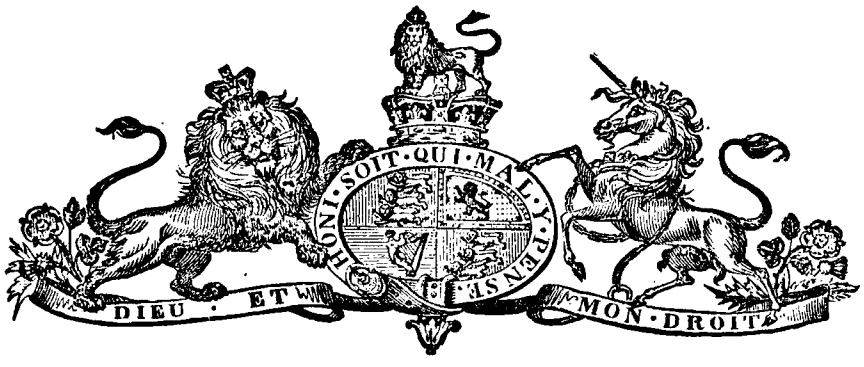


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. CXXVI.

An Act to consolidate and amend the Law relating to Prisons. [6th *July* 1865.]

WHEREAS it is expedient to consolidate and amend the Law relating to Prisons in *England:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Prison Act, 1865." Short Title.

2. This Act shall come into operation on the First Day of *February* One thousand eight hundred and sixty-six, which Day is herein-after referred to as the Commencement of the Act. Commencement of Act.

3. This Act shall not extend to *Scotland* or *Ireland*, and shall not apply to the Prisons for Convicts under the Superintendence of the Directors of Convict Prisons, or to any Military or Naval Prison. Application of Act.

Definition of Terms.

4. In this Act, and in any Act applied or incorporated by this Act, the Expressions herein-after mentioned shall have the Meanings herein-after attached to them, unless there is something in the Tenor of the Act inconsistent with such Meanings; that is to say,

"Municipal Borough" and "Borough:" "Municipal Borough" shall mean any Place for the Time being subject to the Municipal Corporation Act passed in the Session of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, and any Acts amending the same, and "Borough" shall include "Municipal Borough:"

"Prison:" "Prison" shall mean Gaol, House of Correction, Bridewell, or Penitentiary; it shall also include the Airing Grounds or other Grounds or Buildings occupied by Prison Officers for the Use of the Prison and contiguous thereto:

"Gaoler:" "Gaoler" shall mean Governor, Keeper, or other Chief Officer of a Prison:

"Clerk of the Peace:" "Clerk of the Peace" shall include any Officer performing similar Duties to those of a Clerk of the Peace:

"Treasurer:" "Treasurer" shall include any Officer performing Duties similar to those of Treasurer:

"Quarter Sessions:" "Quarter Sessions" shall include "General Sessions:"

"Criminal Prisoner." "Criminal Prisoner" shall mean any Prisoner charged with or convicted of a Crime.

Description of "Prison Authorities."

5. The Persons herein-after named shall be Prison Authorities for the Purposes of this Act; that is to say,

1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, Hundred, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:
2. As respects any Prison belonging to a County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at a Court of Gaol Sessions held in manner provided by the Act of the Fifth Year of King *George* the Fourth, Chapter Twelve:
3. As respects any Prison belonging to the City of *London*, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:
4. As respects any Prison belonging to a Municipal Borough, the Council of the Borough:
5. As respects any Prison belonging to any District, Liberty, City, Borough, or Town having a separate Prison Jurisdiction, and not herein-before mentioned, the Justices, Council, or other Persons having Power at Law to build, enlarge,

enlarge, or repair such Prison, assembled at any Gaol Session or other formal Meeting of their Body.

Definition of "Justices in Sessions assembled."

6. The Expression "Justices in Sessions assembled" shall mean as follows; that is to say,

1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, Hundred, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:
2. As respects any Prison belonging to any County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at Gaol Sessions:
3. As respects any Prison belonging to the City of *London*, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:
4. As respects any Prison belonging to any Municipal Borough, the Justices of the Borough assembled at Sessions to be held by them at the usual Time of holding Quarterly Sessions of the Peace, or at such other Time as they may appoint:
5. As respects any Prison belonging to any City, District, Borough, or Town having a separate Prison Jurisdiction, and not herein-before mentioned, the Justices or other Persons having Power at Law to make Rules for the Government of such Prison.

Contracts, &c. by Prison Authority in Counties.

7. The Provisions of the Act of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety-two, shall apply to all Contracts, Mortgages, or Conveyances entered into or executed in pursuance of this Act by or on behalf of or with the Justices of any County, Riding, Division, Hundred, or Liberty of a County in General or Quarter Sessions assembled; and in the Construction of that Act the Expression "Justices in Quarter Sessions assembled" shall include the Justices of the County in Gaol Sessions assembled, in pursuance of the Act of the Fifth Year of King *George* the Fourth, Chapter Twelve, and shall also include the Bailiff and Justices of the Liberty of *Romney Marsh* assembled at any Sessions or Meeting. And all Contracts, Mortgages, or Conveyances entered into or executed in pursuance of this Act by or on behalf of or with any other Prison Authority shall be entered into and executed in manner in which such Instruments or Deeds are usually entered into by such Authority.

PART

PART I.

The Maintenance and Government of Prisons.

Obligation to maintain Prisons.

Maintenance of Prisons by separate Prison Jurisdiction.

8. There shall be provided, at the Expense of every County, Riding, Division, Hundred, Liberty, Franchise, Borough, Town, or other Place having a separate Prison Jurisdiction, adequate Accommodation for its Prisoners in a Prison or Prisons constructed and regulated in such Manner as to comply with the Requisitions of this Act in respect of Prisons.

All Expenses incurred by a Prison Authority in carrying into effect the Provisions of this Act shall be defrayed out of the County Rate, or Rate in the Nature of a County Rate, Borough Rate, or other Rate leviable in the County, Riding, Division, Hundred, Liberty, Franchise, Borough, Town, or other Place having a separate Prison Jurisdiction, and applicable to the Maintenance of a Prison, or out of any other Property applicable to that Purpose.

Definition of separate Prison Jurisdiction.

9. For the Purposes of this Act every County, Riding, Division, Hundred, Liberty, Franchise, Borough, Town, or other Place shall be deemed to have a separate Prison Jurisdiction which maintains a separate Prison, or would be liable at Law to maintain a separate Prison if Accommodation were not provided for its Prisoners in the Prison of some other Jurisdiction.

Where a County is divided into Ridings or Divisions, and a Prison is maintained at the common Expense of such Ridings or Divisions, that County shall in relation to such Prison, and for the Purposes thereof, be deemed to have a separate Prison Jurisdiction, notwithstanding a separate County Rate is not levied in such County at large.

Appointment of Officers.

Officers of Prison.

10. There shall be appointed to every Prison by the Justices in Sessions assembled,

A Gaoler; a Chaplain, being a Clergyman of the Established Church; a Surgeon, duly registered as such, under the Act of the Session of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety; and such subordinate Officers as may be necessary.

And to every Prison in which Females are confined,

A Matron and such subordinate Female Officers as may be necessary.

Provided, that in a Prison where Females only are imprisoned the Matron shall be deemed to be the Gaoler, and shall, so far as is practicable, perform all the Duties and be subject to all the Obligations of a Gaoler in relation to such Prison.

11. The

Appointment of Chaplain to Two Prisons.

11. The same Person may officiate as Chaplain of any Two Prisons situate within a convenient Distance from each other, if such Prisons together are calculated to receive not more than One hundred Prisoners; but the Chaplain of more than One Prison, and the Chaplain of any Prison in which the average Number of Prisoners confined at any One Time during the Three Years next before his Appointment has not been less than One hundred, shall not, whilst holding his Chaplaincy, hold any Benefice with Cure of Souls or any Curacy.

Assistant Chaplains and Deputy Gaoler.

12. The Justices in Sessions assembled may appoint an Assistant Chaplain, being a Clergyman of the Established Church, and a Deputy Gaoler, or either of such Officers, to any Prison which they deem sufficiently large to require the Appointment of such Officers or either of them.

Notice to be sent to Bishop as to Chaplains and Assistant Chaplains.

13. Notice of the Nomination of a Chaplain or Assistant Chaplain to a Prison shall, within One Month after it has taken place, be transmitted to the Bishop of the Diocese in which the Prison is situate, and no Chaplain or Assistant Chaplain shall officiate in any Prison until he has obtained a Licence for that Purpose from the Bishop of the Diocese wherein the Prison is situate, nor for any longer Time than while such Licence continues in force.

Tenure of Office and Salaries of Prison Officers.

14. Every Officer of a Prison appointed under this Act shall hold his Office during the Pleasure of the Justices in Sessions assembled, and shall receive such Salary as they may direct, subject to this Proviso, that in the Case of a Municipal Borough the Amount of the Salary of every Prison Officer appointed under this Act shall be approved by the Council.

Superannuation of Officers.

15. If any Officer of a Prison has been an Officer of such Prison for not less than Twenty Years, and is not less than Sixty Years of Age, or becomes incapable, from confirmed Sickness, Age, or Infirmity, or Injury received in actual Execution of his Duty, of executing his Office in Person, and such Sickness, Age, Infirmity, or Injury is certified by a Medical Certificate, and there shall be a Report of the Visiting Justices testifying to his good Conduct during his Period of Service, and recommending a Grant to be made to him (such Report to be made at some Sessions of the Justices holden not less than Two Months before the Sessions at which the Grant is made), the Justices in Sessions assembled may grant to such Officer, having regard to his Length of Service, an Annuity, by way of Superannuation Allowance, not exceeding Two Thirds of his Salary and Emoluments, or a Gratuity not exceeding the Amount of his Salary and Emoluments for One Year; any Annuity or

Gratuity so fixed to be payable out of the Rates lawfully applicable to the Payment of the Salaries of such Officers. Where the Power to levy the last-mentioned Rates is vested in a different Body from the Justices, the Consent of such last-mentioned Body shall be obtained to the Amount of Superannuation allowed.

Removal of Prison Officers from Apartments.

16. Whenever any Officer of a Prison is suspended, removed from, or resigns his Office, or departs this Life, the Officer so suspended, removed, or resigning, and his Family, and the Family of every such deceased Officer, shall quit the Possession of the House or Apartments in which he or they have previously resided by virtue of such Office when required so to do by Notice under the Hand or Hands of Two or more Visiting Justice or Justices of the Peace; and if he or they refuse or neglect to give such Possession for Forty-eight Hours after such Notice as aforesaid has been given to him or them, any Two Justices, upon Proof made to them of such Removal, Resignation, or Death, and of the Service of such Notice, and of such Neglect or Refusal to comply therewith, may, by Warrant under their Hands and Seals, direct any Constable, within a Period therein named, to enter by Force, if necessary, into such Premises, and deliver Possession thereof to the Prison Authority, or to any Person appointed by the Visiting Justices.

Discipline of Prisoners.

Requisitions of Act as to Separation of Prisoners.

17. The Requisitions of this Act with respect to the Separation of Prisoners are as follows:

1. In every Prison separate Cells shall be provided equal in Number to the Average of the greatest Number of Prisoners, not being Convicts under Sentence of Penal Servitude, who have been confined in such Prison at any Time during each of the preceding Five Years:
2. In every Prison Punishment Cells shall be provided or appropriated for the Confinement of Prisoners for Prison Offences:
3. In a Prison containing Female Prisoners as well as Males, the Women shall be imprisoned in separate Buildings or separate Parts of the same Buildings, in such Manner as to prevent their seeing, conversing, or holding any Intercourse with the Men:
4. In a Prison where Debtors are confined, Means shall be provided for separating them altogether from the Criminal Prisoners:
5. In a Prison where Criminal Prisoners are confined, such Prisoners shall be prevented from holding any Communication with each other, either by every Prisoner being kept in a separate Cell by Day and by Night, except when he

is at Chapel or taking Exercise, or by every Prisoner being confined by Night to his Cell, and being subjected to such Superintendence during the Day as will, consistently with the Provisions of this Act, prevent his communicating with any other Prisoner.

