’ in Article 1(1) of the [Explosives \(Jersey\) Law 1970](#);

“fingerprints” has the meaning given in Article 1(1) of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#);

“firearm” has the meaning given in Article 1(1) of the [Firearms \(Jersey\) Law 2000](#);

“Governor” means the person employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as the Governor for the purposes of this Law;

“Independent Prison Monitoring Board” means the Independent Prison Monitoring Board established in Regulations made under Article 6;

“intimate sample” has the meaning given in Article 1(1) of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#);

“intoxicating liquor” has the meaning given in Article 1(1) of the [Licensing \(Jersey\) Law 1974](#);

“medical officer” means the officer appointed under Article 7(1);

“Minister” means the Minister for Home Affairs;

“offensive weapon” has the meaning given in Article 1(1) of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#);

“overseas prison authority” means an authority (by whatever name it is called) that performs in a place outside Jersey any functions that are equivalent to or of the same kind as those of the Minister under this Law;

“personal communication device” means –

- (a) a mobile telephone;
- (b) any other device that is capable of transmitting or receiving an electronic communication;
- (c) a component part of a device described in paragraph (a) or (b); or
- (d) an item designed or adapted for use with a device described in paragraph (a) or (b),

and it is irrelevant whether or not a personal communication device forms part of another device of any kind;

“photograph” means a recording on any medium on which an image (including a moving image) is produced or from which such an image may by any means be produced;

“prison” or “the prison” means –

- (a) the States of Jersey Prison at La Moye;
- (b) any other prison which may be built;
- (c) any building or part of a building designated to be a prison under Article 19(2); and
- (d) any young offender institution;

“prisoner” includes a person sentenced to youth detention;

“prison officer” means a person employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as a prison officer for the purposes of this Law;

“recording device” means –

- (a) a camera;

- (b) any other device that is capable of recording a sound, a still image or a moving image (in combination or otherwise);
- (c) a component part of a device described in paragraph (a) or (b); or
- (d) an item designed or adapted for use with a device described in paragraph (a) or (b),

and it is irrelevant whether or not a recording device forms part of another device of any kind;

“sound-recording” means a recording of sounds on any medium from which the sounds may by any means be reproduced;

“young offender institution” means an institution provided under Article 27(1)(a); and

“youth detention” has the meaning given by Article 1(1) of the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).<sup>3</sup>

- (2) A reference in this Law to a sum adjudged to be paid by a conviction includes a sum payable under a compensation order made under Article 2(1) of the [Criminal Justice \(Compensation Orders\) \(Jersey\) Law 1994](#).<sup>4</sup>
- (3) A reference in this Law to an enactment, including an enactment of the United Kingdom, is a reference to that enactment as amended from time to time, and includes a reference to that enactment as applied or extended by or under any other enactment, including any other provision of that enactment.<sup>5</sup>
- (4) For the purposes of this Law, the maintenance of a prisoner shall include all necessary expenses incurred in respect of the prisoner for food, clothing, custody and removal from one place to another, from the period of the prisoner’s committal to prison until the prisoner’s discharge from, or death in, prison.
- (5) The States may by Regulations amend paragraph (1).<sup>6</sup>

**2** <sup>7</sup>

### **3 General duties of Minister**

- (1) The Minister shall have the general administration and superintendence of the prison and shall make the contracts, other than contracts of employment, and do the other acts necessary for the maintenance of the prison and the maintenance of prisoners.<sup>8</sup>
- (2) The Minister shall from time to time visit the prison and examine the state of buildings, the conduct of officers, the treatment and conduct of prisoners and all other matters concerning the management of the prison, and shall ensure that the provisions of this Law and of any Rules made under this Law are duly complied with.
- (3) The Minister may at any time visit the prison or any part thereof, and any prisoner.

### **3A Cooperation schemes with overseas prison authorities<sup>9</sup>**

- (1) The Minister may enter into a cooperation scheme with an overseas prison authority.
- (2) A cooperation scheme may include provision –
  - (a) for the overseas prison authority, at the request of the Minister, to place its officers or employees at the Minister's disposal for the purpose of enabling the Minister to meet any special demand on his or her resources in relation to this Law;
  - (b) for the Minister, at the request of the overseas prison authority, to place prison officers or employees at the overseas prison authority's disposal for the purpose of enabling that authority to meet any special demand on its resources; and
  - (c) for apportioning between the Minister and the overseas prison authority any expenses incurred in taking measures to secure the operation of the scheme.
- (3) Paragraph (4) applies to a person who is an officer or employee of an overseas prison authority, while serving a period of duty in Jersey under a provision of a cooperation scheme made under paragraph (2)(a).
- (4) The person is to be treated for the purposes of any enactment (including the provisions of this Law other than this Article) as a prison officer or employee under this Law, and accordingly –
  - (a) is subject to the authority and under the control of the Governor; and
  - (b) if an officer of the overseas prison authority, has the duties and powers of a prison officer under this Law.
- (5) In this Article a reference to an officer or employee of an overseas prison authority means a person (by whatever name that person's post is called) who carries out functions for the overseas prison authority that are equivalent to those of a prison officer or employee, as the case may be, under this Law.

