BORSTAL INSTITUTIONS

1952 No. 1406

The Borstal Rules, 1952

Made - - - - 28*th July*, 1952
Coming into Operation 31*st July*, 1952

In pursuance of the power conferred on me by section fifty-two of the Criminal Justice Act, 1948(a), as amended by section seventy-seven of, and the Eleventh Schedule to, the Criminal Justice (Scotland) Act, 1949(b), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Borstal Rules, 1952, and shall come into operation on the thirty-first day of July, 1952.

(2) In these Rules the expression " the principal Rules " means the Borstal (No. 2) Rules, 1949(c).

2. Rule 9 of the principal Rules (which relates to a system of privileges) shall be deleted.

3. In Rule 18 of the principal Rules (which requires certain information to be given to inmates) for the words " these Rules and any other regulations of which he should have knowledge " there shall be substituted the words " so much of these Rules and of any other regulations as should be brought to his knowledge ".

4. For Rule 22 of the principal Rules there shall be substituted the following Rule:—

"Release on parole.

22.—(1) An inmate may be allowed by the Commissioners, on conditions and for reasons approved by them, to be temporarily absent from the Borstal on parole for a stated length of time.

(2) If the Commissioners are satisfied that an inmate absent on parole has broken any of the said conditions, he shall, notwithstanding that the stated length of time has not expired, be liable to be recalled to the Borstal.".

5. Paragraph (2) of Rule 26 of the principal Rules (which relates to the removal of an inmate from his house) shall be deleted.

6. After Rule 26 of the principal Rules there shall be inserted the following Rule:—

"Work in inmate's room.

26A.—(1) If at any time it appears to the Governor that it is desirable for the maintenance of good order or discipline or in the interests of an inmate that that inmate should not work in association with others, the Governor may arrange for that inmate to work for a period not exceeding twenty-four hours in his room and not in association.

(2) A member of the Board of Visitors or a Commissioner or Assistant Commissioner may authorize the Governor to arrange in such a case as aforesaid for the inmate to work in his room and not in association for a period not exceeding fourteen days

(a) 11 & 12 Geo. 6. c. 58. (b) 12, 13 & 14 Geo. 6. c. 94.
(c) S.I. 1949/1283; 1949 I, p. 501.

which period may, from time to time, be extended by the Board of Visitors or a Commissioner or Assistant Commissioner so, however, that the extension on any one occasion shall not exceed fourteen days.

(3) Notwithstanding that the Governor has in accordance with this Rule been authorized to arrange for an inmate to work in his room and not in association for a period exceeding twenty-four hours, it shall be within the discretion of the Governor to arrange for the inmate again to work in association whenever he considers this desirable, and he shall do so in any case if the Medical Officer so advises on medical grounds.".

7. At the end of paragraph (1) of Rule 27 of the principal Rules (which requires supervision by the Governor) there shall be added the words " or is removed from his house in pursuance of Rule 26, Rule 37 or Rule 38.".

8. For paragraphs (13) to (18) of Rule 36 of the principal Rules (which sets out the offences against discipline) there shall be substituted the following paragraphs:—

" (13) Absconds from the Borstal or from legal custody.

(14) Mutinies or incites other inmates to mutiny.

(15) Commits gross personal violence to an officer.

(16) Commits gross personal violence to another inmate.

(17) Makes repeated and groundless complaints.

(18) Makes false and malicious allegations against an officer.

(19) In any other way offends against good order and discipline.

(20) Attempts to do any of the foregoing things.

(21) When absent from the Borstal on parole, fails to return to the Borstal on expiry of the stated period of parole or breaks a condition which in pursuance of Rule 22 had been attached to his parole.".

9. For Rule 37 of the principal Rules there shall be substituted the following Rule:—

" Investigation of offences, and awards, by Governor.

37.—(1) Every offence against discipline shall be reported forthwith, and the Governor shall investigate every report of such an offence not later than the following day, unless that day is a Sunday or a public holiday.