Cells to be certified for Confinement of Prisoners.

18. No Cell shall be used for the Separate Confinement of a Prisoner unless it is certified by One of Her Majesty's Inspectors of Prisons to be of such a Size, and to be lighted, warmed, ventilated, and fitted up in such a Manner, as may be requisite for Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; but a Distinction may be made in respect of the Use of Cells for the Separate Confinement of Prisoners during long and short Periods of Imprisonment, and in respect of the Use of Cells in which the Prisoner is intended to be employed during the whole Day, or for a long or short Part thereof; and the Certificates of the Inspector may be varied accordingly, so as to express the Period of Imprisonment for which each Cell may be considered fit, and the Number of Hours in the Day during which the Prisoners may be employed therein.

No Punishment Cell shall be used unless it is certified by such Inspector that it is furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison, and that it can be used as a Punishment Cell without Detriment to the Prisoner's Health, and the Time for which it may be so used shall be stated in the Certificate.

Every certified Cell shall be distinguished by a Number or Mark placed in a conspicuous Position, and shall be referred to by its Number or Mark in the Certificate of the Inspector, and if the Number or Mark of any certified Cell is changed without the Consent of the Inspector, such Cell shall be deemed to be an uncertified Cell until a fresh Certificate has been given.

Any Certificate given by an Inspector in respect of a Cell may be withdrawn on such Alteration taking place in such Cell as to render the Certificate, in his Opinion, inapplicable thereto, and upon a Certificate in respect of a Cell being withdrawn that Cell shall cease to be a certified Cell for the Purposes of this Act.

If any Prison Authority feel aggrieved by the Refusal of the Inspector to certify a Cell for any of the Purposes of this Act, it may appeal to One of Her Majesty's Principal Secretaries of State, and his Decision shall be final.

Requisitions of Act as to Hard Labour.

19. Hard Labour for the Purposes of this Act shall be of Two Classes, consisting, 1st, of Work at the Tread Wheel, Shot Drill, Crank, Capstan, Stone-breaking, or such other like Description of

of hard bodily Labour as may be appointed by the Justices in Sessions assembled, with the Approval of the Secretary of State, which Work is herein-after referred to as Hard Labour of the First Class; 2dly, of such other Description of bodily Labour as may be appointed by the Justices in Sessions assembled, with the Approval of the Secretary of State, which Work is herein-after referred to as Hard Labour of the Second Class; and in every Prison where Prisoners sentenced to Hard Labour are confined, adequate Means (having regard to the average Number of such Prisoners confined in that Prison during the preceding Five Years) shall be provided for enforcing Hard Labour in accordance with the Regulations of this Act; and no Prison shall be deemed to be in conformity with the Requisitions of this Act with respect to the Enforcement of Hard Labour unless such Means as aforesaid have been provided therein, and Prisoners sentenced to Hard Labour have been employed thereat in manner provided by this Act: Provided, that Employment in the necessary Services of the Prison may, in the Case of a limited Number of Prisoners, to be selected by the Visiting Justices, as a Reward for Industry and good Behaviour, be deemed to be Hard Labour of the Second Class.

Regulations as to Government of Prisons.

20. The Regulations contained in the First Schedule hereto with respect to the Government of Prisons shall be binding on all Persons in the same Manner as if they were enacted in the Body of this Act.

Rules in addition to Regulations in Schedule.

21. The Justices in Sessions assembled shall make Rules for the Supply to all Prisoners confined in Prisons within their Jurisdiction of a sufficient Quantity of plain and wholesome Food, regard being had so far as relates to convicted Criminal Prisoners to the Nature of the Labour required from or performed by such Prisoners, so that the Allowance of Food may be duly apportioned thereto, and shall frame Dietary Tables for this Purpose, and the said Justices may make Rules in respect of any other Matters relating to the Government of Prisons within their Jurisdiction, in addition to the Regulations in the said First Schedule, and may from Time to Time repeal or alter any Rules made or Dietary Tables framed in pursuance of this Section; but no Rule or Dietary Table, or Repeal or Alteration of a Rule or Dietary Table, shall be valid under this Section until One of Her Majesty's Principal Secretaries of State has certified his Approval in Writing under his Hand; and when such Approval has been certified, such Rule or Dietary Table, or Repeal or Alteration of a Rule or Dietary Table, shall be binding on all Persons in the same Manner as if it were enacted by this Act. If the Justices in Sessions assembled make default in making Rules and Dietary Tables that may be approved by the said

said Secretary of State in respect of the Supply of Food to Prisoners in any Prison within their Jurisdiction, there shall be in force in such Prison such Rules or Dietary Tables with respect to such Supply as may from Time to Time be determined by the said Secretary of State in Writing under his Hand.

Inspector of Prisons to leave a Minute of Observations.

22. Upon visiting or inspecting a Prison to which this Act applies, the Inspector shall, by Letter addressed to the Visiting Justices, call their Attention to any Irregularity he may have observed therein, or any Complaint he may have to make against the Buildings, the Officers, or the Discipline of the Prison, and the Visiting Justices shall enter a Copy of such Letter in their Minute Book.

Enlargement and Rebuilding of Prisons.

Power to build Prisons.

23. Subject to the Conditions herein-after mentioned, any Prison Authority may alter, enlarge, or rebuild any of its Prisons, or may, if necessary, build other Prisons in lieu of or in addition to any subsisting Prisons, and may borrow Money for the Purpose of such Alteration, Enlargement, new building, or building.

Conditions as to building Prisons.

24. The Necessity for any Alteration or Enlargement or for rebuilding of an existing Prison, or for the building of a new Prison, shall be proved, in the Case of a Municipal Borough, by the Certificate of the Recorder, or Chairman of Quarter Sessions where there is no Recorder, and in any other Case by a Presentment of Two or more of the Visiting Justices or other Justices having Jurisdiction within the District of the Prison Authority; and the Consideration of such Certificate or Presentment shall not be entertained by the Prison Authority unless not less than Three Weeks previous Notice has been given in some One or more public Newspaper or Newspapers circulating within the District of the Prison Authority of their Intention to take the same into consideration at a Time and Place to be mentioned in such Notice, and in every Case the Sanction of One of Her Majesty's Secretaries of State must be obtained to any such Alteration, Enlargement, rebuilding, or building.

Mode of obtaining Sanction of Secretary of State to building of Prisons.

25. In order to obtain the Sanction of the Secretary of State to the Alteration, Enlargement, or rebuilding of any Prison, the Prison Authority shall forward to him a Plan of the proposed Alterations, Enlargement, or new Building, drawn on such Scale and accompanied with such Particulars as the said Secretary may determine, and shall add thereto an Estimate of the Expense proposed to be incurred by the Prison Authority, and the Amount of Money proposed to be borrowed; and wherever a new Prison is

built, or an old Prison is altered, enlarged, or rebuilt, a Chapel or suitable Room shall be provided easy of Access to the Prisoners, and shall be strictly set apart for Religious Worship, or for the Religious and Moral Instruction of the Prisoners, and shall not be employed for any other Purpose.

Approval of Secretary of State.

26. The said Secretary of State may approve of the Plans submitted to him with or without Modification, or may disapprove of the same, and his Approval or Disapproval shall be certified in Writing under his Hand.

Charge of borrowed Monies.

27. Any Monies borrowed by a Prison Authority may be charged by that Authority on any County Rate or Rate in the Nature of a County Rate, Borough Rate, or other Rate applicable to the Maintenance of a Prison and leviable by that Authority, or on any other Property belonging to that Authority and applicable to the same Purpose as the said Rates, and shall be repaid, together with the Interest due thereon, out of such Rates or other Property.

Certain Clauses of 10 & 11 Vict. c. 16. as to borrowing Money incorporated.

28. The Clauses of "The Commissioners Clauses Act, 1847," with the Exception of the Eighty-fourth Clause with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver.

In the Construction of the said Clauses "the Commissioners" shall mean "the Prison Authority."

Where a Prison Authority borrows any Money for the Alteration, Enlargement, or rebuilding of any Prison, or the building of any new Prison, they shall charge the Rates or Property out of which the Monies borrowed are payable not only with the Interest of the Monies so borrowed, but also with the Payment of such further Sum as will ensure the Repayment of the whole Sum borrowed within Thirty Years, or if the Loan has been made by the Public Works Loan Commissioners as defined by the Public Works Loan Act, 1853, within Twenty Years of the Time of borrowing the same.

Public Works Loan Commissioners to lend Money for building Prisons.

29. The said Public Works Loan Commissioners as defined by the Public Works Loan Act, 1853, may advance to any Prison Authority upon the Security of any Rate applicable to or chargeable with the Maintenance of a Prison without any further Security, for the Purpose of altering, enlarging, or rebuilding any subsisting Prison or building any new Prison in pursuance of this Act, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State.

30. It

Appointment of Surveyor General of Prisons.

30. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint a proper Person to be a Surveyor General of Prisons for the Purpose of advising Prison Authorities on the Construction of Prisons, and reporting to the Secretary of State on the several Plans of Prisons which may be sent to him for his Report, and for the Performance of such other Duties connected with the Construction of Prisons as may be from Time to Time entrusted to him by the Secretary of State.

Contracts for Maintenance of Prisoners and Appropriation of Prisons.

Contracts by Prison Authorities for Maintenance of Prisoners.

31. Any Prison Authority may contract with any other Prison Authority having a Prison in conformity with the Requisitions of this Act, that the latter Authority is to receive into and maintain in its Prison or One of its Prisons all Prisoners maintainable at the Expense of the former Authority, or any particular Class or Classes of such Prisoners: Provided—

That no such Contract shall be valid unless the Prison of the latter Authority is approved by One of Her Majesty's Principal Secretaries of State as being a fit Prison to receive the Prisoners contracted to be received there.

Expenses of Contracts between Prison Authorities.

32. A Contract entered into between Prison Authorities for the Reception into and the Maintenance in the Prison of the one Authority of the Prisoners maintainable by the other Authority may include the Costs of conveying the Prisoners to Prison, and all other Costs incurred in respect of such Prisoners.

All Monies payable under the Contract shall be raised in the same Manner in which Monies for defraying the Expenses of the Prison for which a Substitute is provided under the Contract would be raiseable; and where such Expenses are not by Law wholly defrayable out of One Fund, and a Difference arises between the several Persons interested in the several Funds applicable to defraying such Expenses as to what Proportion ought to be applied to paying the Expenses arising under the Contract, such Difference shall be settled by Arbitration in manner herein-after mentioned.

Appropriation of Prisons for Purposes of Classification.

33. Where Two or more Prisons are within the Jurisdiction of the same Prison Authority, that Authority may carry into effect the Requisitions of this Act with respect to the Separation of Prisoners or the Enforcement of Hard Labour by appropriating particular Prisons to particular Classes of Prisoners.

Public Notice of Prisons being

34. Where a Change has been made as to the Prison to which Prisoners committed within the Jurisdiction of any Prison Authority

appropriated to certain Prisoners.

Authority may be sent by reason of such Authority having appropriated any of its Prisons to a particular Class of Prisoners, or having contracted with another Prison Authority for the Reception of its Prisoners, or from any other Cause, Notice of such Change shall be published once at the least in each of Two successive Weeks in some Newspaper or Newspapers usually circulated within the Jurisdiction of the said Prison Authority, and a Copy thereof shall be served upon the Gaoler of every Prison within such Jurisdiction.

Penalty for inadequate Prisons.

Government Allowance withheld from inadequate Prisons.