### **4 Annual report of Minister**

- (1) The Minister shall each year, present to the States a report on the prison for the preceding calendar year.<sup>10</sup>
- (2) The report shall contain –
  - (a) a statement of the accommodation at the prison and the daily average and highest number of prisoners confined therein;
  - (b) particulars of the work done by prisoners in the prison;
  - (c) a statement of the punishments inflicted in the prison and of the offences for which they were inflicted.<sup>11</sup>

### **5 Right of Lieutenant-Governor, Bailiff and Viscount to visit prison**

- (1) The Lieutenant-Governor and the Bailiff may at any time visit the prison or any part thereof, and any prisoner, and enter in the visitors' book, to be



kept by the governor of the prison, any observations on the condition of the prison or on any abuses.

- (2) The governor of the prison shall bring any entry in the visitors' book to the attention of the Minister and to the Independent Prison Monitoring Board at their next visit.<sup>12</sup>
- (3) The Viscount may at any time visit the prison or any part thereof, and any prisoner, whenever it is necessary for the Viscount to do so in the discharge of the duties of his or her office.

## **6 Independent Prison Monitoring Board<sup>13</sup>**

- (1) The States shall make Regulations providing for the establishment of an Independent Prison Monitoring Board, which shall consist of such persons appointed at such times, in such manner and for such terms as may be specified in the Regulations.
- (2) Regulations made under paragraph (1) shall specify the functions of the Independent Prison Monitoring Board and include provision for –
  - (a) visits to the prison by members of the Board;
  - (b) inspection of any part of the prison, including any cell, by members of the Board;
  - (c) the reporting to the Minister of any matter which he or she considers it expedient to report.
- (3) All members of the Independent Prison Monitoring Board –
  - (a) shall have free access at all times to all parts of the prison and to all prisoners; and
  - (b) may see such prisoners as they desire, either in their cells or in a room out of sight and hearing of officers.
- (4) Despite the coming into force of Article 5 of the Prison (Amendment No. 7) (Jersey) Law 2016 –
  - (a) the Prison (Board of Visitors) (Jersey) Regulations 1957 (“1957 Regulations”) shall remain in force until they are revoked by Regulations made by the States under paragraph (1); and
  - (b) the members of the Board of Visitors may continue to visit at any time the prison or any part thereof, and any prisoner, until the 1957 Regulations are revoked.

## **7 Medical officer and chaplain<sup>14</sup>**

- (1) The Minister shall appoint a medical officer of the prison who shall be a doctor.
- (2) Subject to paragraph (3), the Minister shall appoint a chaplain who is a clergyman of the Church of England.
- (3) The Minister may appoint a chaplain who is a clergyman of a religious denomination other than the Church of England –

- (a) where the number of prisoners who belong to a religious denomination other than the Church of England is such as in the opinion of the Minister to require the appointment of a chaplain of that denomination; or
  - (b) where, despite advertising for the position of chaplain in such manner as the Minister considers appropriate, the Minister is unable to fill the vacancy with a clergyman of the Church of England.
- (4) The States may by Regulations amend this Article.

## **7A Powers of prison officers<sup>15</sup>**

Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a member of the States of Jersey Police Force.

## **8 Prison ministers**

- (1) The Minister may allow a minister of religion of any denomination other than Church of England to visit prisoners of the minister's denomination.
- (2) No prisoner shall be visited against the prisoner's will by such a minister of religion as is mentioned in paragraph (1), but every prisoner not belonging to the Church of England shall be allowed, in accordance with the arrangements in force in the prison, to attend chapel or to be visited by the chaplain.
- (3) The governor of the prison shall on the reception of each prisoner record the religious denomination to which the prisoner declares himself or herself to belong, and shall give to any minister who under this Article is allowed to visit prisoners therein a list of the prisoners who have declared themselves to belong to the minister's denomination; and the minister shall not be allowed to visit any other prisoners.
- (4) The States may by Regulations amend this Regulation.<sup>16</sup>

## **9 Legal custody of prisoners**

- (1) Every prisoner shall be deemed to be in the legal custody of the governor of the prison.
- (2) A prisoner shall be deemed to be in legal custody while he or she is confined in, or is being taken to or from, the prison or any prison outside Jersey, and while the prisoner is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison and while the prisoner is being taken to or from any place to which he or she is required or authorized by or under this Law to be taken, or is kept in custody in pursuance of any such requirement or authorization.<sup>17</sup>

## **10 Cells**

- (1) No cell shall be used for the confinement of a prisoner unless it is certified by the medical officer of the prison that its size, lighting, heating,

ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.<sup>18</sup>

- (2) A certificate given under this Article in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.
- (3) The certificate shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position; and if the number or mark is changed without the consent of the medical officer of the prison the certificate shall cease to have effect.<sup>19</sup>
- (4) The medical officer of the prison may withdraw a certificate given under this Article in respect of any cell if in his or her opinion the conditions of the cell are no longer as stated in the certificate.<sup>20</sup>
- (5) Special cells may be provided for the temporary confinement of refractory or violent prisoners.<sup>21</sup>

## **11 Separation of male and female prisoners**

Separate buildings or parts of a building shall be used in the prison for male prisoners and for female prisoners respectively so as to prevent the one from seeing or communicating with the other.<sup>22</sup>

## **12** <sup>23</sup>

## **13 Painful tests**

The medical officer of the prison shall not apply any painful test to a prisoner for the purpose of detecting malingering or for any other purpose except with the permission of the Minister.