(2) If upon investigation the Governor considers that the offence is proved, he shall (subject to the provisions of Rule 38) make one or more of the following awards:—

(*a*) caution;

(*b*) removal from such activity or activities of his house or of the Borstal, other than work, as are specified in the award;

(*c*) extra work or fatigues outside normal working hours for not more than two hours on any one day and for a period not exceeding twenty-eight days;

(*d*) forfeiture of any additional letters or visits which have been allowed in pursuance of paragraph (2) of Rule 66;

(*e*) stoppage of earnings for a period not exceeding fourteen days;

(*f*) reduction in grade, or delay in promotion to a higher grade, for a period not exceeding two months ;

(*g*) removal of the offender from his house ;

(*h*) confinement to a room for a period not exceeding three days ;

(*i*) *restricted diet for a period not exceeding three days.".

10. For Rule 38 of the principal Rules there shall be substituted the following Rule:—

"Investigation of offences, and awards, by Board of Visitors or Commissioner.

38.—(1) Where an inmate is reported for any of the following offences, namely:—

(*a*) assault upon an officer,

(*b*) gross personal violence to an officer or another inmate, or

(*c*) mutiny or incitement to mutiny,

the Governor shall, unless upon investigating the report in accordance with Rule 37 he is satisfied that it should be dismissed, refer the case to the Board of Visitors.

(2) Where an inmate is reported for any other serious or repeated offence against discipline upon which the Governor, having regard to the circumstances of the case, thinks it expedient that the Board of Visitors should adjudicate, the Governor may, after investigation, refer the case to the Board of Visitors.

(3) The Board of Visitors shall inquire into every case referred to them under paragraphs (1) and (2) of this Rule and, if they find the offence proved, shall make one or more of the following awards:—

(*a*) the awards lettered (*a*), (*b*), (*c*), (*d*) and (*g*) in paragraph (2) of Rule 37 ;

(*b*) stoppage of earnings for a period not exceeding twenty-eight days ;

(*c*) reduction in grade or delay in promotion to a higher grade ;

(*d*) confinement to a room for a period not exceeding fifteen days ;

(*e*) *restricted diet for a period not exceeding fifteen days.

(4) The Governor may, notwithstanding the foregoing provisions of this Rule, refer to the Commissioners a case to which paragraph (1) or paragraph (2) of this Rule applies and thereupon a Commissioner or Assistant Commissioner shall have authority to inquire into the case and deal with it in the same manner as the Board of Visitors.

(5) The functions of the Board of Visitors under this Rule shall be exercised by not less than two and not more than five members of the Board.".

11. After Rule 39 of the principal Rules there shall be inserted the following Rule:—

"Treatment of inmate removed from his house.

39A. An inmate removed from his house under Rule 26, Rule 37 or Rule 38 shall be accommodated in a separate part of the Borstal under such restrictions of diet, earnings and activities of the Borstal as the Commissioners determine:

Provided that where diet is restricted, it shall not be reduced below a nutritional standard adequate for health and strength at normal work.".

* For the definition of restricted diet see the Schedule.

12. In Rule 40 of the principal Rules (which relates to visits by the Governor and the Medical Officer) for the words " restricted diet No. 1 " there shall be substituted the words " restricted diet ".

13. For paragraph (5) of Rule 49 of the principal Rules (which relates to work) there shall be substituted the following paragraph:—

" (5) Inmates may receive payment for work in accordance with rates approved by the Commissioners and may spend money so received on such articles and subject to such conditions as the Commissioners determine.".

14. In Rule 51 of the principal Rules (which relates to religious denomination) for the words " either a member of the Board of Visitors or a Commissioner or Assistant Commissioner " there shall be substituted the words " the Board of Visitors ".