35. Whenever it appears to One of Her Majesty's Principal Secretaries of State that Default has been made in any Prison in complying with the Requisitions of this Act in respect of the Separation of Prisoners or of the Enforcement of Hard Labour, or of providing a Chapel or suitable Room for Religious Worship, it shall be lawful for the said Secretary of State to certify such Non-compliance in Writing under his Hand to the Commissioners of Her Majesty's Treasury, and upon such Certificate being given no Contribution shall thenceforth be paid out of Monies provided by Parliament towards the Expenses of maintaining any Prisoners in that Prison until the said Secretary of State has revoked his Certificate, upon being satisfied that the defaulting Prison has been brought into conformity with the Requisitions of this Act, and then only from the Date of such Revocation:

Provided,—

1st. That this Section shall not affect the Payment of any Contribution payable on or before the Thirty-first Day of *December* One thousand eight hundred and sixty-six:

2d. That before the Certificate of the said Secretary of State is given under this Section with respect to any Prison, a Copy of the Report of the Inspector of Prisons relating to that Prison, and a Statement of the Grounds on which the said Secretary proposes to give his Certificate, shall be sent to the Prison Authority; and it shall be lawful for such Authority, upon receiving a Copy of the said Report and Statement, to address any Explanations or Observations relating thereto to the said Secretary of State:

3d. Whenever the Certificate of the Secretary of State is given under this Section in respect of a Prison, a Copy of the said Statement of Grounds, accompanied with any such Explanations or Observations as aforesaid, shall be laid before Parliament.

Power of Secretary of State to close

36. If at any Time it appear to One of Her Majesty's Principal Secretaries of State that a Prison Authority has, in respect of any Prison

Prison within its Jurisdiction, made default for Four successive Years in complying with the Requisitions of this Act with respect to the Separation of Prisoners, or with respect to the Enforcement of Hard Labour, or with respect to providing a Chapel or suitable Room for Religious Worship, the said Secretary of State may, by Notice under his Hand, addressed to the Authority of that Prison, and forwarded by Post in a prepaid Letter to the Gaoler of the Prison, or otherwise delivered to him, require that Authority, within a Time specified in such Notice, to bring such Prison into conformity with the Requisitions of this Act with respect to such Matters as aforesaid, or to exercise the Powers given to such Authority by this Act of contracting for the Removal of the whole or a Number of its Prisoners proportioned to the Inadequacy of its Prison in respect of such Separation or Means of providing such Hard Labour to some other Prison where Means exist for carrying into effect the Requisitions of this Act with respect to the Separation of Prisoners or Means of enforcing Hard Labour: and if any Prison Authority to whom such Notice is given fail, within Six Months after the Receipt thereof, to comply with the Requirements thereby made, the said Secretary of State may order the said inadequate Prison to be closed, and direct the Removal of the Prisoners therein and the Committal of future Prisoners to some other Prison, the Authority of which may be willing to receive them; and upon such Order being made it shall be the Duty of the Gaoler of the said inadequate Prison, without further Warrant, to remove all the Prisoners therein to the substituted Prison named in the Order of the Secretary of State, and such substituted Prison shall thenceforth, and so long as such Order is in force, for all Purposes relating to the Committal, Detention, Trial, and Punishment of the Prisoners so removed, and of the Prisoners committed thereto in pursuance of this Section, be deemed to be the Prison of the defaulting Authority, and that Authority shall pay, out of any Rates or Monies applicable to the Support of the inadequate Prison, all Expenses incurred in and about the closing of that Prison, and the Removal of the Prisoners therein to the substituted Prison; and all Expenses incurred by the Authority of the substituted Prison in respect of the Prisoners committed to that Prison in pursuance of this Section shall be defrayed by the Authority of the inadequate Prison in the same Manner in all respects as if that Authority had contracted in pursuance of this Act with the Authority of the substituted Prison for the Reception in the last-mentioned Prison of Prisoners belonging to the Authority of the inadequate Prison. inadequate Prisons.

Notice of any Order made by the said Secretary of State in pursuance of this Section shall be published in the *London Gazette*,

and once at least in Two successive Weeks in One of the Newspapers usually circulating in the County, City, Borough, or Place in which the Prison to which the Order relates is situate, and a Copy of the Gazette or Newspaper containing such Order shall be conclusive Evidence of its Contents.

Offences in relation to Prisons.

Assisting Prisoners to escape.

37. Every Person who aids any Prisoner in escaping or attempting to escape from any Prison, or who, with Intent to facilitate the Escape of any Prisoner, conveys or causes to be conveyed into any Prison any Mask, Dress, or other Disguise, or any Letter, or any other Article or Thing, shall be guilty of Felony, and on Conviction be sentenced to Imprisonment with Hard Labour for a Term not exceeding Two Years.

Punishment for carrying spirituous Liquors or Tobacco into Prison.

38. Every Person who, contrary to the Regulations of the Prison, brings or attempts by any Means whatever to introduce into any Prison any spirituous or fermented Liquor or Tobacco, and every Officer of a Prison who suffers any spirituous or fermented Liquor or Tobacco to be sold or used therein, contrary to the Prison Regulations, on Conviction shall be sentenced to Imprisonment for a Term not exceeding Six Months, or to a Penalty not exceeding Twenty Pounds, or both in the Discretion of the Court, and every Officer of a Prison convicted under this Section shall, in addition to any other Punishment, forfeit his Office and all Arrears of Salary due to him.

Punishment for carrying Letters into and out of Prisons.

39. Every Person who, contrary to the Regulations of a Prison, conveys or attempts to convey any Letter or other Document, or any Article whatever not allowed by such Regulations, into or out of any Prison, shall on Conviction incur a Penalty not exceeding Ten Pounds, and if an Officer of the Prison shall forfeit his Office and all Arrears of Salary due to him, but this Section shall not apply in Cases where the Offender is liable to a more severe Punishment under any other Provision of this Act.

Notice of Penalties to be placed outside of Prison.

40. The Visiting Justices shall cause to be affixed in a conspicuous Place outside the Prison a Notice setting forth the Penalties that will be incurred by Persons committing any Offence in contravention of the Three preceding Sections.

Discharge of Prisoners.

When Term of Imprisonment expires on Sunday,

41. Any Prisoner confined in a Prison whose Term of Imprisonment would, according to his Sentence, expire on any Lord's Day, shall be entitled to his Discharge on the *Saturday* next preceding such

such Lord's Day; and every Gaoler of every Prison having the Custody of any such Prisoner as aforesaid is hereby required and authorized to discharge such Prisoner on the *Saturday* next preceding any such Lord's Day.

Prisoner to be discharged on preceding Day.

42. Where any Prisoner is discharged from Prison, the Visiting Justices may order a Sum of Money not exceeding Two Pounds to be paid out of any Monies under their Control, and applicable to the Payment of the Expenses of the Prison, by the Gaoler to the Prisoner himself, or to the Treasurer of a certified Prisoners Aid Society, on his receiving from such Society an Undertaking in Writing, signed by the Secretary thereof, to apply the same for the Benefit of the Prisoner, or, if that becomes impossible, to appropriate the whole or any unapplied Part thereof for the Benefit of such other Prisoner or Prisoners discharged from the said Prison as the Visiting Justices may direct.

Allowance to discharged Prisoner.

43. When a Prisoner is discharged from Prison the Visiting Justices of the Prison may provide such Prisoner out of any Monies under their Control, and applicable to the Payment of the Expenses of the Prison, with the Means of returning to his Home or Place of Settlement, by causing his Fare to be paid by Railway, or in any other convenient Manner.

Discharged Prisoners provided with Means of returning to Place of Settlement.

Purchase of Land.

44. Any Prison Authority may purchase and hold such Lands or Easements relating to Lands as they may require for the Purposes of this Act; and to facilitate such Purposes "The Lands Clauses Consolidation Act, 1845," and the Act amending the same, passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exceptions and subject to the Conditions herein-after contained; that is to say,

Certain Provisions of 8 & 9 Vict. c. 18. incorporated.

1. There shall not be incorporated with this Act the Sections and Provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned; that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; the Provisions relating to the Entry upon Lands by the Promoters of the Undertaking contained in Sections Eighty-four to Ninety-one, both inclusive; Section One hundred and twenty-three, whereby a Limit of Time for the compulsory

pulsory Purchase of Land is imposed; or the Provisions relating to Access to the Special Act:

2. In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Prison Authority shall be deemed to be the Promoters of the Undertaking, and the Word "Lands" shall include any Easement in or out of Lands:

3. The Prison Authority shall not, except in respect of Lands contiguous to a Prison, and required for the Purpose of enlarging a Prison or rendering it more commodious or safe, put in force the Provisions of the said incorporated Acts with respect to the Purchase of Land otherwise than by Agreement.

Confirmation of Title to Lands purchased for Purpose of Prison.

45. When any Lands have been purchased for the Purposes of a Prison in pursuance of this Act, such Lands shall, at the Expiration of Five Years from the Date of a Conveyance having been made to any Person or Body Corporate on trust for such Purposes, absolutely vest in that Person or Body Corporate for all the Estate or Interest purported to be conveyed, to be held on trust for the aforesaid Purposes; and if before the Expiration of the said Term of Five Years any Proceedings are taken on which Judgment is obtained for the Recovery of the Possession of the said Lands, then within Two Calendar Months after Judgment has been obtained there shall be paid to the Person obtaining such Judgment, instead of the Delivery of Possession of the Lands, all Costs incurred in obtaining such Judgment and Compensation for the full Value of his Estate or Interest in such Lands, the Amount of such Compensation to be ascertained in manner provided by the said Lands Clauses Consolidation Act, 1845, in case of disputed Compensation as to Land, and to be calculated on the Basis of the Value of the Land at the Time of the Purchase thereof.

Disposal of unnecessary Prisons.

Sale of unnecessary Prisons.

46. Any Prison Authority may sell any Prison or Land belonging to or held on trust for them as such Prison Authority that appears to them to be unnecessary by reason of their having provided for the Accommodation of their Prisoners, and the Monies arising from such Sale shall be applied in discharging any Expenses that may have been or may hereafter be incurred by such Authority in building, altering, enlarging, or rebuilding any Prison within their Jurisdiction, or otherwise in aid of the Rate raiseable for the Maintenance of their Prison.

47. No

Prisons.

Conditions of Sale.

47. No Sale or Purchase shall be made in pursuance of this Act by a Prison Authority, unless not less than Three Weeks previous Notice has been given in some One or more public Newspaper or Newspapers circulating within the District of the Prison Authority, of their Intention to take into consideration the Propriety of making such a Sale or Purchase at a Time and Place to be mentioned in such Notice.

Any Sale in pursuance of this Act may be made by Private Contract or Public Auction, and subject to any special Conditions as to Title or other Matters the Vendors may think expedient. No Purchaser shall be required to examine into the Propriety of the Sale of any Prison or Land in pursuance of this Act, or into the Appropriation of any Monies paid by him to the Vendors; and any such Sale shall, in the Absence of actual Fraud on his Part, be valid so far as he is concerned, notwithstanding any Omission to give such Notice as aforesaid, or any other Impropriety in the Sale or Misapplication of the Purchase Money.

Miscellaneous.

Inquests on Prisoners.

48. It shall be the Duty of the Coroner having Jurisdiction in the Place to which the Prison belongs to hold an Inquest on the Body of every Prisoner who may die within the Prison. Where it is practicable, One clear Day shall intervene between the Day of the Death and the Day of the holding the Inquest; and in no Case shall any Officer of the Prison, or any Prisoner confined in the Prison, be a Juror on such Inquest.

General Issue may be pleaded to Action.

49. If any Suit or Action is prosecuted against any Person for anything done in pursuance of this Act, such Person may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict passes for the Defendant, or the Plaintiff becomes nonsuited, or discontinues his Action after Issue joined, or if, upon Demurrer or otherwise, Judgment be given against the Plaintiff, the Defendant shall recover double Costs, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial takes place certifies his Approbation of the Action and of the Verdict obtained thereupon.

Venue where laid.

50. All Actions, Suits, and Prosecutions commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County or Place where the Act complained

Provision as to Arbitration.

of was committed, and shall be commenced within Six Calendar Months after the Committal thereof, and not otherwise.