## **13A Power to test persons detained in the prison for controlled drugs<sup>24</sup>**

- (1) The Governor may issue an authorization empowering any prison officer, at the prison, to require any person who is detained in the prison to provide a sample of urine for the purpose of ascertaining whether the person has any controlled drug in his or her body.
- (2) An authorization under paragraph (1) may further empower any prison officer, at the prison, to require a person who is detained in the prison to provide a sample of any other description specified in the authorization, not being an intimate sample, whether instead of or in addition to a sample of urine.
- (3) An authorization under paragraph (1) shall be in writing.
- (4) <sup>25</sup>

**13B Power to test persons detained in the prison for alcohol<sup>26</sup>**

- (1) The Governor may issue an authorization empowering any prison officer, at the prison, to require any person who is detained in the prison to provide a sample of breath for the purpose of ascertaining whether the person has alcohol in his or her body.
- (2) An authorization under paragraph (1) may further empower any prison officer, at the prison, to require a person who is detained in the prison –
  - (a) to provide a sample of urine, whether instead of or in addition to a sample of breath; and
  - (b) to provide a sample of any other description specified in the authorization, not being an intimate sample, whether instead of or in addition to a sample of breath, a sample of urine or both.
- (3) An authorization under paragraph (1) shall be in writing.
- (4) <sup>27</sup>

**13C Powers of search by authorized employees<sup>28</sup>**

- (1) An authorized employee at the prison shall have the power to search any person detained in the prison for the purpose of ascertaining whether the person has any unauthorized property on his or her person.
- (2) An authorized employee searching a person detained in the prison by virtue of this Article –
  - (a) shall not be entitled to require a person to remove any of his or her clothing other than an outer coat, jacket, headgear, gloves and footwear;
  - (b) may use reasonable force where necessary; and
  - (c) may seize and detain any unauthorized property found on the person in the course of the search.
- (3) The Governor –
  - (a) may authorize employees for the purposes of paragraphs (1) and (2); and
  - (b) shall take such steps as he or she considers appropriate to notify to persons detained who are detained in the prison of the employees who are for the time being so authorized.
- (4) In this Article –

“employee” means a person, other than a prison officer, who is employed within the prison, under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“unauthorized property”, in relation to a person, means property which he or she is not authorized by Rules made under Article 29 or by the Governor, to have in his or her possession or, as the case may be, in his or her possession in a particular part of the prison.

## **14 Removal of prisoners for judicial and other purposes**

The Bailiff may –

- (a) if the Bailiff is satisfied that the attendance at any place in Jersey of a person detained in the prison is desirable in the interests of justice or for the purposes of any public inquiry, direct the person detained to be taken to that place;
- (b) if the Bailiff is satisfied that a person so detained requires medical investigation or observation or medical or surgical treatment of any description, direct the person detained to be taken to a hospital or other suitable place for the purpose of the investigation, observation or treatment,

and where any person is directed under this Article to be taken to any place the person shall, unless the Bailiff otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison.<sup>29</sup>

## **15 Power of police officer to act outside the police officer's jurisdiction**

For the purposes of taking a person to or from the prison under the order of any authority competent to give the order, an officer of police, whether honorary or paid, may act outside the area of the officer's jurisdiction and shall, notwithstanding that the officer is so acting, have all the powers, authority, protection and privileges of his or her office.

## **16 Calculation of term of sentence**

- (1) In any sentence of imprisonment, the word "month" shall, unless the contrary is expressed, be construed as meaning calendar month.
- (2) A prisoner who but for this paragraph would be discharged on a Saturday, a Sunday, Christmas Day, Good Friday, or any day appointed to be observed as a public holiday under Article 2 of the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#), shall be discharged on the day next preceding.<sup>30</sup>

## **17 Remission for good conduct and release on licence of persons sentenced to terms of imprisonment**

- (1) Rules made under Article 29 may make provision whereby, in such circumstances as may be prescribed by the Rules, a person serving a sentence of imprisonment or youth detention for such a term as may be so prescribed may be granted remission of such part of that sentence as may be so prescribed on the ground of the person's industry and good conduct, and on the discharge of a person from prison or a young offender institution in pursuance of any such remission as aforesaid the person's sentence shall expire.<sup>31</sup>
- (2) If it appears to the Minister that a person serving a sentence of imprisonment was under the age of 21 years at the commencement of his or her sentence, the Minister may direct that instead of being granted remission of his or her sentence under the Rules the person shall, at any

time on or after the day on which the person could have been discharged if the remission had been granted, be released on licence under the following provisions of this Article.