15. For paragraph (2) of Rule 56 of the principal Rules (which requires the Chaplain or other Minister to interview and visit inmates) there shall be substituted the following paragraph:—

" (2) The Chaplain shall daily visit any sick inmate and any inmate removed from his house in pursuance of Rule 26, Rule 37 or Rule 38 who is recorded as belonging to the Church of England, and a Minister shall so far as possible do the same for any inmate recorded as belonging to the Minister's denomination.".

16. For paragraphs (2) and (3) of Rule 66 of the principal Rules (which regulates the number of letters and visits) there shall be substituted the following paragraph:—

" (2) The Commissioners may allow such additional letters or visits as they determine.".

17. In Rule 76 of the principal Rules (which relates to inmates subject to restraint, confinement to their rooms or restricted diet No. 1) for the words " restricted diet No. 1 " there shall be substituted the words " restricted diet ".

18. At the end of Rule 85 of the principal Rules (which relates to washing, shaving and hair cutting) there shall be added the words " which direction shall be given in writing.".

19. In Rule 92 of the principal Rules (which relates to clothing) after the words " and shall " there shall be inserted the words " except as approved by the Commissioners ".

20. For Rule 116 of the principal Rules there shall be substituted the following Rule:—

" Chairman.

116.—(1) When a Board of Visitors is initially constituted one of the members shall be appointed by the Secretary of State to be chairman for a period of twelve months.

(2) Except as provided by the foregoing paragraph the Board of Visitors shall at their first meeting in each year of office appoint a chairman and shall, if a casual vacancy occurs in the office of chairman, fill the vacancy as soon as possible.".

21. For Rule 117 of the principal Rules there shall be substituted the following Rule:—

" Meetings and visits.

117. The Board shall, except as hereinafter provided, meet at the Borstal at least once a month to discharge their functions under these Rules, and members of the Board shall frequently visit and inspect the Borstal:

Provided that if the Board of Visitors appointed for a Borstal which in pursuance of Rule 5 is set aside as a Borstal reception centre resolve that for reasons specified in the resolution less frequent meetings than once a month are sufficient, so much of this Rule as relates to meetings shall be satisfied by their meeting not less than eight times in twelve months.".

22. At the end of Rule 118 of the principal Rules (which relates to the appointment of a vice-chairman of the Board of Visitors and quorum) there shall be added the following words and paragraph:—

" who, unless upon the occurrence of a casual vacancy in the office of chairman he is himself appointed chairman, shall hold office during the period for which the chairman has been appointed.

(2) The quorum fixed in pursuance of the foregoing paragraph shall not be required for performing a function which in accordance with an express provision of these Rules may be performed by a smaller number.".

23. In the Schedule (which prescribes restricted diets)—

(*a*) the word " diet " shall be substituted for the word " diets " wherever that word occurs;

(*b*) the heading " (1) No. 1 Diet " shall be deleted;

(*c*) in paragraph (*d*) for the words " No. 1 diet " there shall be substituted, in both places where they occur, the words " this diet ";

(*d*) the heading " (2) No. 2 Diet " and so much of the Schedule as is below that heading shall be deleted.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
28th July, 1952.

BRITISH GUIANA

1952 No. 2055

The British Guiana (Legislative Council—Extension of Duration) Order in Council, 1952

Made - - - - 28th November, 1952

At the Court at Sandringham, the 28th day of November, 1952

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is provided by Article 69 of the British Guiana (Constitution) Order in Council, 1928(**a**) (hereinafter referred to as " the principal Order "), made in pursuance of the powers conferred by the British Guiana Act, 1928(**b**), that the Governor of the Colony of British Guiana shall dissolve the Legislative Council of the said Colony (hereinafter referred to as " the Council ") at the expiration of five years from the date of the publication in the Official Gazette of the said Colony of the return of the first Member elected at the last preceding general election, if it shall not have been sooner dissolved:

(**a**) S.R. & O. 1928/561; Rev. III, p. 173; 1928, p. 221. (**b**) 18 & 19 Geo. 5. c. 5.