51. Any Difference authorized or directed by this Act to be settled by Arbitration shall be referred to the Arbitration of a Barrister-at-Law to be appointed in Writing, on the Application of any Party to the Difference, by any Judge of Assize of the last preceding or of the next succeeding Circuit; and all the Provisions of "The Common Law Procedure Act, 1854," relating to compulsory References, shall be deemed to extend to any such Arbitration, with this Addition, that it shall be obligatory on the Arbitrator, at the Request of any Party to the Difference, to state a Special Case for the Opinion of a Superior Court.

Recovery of Penalties.

52. Offences under this Act, with the Exception of Felonies, and of Offences for the Mode of Trial of which express Provision is made by this Act, shall be prosecuted summarily before Two Justices acting for the Division or Place where the Matter requiring the Cognizance of such Justices arises, and in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, and any Act amending the same.

Visiting Justices.

Appointment of Visiting Justices.

53. The Justices within every Prison Jurisdiction, in Sessions assembled, shall, at their First Sessions in each Year, nominate Two or more Justices, with their Consent, to be Visitors of each Prison within their Jurisdiction, with Power, if they think fit, to declare such Nomination to be for the whole Year, or to renew the same or make a fresh Nomination in each succeeding Quarter of the Year; and One or more of the Visiting Justices so appointed shall from Time to Time visit and inspect each Prison, and shall examine into the State of the Buildings, so as to form a Judgment as to the Repairs, Additions, or Alterations which may appear necessary, strict Regard being had to the Requisitions of this Act with respect to the Separation of Prisoners, and Enforcement of Hard Labour in Prisons, and shall further examine into the Conduct of the respective Officers, and the Treatment and Conduct of the Prisoners, the Means of setting them to work, the Amount of their Earnings, and the Expenses attending the Prison, and shall inquire into all Abuses within the Prison, and shall take cognizance of Matters of pressing Necessity, and within the Powers of their Commission as Justices, and regulate the same, and shall once at least in each Quarter of a Year make a Report to the Justices in Sessions assembled.

54. The

54. The Justices in Sessions assembled may make Rules with respect to the Duties of Visiting Justices, and from Time to Time repeal or alter any Rule so made, and make other Rules in addition thereto or in substitution therefor, but no Rules shall be valid which are inconsistent with any Provision of this Act. Power to make Rules as to Visiting Justices.

55. Any Justice of the Peace having Jurisdiction in the Place to which a Prison belongs may, whenever he thinks fit, enter into and examine the Condition of such Prison, and of the Prisoners therein, and he may enter any Observations he may think fit to make in reference to the Condition of the Prison, or Abuses therein, in the Visitors Book to be kept by the Gaoler; and it shall be the Duty of the Gaoler to draw the Attention of the Visiting Justices, at their next Visit to the Prison, to any Entries made in the said Book; but he shall not be entitled in pursuance of this Section to visit any Prisoner under Sentence of Death, or to communicate with any Prisoner, except in reference to the Treatment in Prison of such Prisoner, or to some Complaint that such Prisoner may make as to such Treatment. Visits to Prison by any Justice.

PART II.

Law of Prisons.

56. Subject to the Provisions of this Act with respect to the Appropriation of Prisons to particular Classes of Prisoners, every Prison to which this Act applies shall be deemed to be a Gaol and House of Correction, but no Class of Prisoners that have not previously to the Commencement of this Act been confined in any Prison shall be confined there until One of Her Majesty's Principal Secretaries of State has certified that such Prison is a fit Place of Confinement for that Class of Prisoners. Abolition of Distinction between Gaol and House of Correction.

57. Every Prison, wheresoever situate, shall for all Purposes be deemed to be within the Limits of the Place for which it is used as a Prison. Jurisdiction over Prison.

58. Every Prisoner confined in a Prison shall be deemed to be in the legal Custody of the Gaoler, provided that nothing in this Act contained shall affect the Jurisdiction or Responsibility of the Sheriff in respect of Prisoners under Sentence of Death, or his Jurisdiction or Control over the Prison where such Prisoners are confined, Custody of Prisoners.

confined, and the Officers thereof, so far as may be necessary for the Purpose of carrying into effect the Sentence of Death, or for any Purpose relating thereto; and in any Prison in which Sentence of Death is required to be carried into effect on any Prisoner, whether such Prison is or not the Common Gaol of the County, the Sheriff shall, for the Purposes of carrying that Sentence into execution, be deemed to have the same Jurisdiction with respect to such Prison as he has by Law with respect to the Common Gaol of a County, or would have had if this Act had not passed.

Security to Sheriff.

59. The Gaoler of any Prison in which Debtors are confined shall give Security to the Sheriff for their safe Custody to such Amount as may be determined by Agreement, or, in default of Agreement, may be settled by the Justices in Sessions assembled; and any such Security may be given to the Sheriff and his Successors in Office, and shall be deemed to enure to the Benefit of each succeeding Sheriff in the same Manner as if he were individually named therein.

Responsibility of Sheriff.

60. The Sheriff shall not be liable for the Escape from Imprisonment of any Prisoner other than a Debtor.

Description of Prison in Writ.

61. Any Writ, Warrant, or other legal Instrument addressed to the Gaoler of a particular Prison, describing the Prison by its Situation or other definite Description, shall be valid, by whatever Title such Prison is usually known, or whatever be the Description of the Prison, whether Gaol, House of Correction, *Bridewell*, Penitentiary, or otherwise.

Gaoler of Prison to deliver Calendar.

62. The Gaoler of every Prison shall deliver or cause to be delivered to the Judges of Assize, and to the Justices in Quarter Sessions, a Calendar of all Prisoners in Custody for Trial at such Assizes or Gaol Sessions, in the same Way as the Sheriff of a County has hitherto been required by Law to deliver a Calendar of such Prisoners when committed to the Common Gaol of the County, and the Sheriff shall no longer be required to deliver or cause to be delivered such Calendar.

Removal of Prisoners for Trial.

63. A Prisoner may be brought up for Trial, and may be removed by or under the Direction of the Gaoler from one Prison to another, or from one Place of Confinement to another, to which such Prisoner may be legally removed, for the Purpose of being tried or undergoing his Sentence, and no Prisoner whilst in the Custody of a Gaoler shall be deemed to have escaped, although he may be taken into different Jurisdictions or different Places of Confinement.

64. Prisoners

Removal of Prisoners in other Cases.

64. Prisoners may be removed from one Prison to another Prison or Place of Confinement within the Jurisdiction of the same Prison Authority, or to the Prison of any other Authority, with the Consent of such last-mentioned Authority, by Order of the Justices in Sessions assembled, for the Purpose of enabling any Prison to be altered, enlarged, or rebuilt, or in case of a contagious or infectious Disease breaking out in any Prison, or for any other reasonable Cause; and in case of Emergency such Removal may be made in pursuance of an Order under the Hands of the Visiting Justices; and any Prisoners removed from a Prison in pursuance of this Section may, by Order of the Justices in Sessions assembled, be taken back by the Gaoler to the Prison from whence they were removed, or be removed to any other Place in which they can legally be imprisoned.

Her Majesty may order Prisoners to be removed from one Prison to another.

65. It shall be lawful for Her Majesty, by an Order under the Hand of One of Her Majesty's Principal Secretaries of State, to direct any Person in Prison in *England* and *Wales* under Sentence of any Court, or of any competent Authority, for any Offence committed by him, to be removed from the Prison in which he is confined to any other of Her Majesty's Prisons within *England* and *Wales*, there to be imprisoned during his Term of Imprisonment.

Custody and Trial of Prisoners in a substituted Prison.

66. Where a Prison Authority, in this Section called the contracting Authority, has contracted with any other Prison Authority, in this Section called the receiving Authority, that the receiving Authority is to receive into and maintain in its Prison any Prisoners maintainable at the Expense of the contracting Authority, the Prison of the receiving Authority shall for all the Purposes of and incidental to the Commitment, Trial, Detention, and Punishment of the Prisoners of the contracting Authority, or any of such Purposes, according to the Tenor of the Contract, be deemed to be the Prison of the contracting Authority, except that the contracting Authority shall have no Right to interfere in the Management of the Prison of the receiving Authority.

Misdemeanants of First Division.

67. In every Prison to which this Act applies Prisoners convicted of Misdemeanor, and not sentenced to Hard Labour, shall be divided into at least Two Divisions, One of which shall be called the First Division; and whenever any Person convicted of Misdemeanor is sentenced to Imprisonment without Hard Labour it shall be lawful for the Court or Judge before whom such Person has been tried to order, if such Court or Judge think fit, that such Person shall be treated as a Misdemeanant of the First Division,

and a Misdemeanant of the First Division shall not be deemed to be a Criminal Prisoner within the Meaning of this Act.

PART III.

Discontinuance of certain Prisons.

Prohibition of Committals to Prisons in Second Schedule.

68. After the Commencement of this Act no Person shall be committed to any of the Prisons mentioned in the Second Schedule hereto.

All Persons who before the passing of this Act might lawfully have been committed to any of the said Scheduled Prisons shall, after the passing thereof, be committed to the Prison of the County in which the said Scheduled Prison is situated; and such County Prison shall, for all Purposes relating to or consequential on the Committal, Trial, Detention, or Punishment of Prisoners committed or removed thereto in pursuance of this Part of this Act, be regarded in Law as if it were the said Scheduled Prison.

In this Part of this Act, so far as it relates to the Prison at *Richmond* in the said Second Schedule mentioned, "County" shall mean the North Riding of *Yorkshire*, and so far as relates to the Prison at *Rye* in the same Schedule mentioned the County Gaol of *Lewes* shall be deemed to be the Prison of the County.

Removal of Prisoners in Scheduled Prisons.

69. As soon as conveniently may be after the Commencement of this Act the Gaoler of each of the said Scheduled Prisons shall, without Writ of Habeas corpus or other Writ for that Purpose, remove every Prisoner under Sentence or committed for Trial in such Prison to the Prison of the County in which the said Scheduled Prison is situate, and deliver such Prisoner into the Custody of the Gaoler of the said County Prison, together with the Writ and other Process under which the Prisoner was arrested or confined; and the Gaoler of the said County Prison shall be bound to receive such Prisoner, and shall give a Receipt to the Gaoler of the said Scheduled Prison for every Prisoner removed in pursuance of this Section.

Expenses of Prisoners confined in County Prisons under Act.

70. The Expenses which may be incurred by any County in the Conveyance, Transport, Maintenance, safe Custody, and Care of every Prisoner confined, in pursuance of this Part of this Act, in the County Prison instead of in One of the said Scheduled Prisons, including the Expenses of the Removal of the Prisoners from one Prison to another, shall be defrayed in manner provided by

Law

Law in Cases where the Prisoners committed for Offences arising within any Borough or other Place that does not contribute to the County Rate are sent to any Prison of a County, and there is no special Contract between such Borough or other Place and the County relative to such Prisoners.

Power to use Scheduled Prisons as Lock-up Houses.

71. The Prison Authority of any of the said Scheduled Prisons may sell the same in manner provided by this Act in case where a Prison appears to a Prison Authority to be unnecessary by reason of its having provided for the Accommodation of its Prisoners in some other adequate Prison, or may, with the Sanction of the said Secretary of State, cause the same to be used as a Police Station House or a Lock-up House, and the Money arising from any Sale made in pursuance of this Section shall be applied in discharging any Expenses that may be incurred by such Authority in the Maintenance of its Prisoners, or otherwise in aid of the Rate applicable to Prison Purposes.

Power to allow Compensation to Persons deprived of Office.

72. The Justices in Sessions assembled having Jurisdiction over each of the said Scheduled Prisons may allow such Compensation or Allowance as they think fit to any Person who, by reason of the passing of this Part of this Act, is deprived of any Salary or Emoluments, so that no such Compensation or Allowance exceeds the Proportion of the Salary and Emolument, if any, which might be granted under similar Circumstances to a Person in the Civil Service under the Acts for regulating such Compensations or Allowances for the Time being in force; and any Compensation or Allowance so allowed shall be paid out of any Rates applicable to the Payment of the Salaries of such Officers, subject to this Proviso, that when the Power to levy such Rates is vested in a different Body from the Justices, the Consent of such last-mentioned Body shall be obtained to the Amount allowed.

PART IV.