- (3) A person released on licence under this Article shall until the expiration of the person's sentence be under the supervision of such person as may be specified in the licence and shall comply with such other requirements as may be so specified:

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

- (4) If before the expiration of the person's sentence the Minister is satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, the Minister may by order recall the person to the prison; and thereupon he or she shall be liable to be detained in prison until the expiration of his or her sentence and, if at large, shall be deemed to be unlawfully at large.
- (5) The Minister may release on licence a person detained in a prison under paragraph (4) at any time before the expiration of the person's sentence; and paragraphs (3) and (4) shall apply in the case of a person released under this paragraph as they apply in the case of a person released under paragraph (2).
- (6) Where the unexpired part of the sentence of a person released under paragraph (2) is less than 6 months, paragraphs (3) to (5) shall apply to the person subject to the following modifications –
- (a) the period for which the person is under supervision under paragraph (3) and is liable to recall under paragraph (4) shall be a period of 6 months from the date of his or her release under paragraph (2);
  - (b) if the person is recalled under paragraph (4), the period for which he or she may be detained thereunder shall be whichever is the shorter of the following, that is to say –
    - (i) the remainder of the said period of 6 months, or
    - (ii) the part of the person's sentence which was unexpired on the date of his or her release under paragraph (2), reduced by any time during which the person has been so detained since that date,

and the person may be released on licence under paragraph (5) at any time before the expiration of that period.

- (7) For the purposes of this Article, a person committed to prison or a young offender institution in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment or youth detention for the term for which the person is committed, and consecutive terms of imprisonment or youth detention shall be treated as one term of a period equal to the aggregate of the consecutive terms.<sup>32</sup>

**18 Power of Bailiff to discharge prisoners temporarily on account of ill-health**

- (1) If the Bailiff is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain the prisoner in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his or her release should be temporary and conditional only, the Bailiff may, if he or she thinks fit, having regard to all the circumstances of the case, by order authorize the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.
- (2) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his or her case at which the prisoner's presence may be required.
- (3) Any prisoner discharged under this Article shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Bailiff, and, if the prisoner fails so to comply or return, the prisoner may be arrested and taken back to prison.
- (4) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he or she is discharged from prison under the order to the day on which he or she is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.
- (5) Nothing in this Article shall affect the duties of the medical officer of the prison in respect of a prisoner whom the Bailiff does not think fit to discharge under this Article.

**19 Alteration, etc. of prison**

- (1) The States may alter, enlarge, rebuild or close the prison and build any new prison.
- (2) Where the Minister considers it is necessary for a temporary period to house prisoners in accommodation other than the prison, the Minister may designate any building or part of a building to be a prison.<sup>33</sup>
- (3) Where the Minister considers that the circumstances which gave rise to a designation under paragraph (2) no longer apply, the Minister shall revoke such designation.<sup>34</sup>
- (4) Where more than one prison is provided, there shall be a governor, a chaplain and a medical officer for each prison and where a prison is provided for the reception of women only, the governor of that prison shall be a woman.
- (5) Paragraph (4) does not apply to a young offender institution established under Article 27.<sup>35</sup>

**20** <sup>36</sup>**21 Escape from prison<sup>37</sup>**

Any person who, whether with or without the use of force, escapes from the prison, or other lawful custody, shall be guilty of an offence and shall be liable to imprisonment for a term of 10 years and to a fine.

**22 Assisting prisoner to escape<sup>38</sup>**

Any person who aids any person in escaping or attempting to escape from the prison or other lawful custody or who, with intent to facilitate the escape of any such person, conveys any thing into the prison or places any thing anywhere outside the prison with a view to its coming into the possession of any such person, shall be guilty of any offence and liable imprisonment for a term of 10 years and to a fine.

**23 Harboursing of escaped prisoner<sup>39</sup>**

- (1) Any person who knowingly harbours a person who has escaped from the prison or other lawful custody or who, having been sentenced in any other part of the British Islands to imprisonment or detention, is otherwise unlawfully at large, or gives to any such person any assistance with intent to prevent, hinder or interfere with him or her being taken into custody, shall be guilty of an offence and shall be liable to imprisonment for a term of 10 years and to a fine.<sup>40</sup>
- (2) For the purposes of this Article, the expression “imprisonment or detention” means imprisonment, custody for life, youth custody, detention in a detention centre or young offenders institution or detention under any equivalent sentence passed by a court in the British Islands outside Jersey.<sup>41</sup>

**24 Conveyance of Grade 1 item into or out of prison<sup>42</sup>**

- (1) A Grade 1 item is any of the following –
  - (a) a controlled drug;
  - (b) an article made or adapted for use in the ingestion of a controlled drug;
  - (c) an explosive;
  - (d) a firearm or ammunition;
  - (e) any other offensive weapon.
- (2) A person is guilty of an offence if he or she –
  - (a) conveys a Grade 1 item into or out of the prison;
  - (b) causes another person to convey a Grade 1 item into or out of the prison;