Repeal of Statutes, and Saving Clauses.

Acts and Parts of Acts in Third Schedule repealed.

73. After the Commencement of this Act there shall be repealed the several Acts specified in the Third Schedule hereto to the Extent in the said Schedule mentioned.

No Repeal hereby enacted to

74. No Repeal hereby enacted shall affect,—

1. Any Order made, Sentence passed, or other Act or Thing duly done under any Acts hereby repealed:

2. Any

affect any Order made, &c.

2. Any Right or Privilege acquired, any Security given, or other Liability incurred under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred in respect of any Offence against any Act hereby repealed:
4. Any Appointment to an Office made under any Act hereby repealed, or any Power of removing the Holder of such Office, or otherwise dealing with such Office as respects the existing Holder thereof in manner provided by any Act hereby repealed:
5. The Power of committing Prisoners to any Prison except in so far as the same may be altered in pursuance of Powers given by this Act.

Certificates as to Cells.

75. All Cells certified before the Commencement of this Act by any Inspector of Prisons as being fit to be used for the Separate Confinement of Prisoners shall be deemed to be Cells certified for such Purpose under this Act.

Saving as to repealed Provisions referred to in other Acts.

76. Any unrepealed Act of Parliament in which Reference is made to the Provisions of any Act hereby repealed shall be construed as if in such first-mentioned Act Reference had been made to the corresponding Provisions of this Act.

Saving as to Meaning of Gaol Act 25 & 26 Vict. c. 44.

77. In the Construction of the Act of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Forty-four, the Expression "the Gaol Act" shall mean this Act instead of the Act therein referred to.

Saving of Rights of Creditors.

78. Nothing in this Act contained shall affect the Right of any Creditor who may have advanced any Monies for building, repairing, or otherwise for the Purposes of any Prison discontinued in pursuance of this Act, or may have advanced any Monies on any Mortgage or other Security; and it shall be lawful for such Creditor to pursue any Remedies for recovering the Principal or Interest Monies due to him, and to enjoy the Benefit of any Security of which he may be possessed, in the same Manner as if this Act had not passed, and as if the Acts hereby repealed had remained in full Force.

Saving of Superannuation Allowances.

79. Nothing in this Act contained shall affect the Tenure of Office or Salary or Superannuation Allowance of any Officer of a Prison, not being one of the said Scheduled Prisons, appointed prior to the Commencement of this Act, but such Officer shall remain entitled to the same Tenure of Office, Salary, and Superannuation Allowance as if this Act had not passed: Provided that the Super-

Superannuation Allowance of any Prison Officer appointed before the Commencement of this Act may, on the Application of such Officer, and with the Consent of the Justices in Sessions assembled, be calculated on the same Scale on which the Superannuation Allowances of Officers appointed after the passing of this Act are directed to be calculated.

Saving as to Rules.

80. All Rules in force in any Prison that are inconsistent with this Act, or the Regulations in the Schedule hereto, shall be repealed from and after the Commencement of this Act, but all other Rules in force in any Prison shall so continue until altered in manner in this Act provided.

Saving as to Appointment of Officers.

81. Nothing in this Act contained shall affect any Right vested by Act of Parliament or Charter in the Council of any Municipal Borough of appointing a Gaoler, Chaplain, or other Officer to the Prison of such Borough.

Saving as to Commissions.

82. Nothing in this Act contained relating to the Custody of Prisoners shall affect the Validity of any Commission of Gaol Delivery, Commission of Oyer and Terminer, or other Commission, Precept, Writ, Warrant, or other Document, notwithstanding the same may be addressed to or make mention of the Sheriff of any County, City, or Place, instead of being addressed to or making mention of the Gaoler of a Prison or Prisons; and every such Commission, Precept, Writ, Warrant, or other Document shall be obeyed by the Gaoler, and take effect in the same Manner as if the Gaoler had been named therein instead of the Sheriff.

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SCHEDULE I.

REGULATIONS FOR GOVERNMENT OF PRISONS.

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Cleanliness in Prison.

1. The Prison shall be kept in a cleanly State, and the Walls and Ceilings of the Wards, Cells, Rooms, and Passages used by the Prisoners throughout every Prison shall either be painted with Oil, or be limewashed, or partly painted and partly limewashed. Where painted with Oil the Painting shall be washed with hot Water and Soap once at least in every Six Months. Where limewashed the Limewashing shall be renewed once at least in every Year. The Day Rooms, Work Rooms, Passages, and Sleeping Cells shall be washed or cleansed once a Week, or oftener if requisite.

Trees, &c. not allowed against Walls.

2. No Thing shall be allowed to grow against the outer Walls of the Prison, nor any Rubbish or other Articles to be laid against them, nor shall any Tools or Implements of any Kind likely to facilitate Escape be left unnecessarily exposed.

Temperature of Prison.

3. Thermometers shall be placed in different Parts of the Prison.

Visitors not to sleep within the Prison.

4. No Person shall be permitted to sleep in the Apartments of any subordinate Officer of the Prison without Permission from the Gaoler, such Permission to be reported to a Visiting Justice.

Hours of locking and unlocking the Prison.

5. A Report shall be made to the Gaoler at Ten o'Clock each Night whether the Officers resident in the Prison are all present; and no Ingress or Egress shall be allowed into or out of the Prison between the Hours of Ten o'Clock at Night and Six o'Clock in the Morning, except to the Gaoler and his Family, the Chaplain, or Surgeon, or in special Cases, which shall be entered in the Journal of the Gaoler.

Admission and Discharge of Prisoners.

Search of Prisoners on Admission.

6. Prisoners on Admission shall be searched, and all dangerous Weapons, Articles calculated to facilitate Escape, and prohibited Articles, shall be taken from them.

Prisoner to be alone when searched.

7. No Prisoner shall be searched in the Presence of any other Prisoner.

Effects retained by Gaoler.

8. All Money or other Effects brought into the Prison by any Prisoner, or sent to the Prison for his Use, which he is not allowed to retain, shall be placed in the Custody of the Gaoler, who shall keep an Inventory of them in a separate Book.

Register of certain Particulars relating to Prisoner.

9. The Name, Age, Height, Weight, Features, particular Marks, and general Appearance of a Criminal Prisoner shall, upon his Admission, be noted in a Nominal Record of Prisoners, to be kept by the Gaoler. Every Criminal Prisoner shall also, as soon as possible, be examined by the Surgeon, who shall enter in a Book to be kept by the Gaoler a Record of the State of Health of the Prisoner, and any Observations he may deem it expedient to add.

10. All

Prisons.

Removal and Discharge of Prisoners.

10. All Prisoners, previously to being removed to any other Prison or being discharged from Prison, shall be examined by the Surgeon; and no Prisoner shall be removed to any other Prison unless the Surgeon certifies, by an Entry in the Nominal Record, that the Prisoner is free from any Illness that renders him unfit for Removal; and no Prisoner shall be discharged from Prison if labouring under any acute or dangerous Distemper, nor until, in the Opinion of the Surgeon, such Discharge is safe, unless such Prisoner require to be discharged.

Separation of Prisoners.

11. Prisoners before Trial shall be kept apart from convicted Prisoners.

Female Prisoners.

12. Female Prisoners shall be searched on Admission by Female Officers. In other respects the same Course shall be pursued in reference to the Admission, Removal, or Discharge of a Female Prisoner as in the Case of a Male Prisoner, the Matron performing the Duties imposed on the Gaoler in case of a Male Prisoner.

Food, Clothing, and Bedding of Prisoners.

Spirituous Liquors.

13. No Tap shall be kept in any Prison; nor shall Spirituous Liquors of any kind be admitted for the Use of any of the Prisoners therein, under any Pretence whatever, unless by a written Order of the Surgeon, specifying the Quantity to be admitted, and the Name of the Prisoner for whose Use it is intended; but this Regulation shall not apply to any Stock of Spirituous Liquors kept in the Prison for the Use of the Infirmary, and under the Control of the Surgeon.

Smoking.

14. No Smoking shall be allowed, or Tobacco introduced, except with the Consent and subject to the Rules made by the Visiting Justices, or under a written Order of the Surgeon.

Order of Surgeon as to Spirituous Liquors, &c.

15. Any Order by the Surgeon for the Admission of Spirituous Liquors or Tobacco shall be entered by him in his Journal.

Debtor may maintain himself.

16. A Debtor shall be permitted to maintain himself, and to procure or receive at proper Hours Food, Wine, Malt Liquor, Clothing, Bedding, or other Necessaries, but subject to Examination, and to such Rules as may be approved by the Visiting Justices.

Debtor not to sell Provisions.

17. No Part of any Food, Wine, Malt Liquor, Clothing, Bedding, or other Necessaries belonging to any Debtor shall be sold to any other Prisoner; and any Debtor transgressing this Regulation shall lose the Privilege of receiving or purchasing any Wine or Malt Liquor for such a Time as the Visiting Justices may deem proper.

Prison Allowance to Debtors.

18. A Debtor, if unable to provide himself with sufficient Food, Clothing, Bedding, or other Necessaries, shall receive the Allowance of Food, Clothing, Bedding, or other Necessaries allotted to Debtors unable to maintain themselves by the Prison Rules for the Time being in force.

Prisoner before Trial may maintain himself.

19. A Criminal Prisoner before Trial may procure for himself, or receive at proper Hours, Food, and Malt Liquor, Clothing, Bedding, or other Necessaries, subject to Examination, and to such Rules as may be approved by the Visiting Justices; and any Articles so procured may be paid for out of the Monies belonging to such Prisoner in the Hands of the Gaoler. No Part of such Food, Malt Liquor, Bedding, Clothing, or other Necessaries shall

shall be sold or transferred to any other Prisoner; and any Prisoner transgressing this Regulation shall be prohibited from procuring any Food or other Necessaries for such Time as the Visiting Justices may deem proper. If a Criminal Prisoner before Trial does not provide himself with Food, he shall receive the Allowance of Food allotted to Criminal Prisoners before Trial by the Rules of the Prison.

Dress of Criminal Prisoner before Trial.

20. Criminal Prisoners before Trial may, if they desire it, wear the Prison Dress, and they shall be required to do so if their own Clothes are insufficient or unfit for Use, or necessary to be preserved for the Purposes of Justice. The Prison Dress for Prisoners before Trial shall be of a different Colour from that of convicted Prisoners.

Prison Allowance of Food for convicted Prisoner.

21. Every convicted Criminal Prisoner shall be allowed a sufficient Quantity of Food according to the Scale established by the Rules of the Prison. Prisoners under the Care of the Surgeon shall be allowed such Diet as he may direct. Care shall be taken that all Provisions supplied to the Prisoners be of proper Quality and Weight. Scales and legal Weights and Measures shall be provided, open to the Use of any Prisoners, under such Restrictions as may be made by the Prison Rules.

Convicted Prisoner restricted to Prison Allowances.

22. No convicted Criminal Prisoner shall be allowed any Wine, Beer, or other fermented Liquor, except under a written Order from the Surgeon, to be entered in his Journal, specifying the Quantity and the Name of the Prisoner for whose Use it is intended, or shall receive any Food, Clothing, Bedding, or Necessaries other than the Prison Allowance, except under special Circumstances, to be judged of by One or more of the Visiting Justices, and to be reported to the Prison Authority.

Dress of convicted Criminal.

23. A convicted Criminal Prisoner shall be provided with a complete Prison Dress, and shall be required to wear it.

Return of Clothing to discharged Prisoner.

24. On the Discharge of a Prisoner his own Clothes shall be returned to him unless it has been found necessary to destroy them, in which Case he shall be provided with Clothing.

Purification of Clothing of Prisoner.

25. If necessary, the Clothes of a Prisoner shall be purified before he is allowed to wear them in the Prison or to take them on his Discharge.

Beds.