- (c) leaves a Grade 1 item in any place (whether inside or outside the prison) intending it to come into the possession of a prisoner; or
  - (d) knowing a person to be a prisoner, gives a Grade 1 item to that person,
- except where he or she is authorized to do so under paragraph (3) or (4).
- (3) The Governor may authorize –
    - (a) the medical officer;
    - (b) a doctor;
    - (c) a pharmacist;
    - (d) a police officer; or
    - (e) a person in the employment of the prison,to convey a Grade 1 item described in paragraph (1)(a) or (1)(b) into or out of the prison for a purpose (including for the purpose of leaving it in a place in the prison intending it to come into the possession of a prisoner or for the purpose of giving it to a prisoner), subject to any condition that may be specified in the authorization.
  - (4) The Chief Officer or the Deputy Chief Officer of the States of Jersey Police Force may authorize a person to convey a Grade 1 item described in paragraph (1)(c), (1)(d) or (1)(e) into or out of the prison for a purpose, subject to any condition that may be specified in the authorization.
  - (5) A person who is authorized under paragraph (3) or (4) to convey a Grade 1 item into or out of the prison shall be guilty of an offence if he or she so conveys it for a purpose other than for the purpose authorized or fails to comply with a condition subject to which the authorization is given.
  - (6) A person who is guilty of an offence under paragraph (2) or (5) shall be liable to imprisonment for a term of 10 years and to a fine.
  - (7) The States may by Regulations –
    - (a) amend the definition “Grade 1 item” in paragraph (1) to include other items;
    - (b) amend this Article to make provision for authorization to be given by the Governor or the Chief Officer or Deputy Chief Officer of the States of Jersey Police Force to a person or a class of person for a Grade 1 item (other than an item for which authorization is permitted under paragraph (3) or (4)) to be conveyed into or out of the prison for a purpose, and subject to any condition specified in the authorization.

## **25 Conveyance of Grade 2 item into or out of prison<sup>43</sup>**

- (1) A Grade 2 item is any of the following –
  - (a) intoxicating liquor;
  - (b) a personal communication device;
  - (c) a recording device.

- (2) A person is guilty of an offence if he or she –
  - (a) conveys a Grade 2 item into or out of the prison;
  - (b) causes another person to convey a Grade 2 item into or out of the prison;
  - (c) leaves a Grade 2 item in any place (whether inside or outside the prison) intending it to come into the possession of a prisoner; or
  - (d) knowing a person to be a prisoner, gives a Grade 2 item to that person,except where he or she is authorized to do so under paragraph (3).
- (3) The Governor may authorize any person to convey a Grade 2 item into or out of the prison for a purpose (including for the purpose of leaving it in a place in the prison intending it to come into the possession of a prisoner or for the purpose of giving it to a prisoner), subject to any condition that may be specified in the authorization.
- (4) A person who is authorized under paragraph (3) to convey a Grade 2 item into or out of the prison shall be guilty of an offence if he or she so conveys it for a purpose other than for the purpose authorized or fails to comply with a condition subject to which the authorization is given.
- (5) For the purpose of paragraph (2)(a) and (b) a person does not convey an item into or out of the prison if the person conveys it into a part of the prison designated by the Governor for the holding of items while the person is inside the prison, surrenders it to be held there, and removes it from there on leaving the prison.
- (6) In proceedings for an offence under this Article it is a defence for the accused to show that –
  - (a) he or she reasonably believed that he or she had authorization to do the act in respect of which the proceedings are brought; or
  - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (7) A person who is guilty of an offence under paragraph (2) or (4) shall be liable to imprisonment for a term of 2 years and to a fine.
- (8) The States may by Regulations amend the definition “Grade 2 item” in paragraph (1) to include other items, except that no amendment may be made which would result in any Grade 1 item becoming or being treated as a Grade 2 item.

## **25A Conveyance of Grade 3 item into or out of prison<sup>44</sup>**

- (1) A Grade 3 item is any item that is not a Grade 1 item or a Grade 2 item.
- (2) A person is guilty of an offence if he or she –
  - (a) conveys a Grade 3 item into the prison intending it to come into the possession of a prisoner;
  - (b) causes another person to convey a Grade 3 item into the prison intending it to come into the possession of a prisoner;

- (c) conveys a Grade 3 item out of the prison on behalf of a prisoner;
- (d) causes another person to convey a Grade 3 item out of the prison on behalf of a prisoner;
- (e) leaves a Grade 3 item in any place (whether inside or outside the prison) intending it to come into the possession of a prisoner; or
- (f) knowing a person to be a prisoner gives a Grade 3 item to that person,

except where he or she is authorized to do so under paragraph (3).

- (3) The Governor may authorize any person to convey a Grade 3 item into or out of the prison for a purpose (including for the purpose of leaving it in a place in the prison intending it to come into the possession of a prisoner or for the purpose of giving it to a prisoner), subject to any condition that may be specified in the authorization.
- (4) A person who is authorized under paragraph (3) to convey a Grade 3 item into or out of the prison shall be guilty of an offence if he or she so conveys it for a purpose other than for the purpose authorized or fails to comply with a condition subject to which the authorization is given.
- (5) For the purpose of paragraph (2)(a) and (b) a person does not convey an item into or out of the prison if the person conveys it into a part of the prison designated by the Governor for the holding of items while the person is inside the prison, surrenders it to be held there, and removes it from there on leaving the prison.
- (6) In proceedings for an offence under this Article it is a defence for the accused to show that –
  - (a) he or she reasonably believed that he or she had authorization to do the act in respect of which the proceedings are brought; or
  - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (7) A person who is guilty of an offence under paragraph (2) or (4) shall be liable to a fine of level 3 on the standard scale.
- (8) The States may by Regulations amend this Article.

## **25B Other offences relating to information and recordings<sup>45</sup>**

- (1) A person is guilty of an offence if he or she –
  - (a) records an image (whether still or moving) or sound while the person is inside the prison or using a device that is inside the prison;
  - (b) transmits, or causes to be transmitted, any image or any sound from inside the prison by electronic communication for simultaneous reception outside the prison;
  - (c) brings or otherwise conveys a restricted document out of the prison, or causes a restricted document to be brought or conveyed out of the prison; or

- (d) transmits, or causes to be transmitted, from inside the prison by means of electronic communication –
  - (i) a restricted document, or
  - (ii) any information derived from a restricted document,except where he or she is authorized to do so under paragraph (5).
- (2) In paragraph (1) “restricted document” means the whole or any part of –
  - (a) a photograph taken inside the prison;
  - (b) a sound-recording made inside the prison;
  - (c) a record required by Rules under Article 29 to be prepared and maintained in relation to a prisoner, irrespective of whether that person is still a prisoner at the time of any alleged offence; or
  - (d) a document or other item in which there is recorded, by whatever means, any information falling within paragraph (3).
- (3) Information falls within this paragraph if –
  - (a) it is derived from a record falling within paragraph (2)(c);
  - (b) its disclosure would or might prejudice the interests of an identified or identifiable individual, to whom the information relates and who is or has been –
    - (i) a prisoner or a person working at the prison, or
    - (ii) a member of such a person’s family or household; or
  - (c) it relates to any matter connected with the prison or its operation, and its disclosure would or might prejudice the security or operation of the prison.
- (4) For the purposes of paragraphs (1)(a), (2)(a) and (2)(b), it is immaterial where the recording medium is located.
- (5) The Governor may authorize any person to do an act described in paragraph (1) for a purpose and subject to any condition that may be specified in the authorization or in a Rule made under Article 29.
- (6) A person who is authorized under paragraph (5) to do an act described in paragraph (1) shall be guilty of an offence if he or she fails to comply with a condition subject to which the authorization is given.
- (7) In proceedings for an offence under this Article it is a defence for the accused to show that –
  - (a) he or she reasonably believed that he or she had authorization to do the act in respect of which the proceedings are brought; or
  - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (8) A person who is guilty of an offence under paragraph (1) or (6) shall be liable to imprisonment for a term of 2 years and to a fine.

**26 Display of notice of penalties**

The Minister shall cause to be affixed in a conspicuous place outside the prison a notice of the penalties to which persons committing offences under Articles 21, 22, 23, 24, 25, 25A and 25B are liable.<sup>46</sup>

**27 Power to provide young offender institutions<sup>47</sup>**

The Minister may provide young offender institutions where offenders aged not less than 15 years but under 21 years, sentenced to youth detention may be detained in conditions suitable to persons of their ages and descriptions.

**28 Transfer from young offender institution to prison<sup>48</sup>**

Where an offender has been sentenced to a term of youth detention and either –

- (a) the offender has attained the age of 21; or
- (b) the offender has been reported to the Minister by the Independent Prison Monitoring Board as exercising a bad influence on the other persons detained in the young offender institution, or as behaving in a disruptive manner to the detriment of those other persons,

the Minister may substitute for the unexpired part of the term of his or her sentence a term of imprisonment not exceeding the unexpired part, and for the purposes of this Law that person shall then be treated as though he or she had been sentenced to imprisonment for that term.

**29 Rules and directions for the management of the prison and other institutions<sup>49</sup>**

- (1) Subject to the provisions of paragraph (6), the Minister may make Rules for the regulation and management of the prison and for the classification, treatment, employment, discipline and control of persons required to be detained therein.<sup>50</sup>
- (1A) Without prejudice to the generality of paragraph (1), Rules made under this Article may include provision for any person detained in the prison to be required to be measured, photographed, have his or her fingerprints taken and have such other measurements taken so as to provide biometrical information about the person.<sup>51</sup>
- (1B) Where Rules make provision for any of the matters described in paragraph (1A) they shall also make provision –
  - (a) as to the manner in which any requirement under paragraph (1A) is to be imposed;
  - (b) requiring the keeping and destruction of a record of any information obtained; and
  - (c) requiring a record of any information obtained to be kept confidential unless its release is authorized by the Rules, either subject to or without conditions.<sup>52</sup>