26. Every Male Prisoner shall sleep in a Cell by himself, or under special Circumstances in a separate Bed placed in a Cell containing not fewer than Two other Male Prisoners, and sufficient Bed Clothes shall be provided for every Prisoner. A convicted Criminal Prisoner may be required to sleep on a Plank Bed without a Mattrass during such Time as may be determined by the Rules of the Prison. Epileptic Prisoners, or Prisoners labouring under Diseases requiring Assistance or Supervision in the Night, may at any Time, notwithstanding this Regulation, be placed by Order of the Surgeon with not fewer than Two other Male Prisoners.

Bedding.

27. The Bed Clothes shall be aired, changed, and washed as often as the Surgeon or the Visiting Justices may direct.

Personal Cleanliness.

Personal Cleanliness of Prisoners.

28. Prisoners shall be required to keep themselves clean and decent in their Persons, and to conform to such Rules as may be laid down for that Purpose.

Hair-cutting.

29. The Hair of a Female Prisoner shall not be cut without her Consent, except on account of Vermin or Dirt, or when the Surgeon deems it requisite on the Ground of Health, and the Hair of Male Criminal Prisoners shall not be cut closer than may be necessary for Purposes of Health and Cleanliness.

Employment of Prisoners.

Prohibition of Gaming.

30. No Gaming shall be permitted in any Prison, and the Gaoler shall seize and destroy all Dice, Cards, or other Instruments of Gaming.

Work and Earnings of Debtors.

31. Debtors may be permitted to work and follow their respective Trades and Professions, provided their Employment does not interfere with the Regulations of the Prison; and such Debtors as find their own Implements, and are not maintained at the Expense of the Prison, shall be allowed to receive the whole of their Earnings; but the Earnings of such as are furnished with Implements, or are maintained at the Expense of the Prison, shall be subject to a Deduction, to be determined by the Visiting Justices, for the Use of Implements and the Cost of Maintenance.

Employment of Criminal Prisoners before Trial.

32. Criminal Prisoners before Trial shall have the Option of Employment, but shall not be compelled to perform any Hard Labour.

Allowance out of Earnings to acquitted Prisoners.

33. On the Acquittal of any Criminal Prisoner, or when no Bill of Indictment is found against him, such an Allowance on account of his Earnings, if any, shall be paid to such Prisoner on his Discharge as the Visiting Justices may think reasonable.

Regulations as to Hard Labour of the First Class.

34. Every Male Prisoner of Sixteen Years of Age and upwards, sentenced to Hard Labour, shall, during the whole of his Sentence where it does not exceed Three Months, and during the First Three Months of his Sentence where it exceeds Three Months, be kept at Hard Labour of the First Class for such Number of Hours not more than Ten or less than Six (exclusive of Meals) as may be prescribed by the Visiting Justices, and during the Remainder of his Sentence shall be kept in like Manner at Hard Labour of the First Class, except where during such Remainder of his Sentence the Visiting Justices substitute Hard Labour of the Second Class for Hard Labour of the First Class; provided that if the Surgeon certifies any such Prisoner to be unfit to be kept at Hard Labour of the First Class during the whole or any Part of the prescribed Hours, such Prisoner shall, during such whole or Part of the prescribed Hours, be kept at Hard Labour of the Second Class, unless the Surgeon certifies that such Prisoner is unfit to be kept at either Class of Hard Labour during the whole or any Part of such Hours; provided that Prisoners sentenced to Hard Labour for Periods not exceeding Fourteen Days may, in pursuance of Rules made by the Justices in Sessions, be kept in separate Confinement at Hard Labour of the Second Class during the whole Period of their Sentences.

Regulations as to Hard Labour of the Second Class.

35. Every Male Prisoner under the Age of Sixteen Years sentenced to Hard Labour, and every Female Prisoner sentenced to Hard Labour, shall be kept at Hard Labour of the Second Class during such Number of Hours not more than Ten or less than Six (exclusive of Meals) in each Day as may be prescribed by the Visiting Justices, unless the Surgeon certifies that he or she is unfit for Hard Labour.

Days of Exemption from Hard Labour.

36. No Prisoner shall be employed at Hard Labour on Sundays, Christmas Day, Good Friday, and Days appointed for Public Fasts or Thanksgivings.

37. The

Prisons.

37. The Surgeon shall from Time to Time examine the Prisoners sentenced to Hard Labour during the Time of their being so employed, and shall enter in his Journal the Name of any Prisoner whose Health he thinks to be endangered by a Continuance at Hard Labour of either Class, and thereupon such Prisoner shall not again be employed at such Class of Hard Labour until the Surgeon certifies that he is fit for such Employment. Examination by Surgeon of Prisoners at Hard Labour.

38. Provision shall be made by the Visiting Justices for the Employment of all convicted Criminal Prisoners not sentenced to Hard Labour. The Visiting Justices shall make Rules as to the Amount and Nature of such Employment, but no Prisoner not sentenced to Hard Labour shall be punished for Neglect of Work, excepting by such Alteration in the Scale of Diet as may be established by the Rules of the Prison in the Case of Neglect of Work by such Prisoners. Employment of Prisoners not sentenced to Hard Labour.

Health of Prisoners.

39. Debtors shall have the Means of daily taking Exercise in the open Air. Exercise of Debtors.

40. Criminal Prisoners, if employed at Work in their own Cells, shall be permitted to take such Exercise in the open Air as the Surgeon may deem necessary for their Health. Of Prisoners in separate Confinement.

41. The Names of the Prisoners who desire to see the Surgeon, or appear out of Health, shall be reported by the Officer attending them to the Gaoler, and by him without Delay to the Surgeon. When Prisoners to be reported to Surgeon.

42. All Directions given by the Surgeon in relation to any Prisoner, with the Exception of Orders for the Supply of Medicines or Directions in relation to such Matters as are carried into effect by the Surgeon himself or under his Superintendence, shall be entered Day by Day in his Journal, which shall have a separate Column in which Entries are to be made by the Gaoler, stating in respect of each Direction the Fact of its having been or not having been complied with, accompanied by such Observations, if any, as the Gaoler may think fit to make, and the Date of the Entry. Entry of Directions by Surgeon.

43. In every Prison an Infirmary or proper Place for the Reception of sick Prisoners shall be provided. Infirmaries.

Religious Instruction.

44. In every Prison where there is no Chapel a suitable Room shall be set apart for the Purposes of the Chapel. Room for Use as Chapel.

45. Prayers to be selected by the Chaplain from the Liturgy of the Established Church shall be read daily by the Chaplain, Gaoler, or such other Person as may be appointed by the Visiting Justices, and at such Time or Times as may be fixed by them, and Portions of the Scriptures shall be read to the Prisoners, when assembled for Religious Instruction, by the Chaplain, or by such Person, with the Consent of the Visiting Justices, as he may appoint. Prayers.

46. The Chaplain shall on every Sunday, and on Christmas Day and Good Friday, perform the appointed Morning and Evening Services of the Established Church, and preach at such Time or Times as shall be fixed by him with the Approval of the Visiting Justices. He shall give Religious and Moral Instruction to the Prisoners who are willing to receive it. He shall administer the Holy Sacrament of the Lord's Supper on suitable Occasions to such Prisoners as shall be desirous, and as he may deem to be in a proper Frame of Mind Performance of Divine Service.

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to receive the same. He shall frequently visit every Room and Cell of the Prison occupied by Prisoners, and shall direct such Books to be distributed and read and such Lessons to be taught in the Prison as he may deem proper for the Religious Instruction of the Prisoners. Criminal Prisoners shall attend Divine Service on Sundays, and on other Days when such Service is performed, unless prevented by Illness or other reasonable Cause, to be allowed by the Gaoler, or unless their Attendance is dispensed with by the Visiting Justices: This Regulation shall not apply to any Prisoner who is attended or visited by a Minister of a Church or Persuasion differing from the Established Church: And no Prisoner shall be compelled to attend any Religious Service held or performed, or any Religious Instruction given, by the Chaplain, Minister, or Religious Instructor of a Church or Persuasion to which the Prisoner does not belong.

Ministers to visit Prisoners under certain Restrictions.

47. If any Prisoner is of a Religious Persuasion differing from that of the Established Church, and no Minister has been appointed to attend at the Prison on the Prisoners of that Persuasion, the Visiting Justices shall permit a Minister of such Persuasion to be approved by them to visit such Prisoner at proper and reasonable Times, under such Restrictions as may be imposed by the Visiting Justices to guard against the Introduction of improper Persons and prevent improper Communications, unless such Prisoner expressly objects to see such Minister.

Books and Printed Papers.

48. No Books or Printed Papers shall be admitted into any Prison for the Use of the Prisoners, except by Permission of the Visiting Justices; and no Books or Printed Papers intended for the Religious Instruction of Prisoners belonging to the Established Church shall be admitted but those chosen by the Chaplain; provided that in case there may be a Difference of Opinion between the Chaplain and Visiting Justices with respect to Books or Papers proposed to be admitted for the Religious Instruction of a Prisoner belonging to the Established Church, Reference shall be had to the Bishop of the Diocese, whose Decision shall be final; and, subject to such Permission of the Visiting Justices as aforesaid, all Books or Printed Papers admitted into any Prison for the Religious Instruction of Prisoners belonging to any other Persuasion, and who are visited by a Minister of such Persuasion, shall be approved by such Minister; and the Gaoler shall keep a Catalogue of all Books and Printed Papers admitted into the Prison.

Chaplain to communicate Abuses to Gaoler.

49. The Chaplain shall communicate to the Gaoler any Abuse or Impropriety in the Prison which may come to his Knowledge, and shall enter the same in his Journal.

Assistant Chaplain and Chaplain's Substitute.

50. Where an Assistant Chaplain is appointed to a Prison, he shall be competent to perform any Duty required by Law to be performed by the Chaplain, and when either of them, the Chaplain or Assistant Chaplain, is absent from the Prison, the other shall take his Duties. Where there is no Assistant Chaplain, or in case of the Services of the Assistant Chaplain not being available by reason of Sickness or other unavoidable Cause, the Chaplain shall, when absent from the Prison on Leave or from any unavoidable Cause, appoint, with the Consent of the Visiting Justices, a Substitute, and insert his Name and Residence in his Journal. In the event of any sudden Cause preventing the Chaplain, or, in the Absence of the Chaplain, the Assistant Chaplain, from performing his Duties, he may accept the Assistance

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of a Clergyman of the Established Church in the Performance of Divine Service in the Chapel, inserting the Fact, and the Name of such Clergyman, in his Journal.

Substitute for Prison Minister.

51. A Minister appointed under the Prison Ministers Act, 1863, may, when absent on Leave, or from any unavoidable Cause, appoint a Substitute with the Consent of the Visiting Justices.

Substitute on Death of Chaplain or Minister.

52. In the event of the Death of any Chaplain or Assistant Chaplain of a Prison, or of a Minister appointed under the Prison Ministers Act, 1863, the Visiting Justices shall provide a Substitute until the next Meeting of the Justices in Sessions.

Instruction.

Instruction of Prisoners.

53. Provision shall be made in every Prison for the Instruction of Prisoners in Reading, Writing, and Arithmetic during such Hours and to such Extent as to the Visiting Justices may seem expedient, provided that such Hours shall not be deducted from the Hours prescribed for Hard Labour.

Visits to and Communications with Prisoners.

Communication with Prisoners.

54. Due Provision shall be made for the Admission, at proper Times and under proper Restrictions, of Persons with whom Prisoners before Trial may desire to communicate, Care being taken that, so far as is consistent with the Interests of Justice, such Prisoners shall see their legal Advisers alone; such Rules also shall be made by the Justices in Sessions assembled for the Admission of the Friends of convicted Prisoners as they may deem expedient; the Justices shall also impose such Restrictions upon the Communication and Correspondence of Prisoners with their Friends as they judge necessary for the Maintenance of good Order and Discipline in such Prison.

Power of Gaoler as to Visitors.

55. The Gaoler may demand the Name and Address of any Visitor to a Prisoner; and when he has any Ground for Suspicion may search or cause to be searched Male Visitors, and may direct the Matron or some other Female Officer to search Female Visitors, such Search not to be in the Presence of any Prisoner or of another Visitor; and in case of any Visitor refusing to be searched, the Gaoler may deny him or her Admission; the Grounds of such Proceeding, with the Particulars thereof, to be entered in his Journal.