- (1C) Without prejudice to the generality of paragraph (1), Rules made under this Article may include provision as to the manner in which any power conferred by Article 13A, 13B or 13C is to be exercised.<sup>53</sup>
- (1D) Any Rules made under this Article may include a power for the Minister to give a direction to the Governor in pursuance of any such Rule.<sup>54</sup>
- (2) Rules made under this Article shall make provision for ensuring that a person who is charged with any offence under the Rules shall be given a proper opportunity of presenting the person's case.
- (3) Rules made under this Article shall provide for the treatment of prisoners awaiting transfer under section 26, 27 or 28 of the Criminal Justice Act 1961 of the United Kingdom.<sup>55</sup>
- (4) Rules made under this Article shall provide for the special treatment of any person detained in the prison, not being a person serving a sentence or a person imprisoned or sentenced to youth detention in default of payment of a sum adjudged to be paid by a conviction.<sup>56</sup>
- (5) Rules made under this Article may provide for the temporary release of persons detained in the prison, not being persons committed in custody for trial before the Royal Court or committed to be sentenced or otherwise dealt with by that Court or remanded in custody by any court.<sup>57</sup>
- (6) <sup>58</sup>
- (7) <sup>59</sup>

### **30 Persons unlawfully at large**

- (1) Any person who, having been sentenced to imprisonment, or youth detention, or having been committed to the prison, is unlawfully at large, may be arrested by any officer of police, whether honorary or paid, and taken to the prison.<sup>60</sup>
- (2) Where any person sentenced to imprisonment, or youth detention, is unlawfully at large at any time during the period for which he or she is liable to be detained in pursuance of the sentence then, unless the Minister otherwise directs, no account shall be taken, in calculating the period for which the person is liable to be so detained, of any time during which he or she is absent from the prison.<sup>61</sup>
- (3) The provisions of paragraph (2) shall apply to a person who is detained in custody in default of payment of any sum of money as if he or she were sentenced to imprisonment or youth detention.<sup>62</sup>
- (4) For the purposes of this Article a person who, after being temporarily released in pursuance of Rules made under Article 29(5), is at large at any time during the period for which the person is liable to be detained in pursuance of his or her sentence shall be deemed to be unlawfully at large if the period for which he or she was temporarily released has expired or if an order recalling the person has been made by the Minister in pursuance of the Rules.

**31** <sup>63</sup>

**32 Citation**

This Law may be cited as the Prison (Jersey) Law 1957.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Prison (Jersey) Law 1957	<a href="#">L.1/1957</a>	1 July 1957 (OinC.9/1957)	
Prison (Amendment) (Jersey) Law 1973	<a href="#">L.2/1974</a>	25 January 1974	
Prison (Miscellaneous Provisions) (Jersey) Law 1976	<a href="#">L.16/1976</a>	6 August 1976	
Prison (Amendment No. 2) (Jersey) Law 1981	<a href="#">L.2/1981</a>	21 April 1981	
Homicide (Jersey) Law 1986	<a href="#">L.3/1986</a>	25 April 1986	
Prison (Amendment No. 3) (Jersey) Law 1994	<a href="#">L.7/1994</a>	1 June 1994 (R&O.8679)	
Prison (Amendment No. 4) (Jersey) Law 1997	<a href="#">L.40/1997</a>	29 August 1997	
Prison (Amendment No. 5) (Jersey) Law 2004	<a href="#">L.21/2004</a>	10 September 2004	<a href="#">P.45/2004</a>
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	<a href="#">R&amp;O.47/2005</a>	9 December 2005	<a href="#">P.61/2005</a>
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	<a href="#">R&amp;O.126/2005</a>	9 December 2005	<a href="#">P.203/2005</a>
Employment of States of Jersey Employees (Jersey) Law 2005	<a href="#">L.26/2005</a>	9 December 2005	<a href="#">P.99/2005</a>
Prison (Amendment No. 6) (Jersey) Law 2007	<a href="#">L.31/2007</a>	29 October 2008 ( <a href="#">R&amp;O.135/2008</a> )	<a href="#">P.18/2007</a>
Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 2016	<a href="#">R&amp;O.115/2016</a>	23 November 2016	<a href="#">P.99/2016</a>
Prison (Amendment No. 7) (Jersey) Law 2016	<a href="#">L.31/2016</a>	30 December 2016 18 April 2017, Articles 4 and 16 (see <a href="#">R&amp;O.4/2017</a> )	<a href="#">P.89/2016</a>
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a> ( <a href="#">R&amp;O.112/2021</a> )	28 September 2021	<a href="#">P.26/2021</a>

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)



**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
1 (1A)	1 (2)
(1B)	(3)
(2)	(4)
9	repealed by <a href="#">L.3/1986</a>
10	9
11	10
12	11
13	12
14	13
15	repealed by <a href="#">L.7/1994</a>
16	14
17	15
18	16
19	17
20	18
21	19
(1A)	(2)
(1B)	(3)
(2)	(4)
(3)	(5)
22	20
22A	21
22B	22
22C	23
23	24
24	25
25	26
25A	27
25B	28
25C	repealed by <a href="#">L.7/1994</a> ; former Article inserted by <a href="#">L.2/1981</a>
25D	repealed by <a href="#">L.7/1994</a> ; former Article inserted by <a href="#">L.2/1981</a>
26	29
26(7)	repealed by <a href="#">L.2/1981</a>
27	30
28	31
29(1)	32
(2),(3),(4),(5),(6)	spent, omitted from this revised edition

**Table of Endnote References**

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Long Title* amended by L.2/1981
- <sup>3</sup> *Article 1(1)* substituted by L.7/1994, amended by L.40/1997, L.26/2005, R&O.115/2016, L.31/2016
- <sup>4</sup> *Article 1(2)* inserted by L.7/1994
- <sup>5</sup> *Article 1(3)* inserted by L.7/1994
- <sup>6</sup> *Article 1(5)* added by L.31/2016
- <sup>7</sup> *Article 2* deleted by R&O.47/2005
- <sup>8</sup> *Article 3(1)* amended by L.26/2005
- <sup>9</sup> *Article 3A* inserted by L.31/2016
- <sup>10</sup> *Article 4(1)* amended by L.2/1981
- <sup>11</sup> *Article 4(2)* amended by L.2/1981
- <sup>12</sup> *Article 5(2)* amended by L.31/2016
- <sup>13</sup> *Article 6* substituted by L.31/2016
- <sup>14</sup> *Article 7* substituted by L.31/2016
- <sup>15</sup> *Article 7A* inserted by L.21/2004
- <sup>16</sup> *Article 8(4)* inserted by L.31/2016
- <sup>17</sup> *Article 9(2)* amended by L.2/1981
- <sup>18</sup> *Article 10(1)* amended by L.2/1981
- <sup>19</sup> *Article 10(3)* amended by L.2/1981
- <sup>20</sup> *Article 10(4)* amended by L.2/1981
- <sup>21</sup> *Article 10(5)* amended by L.2/1981
- <sup>22</sup> *Article 11* amended by L.2/1981
- <sup>23</sup> *Article 12* repealed by L.31/2007
- <sup>24</sup> *Article 13A* inserted by L.31/2007
- <sup>25</sup> *Article 13A(4)* deleted by L.31/2016
- <sup>26</sup> *Article 13B* inserted by L.31/2007
- <sup>27</sup> *Article 13B(4)* deleted by L.31/2016
- <sup>28</sup> *Article 13C* inserted by L.31/2007
- <sup>29</sup> *Article 14* amended by L.40/1997
- <sup>30</sup> *Article 16(2)* amended by L.2/1981, L.7/1994
- <sup>31</sup> *Article 17(1)* amended by L.7/1994
- <sup>32</sup> *Article 17(7)* amended by L.7/1994
- <sup>33</sup> *Article 19(2)* inserted by L.40/1997
- <sup>34</sup> *Article 19(3)* inserted by L.40/1997
- <sup>35</sup> *Article 19(5)* inserted by L.7/1994
- <sup>36</sup> *Article 20* repealed by L.31/2016
- <sup>37</sup> *Article 21* inserted by L.16/1976, amended by L.7/1994, L.31/2016
- <sup>38</sup> *Article 22* substituted by L.31/2016
- <sup>39</sup> *Article 23* inserted by L.16/1976
- <sup>40</sup> *Article 23(1)* amended by L.7/1994, L.31/2016
- <sup>41</sup> *Article 23(2)* amended by L.7/1994
- <sup>42</sup> *Article 24* substituted by L.31/2016
- <sup>43</sup> *Article 25* substituted by L.31/2016

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- <sup>44</sup> *Article 25A* inserted by L.31/2016
- <sup>45</sup> *Article 25B* inserted by L.31/2016
- <sup>46</sup> *Article 26* amended by L.16/1976, L.31/2016
- <sup>47</sup> *Article 27* substituted by R&O.115/2016
- <sup>48</sup> *Article 28* substituted by L.7/1994, amended by L.31/2016
- <sup>49</sup> *Article 29* heading amended by L.2/1981, L.31/2016
- <sup>50</sup> *Article 29(1)* amended by L.2/1981, L.7/1994, R&O.115/2016
- <sup>51</sup> *Article 29(1A)* inserted by L.31/2007
- <sup>52</sup> *Article 29(1B)* inserted by L.31/2007
- <sup>53</sup> *Article 29(1C)* inserted by L.31/2007
- <sup>54</sup> *Article 29(1D)* inserted by L.31/2016
- <sup>55</sup> *Article 29(3)* substituted by L.7/1994
- <sup>56</sup> *Article 29(4)* amended by L.7/1994
- <sup>57</sup> *Article 29(5)* substituted by L.2/1981, amended by L.7/1994
- <sup>58</sup> *Article 29(6)* substituted by L.2/1981, deleted by L.8/2021
- <sup>59</sup> *Article 29(7)* deleted by L.31/2016
- <sup>60</sup> *Article 30(1)* amended by L.16/1976, L.7/1994
- <sup>61</sup> *Article 30(2)* amended by L.16/1976, L.7/1994
- <sup>62</sup> *Article 30(3)* amended by L.7/1994
- <sup>63</sup> *Article 31* repealed by R&O.126/2005