Prison Offences.

General Regulation as to Punishment.

56. No Punishments or Privations of any kind shall be awarded, except by the Gaoler, or by a Visiting or other Justice.

Gaoler to punish for Prison Offences.

57. The Gaoler shall have Power to hear Complaints respecting any of the Offences following; that is to say,

1. Disobedience of the Regulations of the Prison by any Prisoner;
2. Common Assaults by one Prisoner on another;
3. Profane cursing and swearing by any Prisoner;
4. Indecent Behaviour by any Prisoner;
5. Irreverent Behaviour at Chapel by any Prisoner;
6. Insulting or threatening Language by any Prisoner to any Officer or Prisoner;
7. Absence from Chapel without Leave by any Criminal Prisoner;
8. Idleness or Negligence at Work by any convicted Criminal Prisoner;
9. Wilful Mismanagement of Work by any convicted Criminal Prisoner.

All the above Acts are declared to be Offences against Prison Discipline; and it shall be lawful for the Gaoler to examine any Person touching such Offences, and to determine thereupon, and to punish such Offences by ordering any Offender, for any Time not exceeding Three Days, to close Confinement, to be kept there upon Bread and Water. And the Gaoler shall enter in a separate Book called the Punishment Book a Statement of the Nature of any Offence that he has punished in pursuance of this Regulation, with the Addition of the Name of the Offender, the Date of the Offence, and the Amount of Punishment inflicted.

Punishment of Prisoners by Visiting Justices.

58. If any Criminal Prisoner is guilty of repeated Offences against Prison Discipline, or is guilty of any Offence against Prison Discipline, which the Gaoler is not by this Act empowered to punish, the Gaoler shall report the same to the Visiting Justices, or One of them; and any One of such Justices, or any other Justice having Jurisdiction in the Place to which the Prison belongs, shall have Power to inquire upon Oath and to determine concerning any Matter so reported to him, and to order the Offender to be punished by Confinement in a Punishment Cell for any Term not exceeding One Month, or, in the Case of Prisoners convicted of Felony or sentenced to Hard Labour, by personal Correction.

Use of Irons.

59. No Prisoner shall be put in Irons or under mechanical Restraint by the Gaoler of any Prison, except in case of urgent Necessity; and the Particulars of every such Case shall be forthwith entered in the Gaoler's Journal, and Notice forthwith given thereof to One of the Visiting Justices; and no Prisoner shall be kept in Irons or under mechanical Restraint for more than Twenty-four Hours without an Order in Writing from a Visiting Justice, specifying the Cause thereof, and the Time during which the Prisoner is to be kept in Irons or under mechanical Restraint, which Order shall be preserved by the Gaoler as his Warrant.

Corporal Punishments.

60. All Corporal Punishments within the Prison shall be attended by the Gaoler and the Surgeon. The Surgeon shall give such Orders for preventing Injury to Health as he may deem necessary, and it shall be the Duty of the Gaoler to carry them into effect, and the Gaoler shall enter in the Punishment Book the Hour at which the Punishment is inflicted, the Number of Lashes, and any Orders which the Surgeon may have given on the Occasion.

Prisoners under Sentence of Death.

Prisoners under Sentence of Death.

61. Every Prisoner under Warrant or Order for Execution shall, immediately on his Arrival in the Prison after Sentence, be searched by or by the Orders of the Gaoler, and all Articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his Possession. He shall be confined in a Cell apart from all other Prisoners, and shall be placed by Day and by Night under the constant Charge of an Officer. He shall be allowed such a Dietary and Amount of Exercise as the Gaoler, with the Approval of the Visiting Justices, may direct. The Chaplain shall have free Access to every such Prisoner, unless the Prisoner be of a Religious Persuasion differing from that of the Established Church, and be visited by a Minister of such Persuasion, in which Case the Minister of such Persuasion shall have free Access to him. With the above Exceptions, no Person, not being a Visiting

Visiting Justice or an Officer of the Prison, shall have Access to the Prisoner except in pursuance of an Order from a Visiting Justice.

During the Preparation for an Execution, and the Time of the Execution, no Person shall enter the Prison who is not legally entitled to do so, unless in pursuance of an Order in Writing from Two or more Visiting Justices.

Prison Officers.

Regulation as to Employment of Prisoners in Prison Offices.

62. No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardsman, Yardsman, Overseer, Monitor, or Schoolmaster, or in the Discipline of the Prison, or in the Service of any Officer thereof, or in the Service or Instruction of any other Prisoner. But this Regulation shall not be taken to prevent the Employment of any Debtor in that Part of the Prison in which he may be lawfully confined in any Manner in which he may be willing to be employed, and which is consistent with his safe Custody.

Prison Officers to be Constables.

63. Every Prison Officer, while acting as such, shall, by virtue of his Appointment, and without being sworn in before any Justice, be deemed to be a Constable, and to have all such Powers, Authorities, Protection, and Privileges for the Purpose of the Execution of his Duty as a Prison Officer as any Constable duly appointed has within his Constablewick by Common Law, Statute, or Custom.

Officers not to sell or let to Prisoners.

64. No Officer of a Prison shall sell or let to, nor shall any Person in trust for or employed by him sell or let to, or derive any Benefit from the selling or letting of any Article to any Prisoner.

Officers not to contract with Prisoners.

65. No Officer of a Prison shall, nor shall any Person in trust for or employed by him, have any Interest, direct or indirect, in any Contract for the Supply of the Prison.

Officers not to take Gratuities.

66. No Officer of a Prison shall at any Time receive Money, Fee, or Gratuity of any Kind for the Admission of any Visitors to the Prison or to Prisoners, or from or on behalf of any Prisoner, on any Pretext whatever.

Females to be attended by Female Officers.

67. Female Prisoners shall in all Cases be attended by Female Officers.

Gaoler.

Residence of Gaoler.

68. The Gaoler shall reside in the Prison. He shall not be an Under Sheriff or Bailiff, or be concerned in any other Employment.

Gaoler to conform to Law and Regulations of Prison.

69. The Gaoler shall strictly conform to the Law relating to Prisons and to the Prison Regulations, and shall be responsible for the due Observance of them by others. He shall observe the Conduct of the Prison Officers, and enforce on each of them the due Execution of his Duties, and shall not permit any subordinate Officer to be employed in any private Capacity, either for any other Officer of the Prison, or for any Prisoner.

May suspend subordinate Officers.

70. The Gaoler shall, in case of Misconduct, have Power to suspend any subordinate Officer, and shall report the Particulars without Delay to a Visiting Justice.

To inspect the Prison daily.

71. The Gaoler shall, as far as practicable, visit the whole of the Prison, and see every Male Prisoner once at least in every Twenty-four Hours, and in default of such daily Visits and Inspections he shall state in his Journal how far he has omitted them, and the Cause thereof. He shall, at least

least once during the Week, go through the Prison at an uncertain Hour of the Night, which Visit, with the Hour and State of the Prison at the Time, he shall record in his Journal. When visiting the Females' Prison he shall be attended by the Matron or some other Female Officer.

To post up in Cells Abstract of certain Regulations.

72. The Gaoler shall cause an Abstract to be approved by the Secretary of State of the Regulations relating to the Treatment and Conduct of Prisoners, with a Copy of the Prison Dietaries, (printed in legible Characters,) to be posted in each Cell, and shall read or cause the same to be read to every Prisoner who cannot read within Twenty-four Hours after his Admission.

To report to Surgeon Prisoners disordered in Mind.

73. The Gaoler shall without Delay call the Attention of the Surgeon to any Prisoner whose State of Mind or Body appears to require Attention, and shall carry into effect the written Directions of the Surgeon respecting Alterations of the Discipline or Treatment of any such Prisoner.

To notify to Chaplain and Surgeon Prisoners requiring their Attention.

74. The Gaoler shall notify to the Surgeon without Delay the Illness of any Prisoner, and shall deliver to him daily a List of such Prisoners as complain of Illness, or are removed to the Infirmary, or confined to their Cells by Illness, and he shall daily deliver to the Chaplain and Surgeon Lists of such Prisoners as are confined in Punishment Cells.

To give Notice of Death of Prisoners.

75. Upon the Death of a Prisoner the Gaoler shall give immediate Notice thereof to the Coroner of the District to which the Prison belongs, and to One of the Visiting Justices, as well as to the nearest Relative of the Deceased, where practicable.

To report to Visiting Justices Insane Prisoners.

76. The Gaoler shall without Delay report to the Visiting Justices any Case of Insanity or apparent Insanity occurring among the Prisoners.

To keep enumerated Books and Accounts.

77. The Gaoler shall keep the following Records and Accounts:—

First, The Register required by the Prison Ministers Act, 1863, to be kept of the Church or Religious Persuasion to which each Prisoner belongs.

Second, A Journal in which he shall record all such Matters as he is directed to record therein by this Act, and all other Occurrences of Importance within the Prison.

Third, A Nominal Record of all Prisoners committed to his Charge, in such Form as may be directed by the Visiting Justices.

Fourth, A Punishment Book for the Entry of the Punishments inflicted for Prison Offences.

Fifth, A Visitors Book for the Entry of any Observations made by Visitors to the Prison.

Sixth, A Record of Articles taken from Prisoners.

Seventh, A Record of the Employment of Prisoners sentenced to Hard Labour, and the Manner in which they have been so employed.

Eighth, A List of Books and Documents committed to his Care.

Ninth, An Inventory of all the Furniture and moveable Property belonging to the Prison.

Tenth, An Account of all Prison Receipts and Disbursements.

To be responsible for safe Custody of Documents.

78. The Gaoler shall be responsible for the safe Custody of the Journals, Registers, Books, Commitments, and all other Documents confided to his Care.

79. The

79. The Gaoler shall not be absent from the Prison for a Night without Permission in Writing from a Visiting Justice; and his Leave of Absence, with the Name of the Visiting Justice granting it, shall be entered in his Journal; but if absent without Leave for a Night from unavoidable Necessity he shall state the Fact and the Cause of it in his Journal. Not to be absent without Leave.

80. Where a Deputy Gaoler is appointed to a Prison he shall be legally competent to perform any Duty required by Law to be performed by the Gaoler, and when the Gaoler is absent from the Prison the Deputy Gaoler shall perform all his Duties. Where there is no Deputy Gaoler, or in case of his Services not being available by reason of Sickness or other unavoidable Cause, the Gaoler shall, when absent from the Prison on Leave, appoint, with the Consent of the Visiting Justices, an Officer of the Prison to act as his Substitute, and during such Absence the Substitute so appointed shall have all the Powers and perform all the Duties of the Gaoler. Power of Deputy Gaoler.

The Deputy Gaoler when in charge of the Prison as Gaoler shall, if absent from the Prison from any unavoidable Cause, or unable from Sickness to perform his Duties, appoint a Substitute with the Sanction of the Visiting Justices. Substitute of Deputy Gaoler.

Matron.

81. The Matron shall reside in the Prison. She shall have the Care and Superintendence of the whole Female Department. The Wards, Cells, and Yards where Females are confined shall be secured by Locks different from those securing the Wards, Cells, and Yards allotted to Male Prisoners, and the Keys of those Locks shall be kept in the Custody of the Matron. General Duties.

82. The Matron shall, so far as practicable, visit and inspect every Part of the Prison occupied by Females, and see every Female Prisoner once at least in every Twenty-four Hours, and in default of such daily Visits and Inspections she shall state in her Journal how far she has omitted them, and the Cause thereof. She shall, at least once during the Week, go through such Part of the Prison at an uncertain Hour of the Night, which Visit, with the Hour and State of such Part of the Prison at the Time, shall be recorded in her Journal. To inspect daily Female Prison.

83. The Matron shall not be absent from the Prison for a Night without Permission in Writing from a Visiting Justice on the Recommendation of the Gaoler; and her Leave of Absence, with the Name of the Visiting Justice granting it, shall be entered in her Journal; but if absent without Leave for a Night from unavoidable Necessity she shall state the Fact and the Cause of it in her Journal. Not to be absent without Leave.

84. The Matron shall, with the Consent of the Gaoler, and with the Approval of the Visiting Justices, appoint a Female Officer of the Prison to act as Deputy Matron whenever she is absent on Leave from the Prison, and during such Absence the Deputy Matron shall have all the Powers and Duties of the Matron. Before leaving the Prison the Matron shall personally give over the Charge of the Part of the Prison occupied by Females to the Deputy Matron. To appoint Deputy when absent.

85. The Matron shall keep a Journal in which she shall record all Occurrences of Importance within her Department, and Punishments of Female Prisoners, To keep Journal.

and lay the Journal before the Gaoler daily, and before the Visiting Justices at their Ordinary Meetings.

Surgeon.

When to visit Prison.

86. The Surgeon shall visit the Prison at least twice in every Week, and oftener if necessary, and shall see every Prisoner in the Course of the Week. He shall daily visit the Prisoners, if any, confined in Punishment Cells, and he shall visit daily, and oftener if necessary, such of the Prisoners as are sick, and, when necessary, shall direct any Prisoner to be removed to the Infirmary.

To make daily Record respecting sick Prisoners.

87. The Surgeon shall enter, in the English Language, Day by Day, in his Journal to be kept in the Prison, an Account of the State of every sick Prisoner, the Name of his Disease, a Description of the Medicines and Diet, and any other Treatment which he may order for such Prisoner.

Occasionally to inspect every Part of Prison, &c.

88. The Surgeon shall, once at least in every Three Months, inspect every Part of the Prison, and enter in his Journal the Result of each Inspection, recording therein any Observations he may think fit to make on any Want of Cleanliness, Drainage, Warmth, or Ventilation; any bad Quality of the Provisions, any Insufficiency of Clothing or Bedding, any Deficiency in the Quantity or Defect in the Quality of the Water, or any other Cause which may affect the Health of the Prisoners.

To report special Cases.

89. Whenever the Surgeon has Reason to believe that the Mind of a Prisoner is or is likely to be injuriously affected by the Discipline or Treatment, he shall report the Case in Writing to the Gaoler, together with such Directions as he may think proper, and he shall call the Attention of the Chaplain to any Prisoner who appears to require his special Notice.

To call in additional Medical Aid.

90. The Surgeon may, in any Case of Danger or Difficulty which appears to him to require it, call in additional Medical Assistance; and no serious Operation shall be performed without a previous Consultation being held with another Medical Practitioner, except under Circumstances not admitting of Delay, such Circumstances to be recorded in his Journal.

To make Entries as to Death of Prisoner.

91. The Surgeon shall, forthwith on the Death of any Prisoner, enter in his Journal the following Particulars; viz., at what Time the Deceased was taken ill, when the Illness was first communicated to the Surgeon, the Nature of the Disease, when the Prisoner died, and an Account of the Appearances after Death (in Cases where a post mortem Examination is made), together with any special Remarks that appear to him to be required.

To appoint Substitute when absent.

92. In case of Sickness, necessary Engagement, or Leave of Absence, to be given by the Visiting Justices, the Surgeon shall appoint a Substitute, approved of by the Visiting Justices. The Name and Residence of the Substitute shall be entered in his Journal.

PRISON OFFICERS.

Officers to obey Gaoler.

93. All Officers of the Prison shall obey the Directions of the Gaoler, subject to the Regulations of this Act, and all subordinate Officers shall perform such Duties as may be directed by the Gaoler, with the Sanction of the Visiting Justices, and the Duties of each subordinate Officer shall be inserted in a Book to be kept by him.

94. Subordinate

Prisons.

94. Subordinate Officers shall not be absent from the Prison without Leave from the Gaoler, and before absenting themselves they shall leave their Keys, Instruction Book, and Report Book in the Gaoler's Office. Not to be absent without Leave.

95. Subordinate Officers shall not be permitted to receive any Visitors within the Prison without Permission of the Gaoler. Not to receive Visitors without Leave.

96. All subordinate Officers shall frequently examine the State of the Cells, Bedding, Locks, Bolts, &c., and shall seize all prohibited Articles, and deliver them to the Gaoler forthwith. To examine Cells, Locks, &c.

Porter.

97. The Officer acting as Gate Porter may examine all Articles carried in or out of the Prison, and may stop any Person suspected of bringing in Spirits or other prohibited Articles into the Prison, or of carrying out any Property belonging to the Prison, giving immediate Notice thereof to the Gaoler. Duties of Gate Porter.

Reports.

98. Within One Week after the Termination of every Assize or Court of Quarter Sessions the Gaoler shall transmit by Post to One of Her Majesty's Principal Secretaries of State a Calendar containing the Names, Crimes, and Sentences of every Prisoner tried at such Assize or Court of Quarter Sessions in such Form and containing such Particulars as may be required by the Secretary of State; and whenever such Court adjourns for any longer Time than One Week, the Day upon which the Adjournment is made shall be deemed the Termination of the Session within the Meaning of this Regulation; and every adjourned Session for the Trial of Prisoners shall, for the Purposes of this Act, be deemed a separate Session; and every Gaoler who neglects or refuses to transmit such Calendar, or wilfully transmits a Calendar containing any false or imperfect Statement, shall for every such Offence forfeit a Sum not exceeding Twenty Pounds, to be recovered summarily. Gaoler to transmit List of Prisoners to Secretary of State.

99. The Visiting Justices shall once at least in each Quarter of the Year carefully examine the following Books kept by the Gaoler of every Prison, that is to say, the Register kept in pursuance of the Prison Ministers Act, 1863, the Journal, the Nominal Record, the Punishment Book, the Visitors Book, the Record of Articles taken from Prisoners, the Record of the Employment of Prisoners, the List of Books and Documents committed to his Care, the Inventory and the Account of Prison Receipts and Disbursements, and shall report to the Justices in Sessions assembled any special Circumstances which call for Notice in respect of such Books. The Gaoler shall also at such Sessions answer, on Oath if required, the Inquiries of the Justices with respect to the Condition of the Prison and of the Prisoners, and with respect to any other Matters relating thereto. He shall at the same Time present a Certificate, signed by himself, containing a Declaration how far the Requisitions of this Act with respect to the Separation of Prisoners and Enforcement of Hard Labour have been complied with, and shall point out any Deviation therefrom which has taken place since his last Attendance at Sessions. Gaoler to attend Sessions, and make Report.

100. The

Journals and Reports of Chaplain and Surgeon.

100. The Journals of the Chaplain and Surgeon shall, once at least in each Quarter of a Year, be laid before the Justices in Sessions assembled at such Time as they may appoint, and shall be signed by the Chairman of the Sessions in proof of the same having been there produced. The Chaplain shall once in the Year, and he may at any Sessions, deliver to the Justices in Sessions assembled a Statement of the Condition of the Prison to which he is attached, and his Observations thereon; and the Surgeon shall, once at least in each Quarter of a Year, report to the Justices in Sessions assembled the Condition of the Prison, and the State of Health of the Prisoners under his Care.

Record of Visits of Chaplain and Non-resident Officers.

101. There shall be kept in every Prison a Book, to be called the Non-resident Officers Book, in which the Chaplain and any other Officer of the Prison not residing within the Prison, but attending on or required to attend on such Prison, shall regularly enter the Date of every Visit made to the Prison by such Officer; and every Entry shall be signed with the Name and be in the Handwriting of such Officer, and such Book shall, once at least in each Quarter of a Year, be laid before the Justices in Sessions assembled at such Time as they may appoint, and shall be signed by the Chairman of the Sessions in proof of the same having been produced. The Gaoler of every Prison shall be responsible for the safe Custody of such Book, and shall at all Times, when required so to do, produce it for Inspection to the Visiting Justices, or to any Justice of the Peace for the County, Riding, Division, Hundred, District, City, Town, or Place to which the Prison belongs.

Construction and Application of Schedule.

Rules as to Prisoners not Debtors or Criminals.

102. Subject to the Provisions of this Act, the Justices in Sessions assembled shall make such Rules as they think expedient with respect to the Classification and Treatment of Prisoners who are not Debtors and are not Criminal Prisoners within the Meaning of this Act.

Construction of Word "Regulation."

103. Any Rules made by the Justices in Sessions assembled, or by the Visiting Justices, and any Dietary Tables framed in pursuance of this Act, shall be deemed to be Regulations of the Prison within the Meaning of this Act.

Definition of Subordinate Officers.

104. All Officers of a Prison shall be deemed to be subordinate Officers with the Exception of the Gaoler, the Chaplain, the Surgeon, the Matron, and any Minister appointed under the Prison Ministers Act.

SCHEDULE II.

Prisons of	Legal Character of Prison.	County.
Aberystwith - - -	Borough Prison	Cardigan.
Bradninch - -	„ - -	Devon.
Faversham - - -	„ - -	Kent.
Helstone - - -	„ - -	Cornwall.
King's Lynn - - -	„ - -	Norfolk.
Lichfield - - -	„ - -	Stafford.
Maldon - - - -	„ - -	Essex.
Newcastle-under-Lyme - -	„ - -	Stafford.
Penzance - -	„ - -	Cornwall.
Richmond - - -	„ - -	York.
Romney Marsh - - -	Liberty - -	Kent.
Rye - - - -	Borough - -	Sussex.
South Molton - - -	„ - -	Devon.
Tenterden - - -	„ - -	Kent.

SCHEDULE III.

LIST OF ACTS REPEALED.

Date.	Title of Act.	Extent of Repeal.
4 Geo. 4. c. 64. -	An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.	The whole Act.
5 Geo. 4. c. 85. -	An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales.	The whole Act.
6 Geo. 4. c. 40. -	An Act to enable Justices of the Peace in England in certain Cases to borrow Money on Mortgage of the Rate of the City, Riding, or Place for which such Justices shall be then acting.	The whole Act.
7 Geo. 4. c. 18. -	An Act to authorize the Disposal of unnecessary Prisons in England.	The whole Act.
5 & 6 W. 4. c. 38.	An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain.	Secs. 2, 5, 6, 11, and 12.
5 & 6 W. 4. c. 76.	An Act to provide for the Regulation of Municipal Corporations in England and Wales.	Secs. 115 and 116.
6 & 7 W. 4. c. 105.	An Act for the better Administration of Justice in certain Boroughs.	Secs. 1 and 2.

Prisons.

Date.	Title of Act.	Extent of Repeal.
1 Vict. c. 78. -	An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales.	Secs. 37 and 38.
2 & 3 Vict. c. 56.	An Act for the better ordering of Prisons	The whole Act, except Secs. 18, 19, 20, and 21, and except Secs. 22 and 23 so far as they relate to Prisons or Places of Confinement to which this Act does not extend.
3 & 4 Vict. c. 25.	An Act to amend the Act for the better ordering of Prisons.	The whole Act.
5 & 6 Vict. c. 53.	An Act to encourage the Establishment of District Prisons.	The whole Act.
5 & 6 Vict. c. 98.	An Act to amend the Law relating to Prisons.	Secs. 1, 2, 4, 8, 9, 13, 25, and 30, so far as the said Sections relate to Prisons within the Provisions of this Act.
7 & 8 Vict. c. 50.	An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons.	The whole Act.
7 & 8 Vict. c. 93.	An Act to enable Barristers to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts.	The whole Act.
11 & 12 Vict. c. 39.	An Act to facilitate the raising of Money by Corporate Bodies for building or repairing Prisons.	The whole Act.
16 & 17 Vict. c. 43.	An Act for enabling the Justices of Counties to contract in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Gaols of adjoining Counties.	The whole Act.
25 & 26 Vict. c. 44.	An Act to amend the Law relating to the giving of Aid to discharged Prisoners.	Secs. 2 and 3.
26 & 27 Vict. c. 79.	An Act for the Amendment of the Law relating to the religious Instruction of Prisoners in County and Borough Prisons in England and Scotland.	So much of Section 3 as is inconsistent with the Provisions of this Act, and the whole of Section 5, but so far only as relates to Prisons to which this Act applies.

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