ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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C A P. XLIV.

An Act to amend an Act of the Seventh Year of King *George* the Fourth, for consolidating and amending the Laws relating to Prisons in *Ireland*. [4th *August* 1840.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the better ordering of Prisons*, whereby, among other things, Provision was made for the individual Separation of Prisoners confined in Prisons throughout *England;* and it is expedient to make Provision for the like Purpose in *Ireland*, and in that respect to amend an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland: Be it therefore 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, That notwithstanding any thing contained in the said recited Act of the Seventh Year of His Majesty King *George* the Fourth, empowering the Court of Queen's Bench in *Ireland*, or any other Person or Persons, to make Rules and Regulations for the Government of Prisons in *Ireland*, and notwithstanding any thing contained in the said last-recited Act providing that no Bye

2 & 3 Vict. c. 56.

7 G. 4. c. 74.

The Lord Lieutenant and Council to make Rules for the Separation of Prisoners.

Bye Laws, Rules, or Regulations shall be made in respect of any Gaol or Prison inconsistent with the Provisions of the said last-recited Act, it shall and may be lawful to and for the Board of Superintendence of any Prisons in *Ireland*, with the Approval of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, from Time to Time to make such Rules, Orders, and Regulations for the Government of all or any Prisons or Prison in *Ireland* as shall appear to the said Lord Lieutenant or other Chief Governor or Governors and Council requisite for the Classification of Prisoners of each Sex in any such Prisons or Prison, or for the individual Separation of all or any of the Prisoners confined therein, with due Regard to their proper Supervision, Religious and Moral Instruction, and Employment, and from Time to Time to alter or add to such Rules.

Rules made under this Act to supersede former Rules.

II. And be it enacted, That all such Rules and Regulations made under Authority of this Act, so far as the same shall annul or be contrary to the Rules and Provisions enacted in the said recited Act, or made or to be made under the Authority of the same or any of them, shall be deemed and taken to supersede and make void any such Rules or Provisions as last aforesaid.

Prisoners may be separately confined.

III. And be it enacted, That in order to prevent the Contamination arising from the Association of Prisoners in any Prison in which Rules for the individual Separation of Prisoners shall be in force, any Prisoner may be separately confined during the Whole or any Part of the Period of his or her Imprisonment, under the Restrictions herein-after provided.

Separate Confinement not to be deemed solitary Confinement.

Regulations respecting solitary Confinement.

IV. And be it declared and enacted, That separate Confinement under the Provisions of this Act shall not be deemed solitary Confinement within the Meaning of any Act forbidding the Continuance of solitary Confinement for more than a limited Time: Provided always, that no Cell shall be used for the separate Confinement of any Prisoner which is not of such a Size, and lighted, warmed, ventilated, and fitted up in such Manner, as may be required by a due Regard to Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; and that no Cell shall be used for such separate Confinement until its Fitness in these several Particulars shall have been certified by One of the Inspectors General of Prisons to the said Lord Lieutenant or other Chief Governor or Governors; and that every Prisoner so separately confined shall have the Means of taking Air and Exercise at such Times as shall be deemed necessary by the Surgeon, and shall be furnished with the Means of Moral and Religious Instruction, and with suitable Books, and also with Labour or Employment, unless it shall be deemed advisable by the said Lord Lieutenant or other Chief Governor or Governors and Council to make a Regulation for withholding for a Period or Periods, not exceeding One Calendar Month at any One Time, such Labour or Employment: Provided also, that if it shall at any Time be made to appear to the said Lord Lieutenant or other Chief Governor or Governors and

Proviso.

Council,

Council, that the Conditions upon which such Rules for the separate Confinement of Prisoners were allowed have not been fulfilled, or that upon further Inquiry it shall appear that the Provisions required are insufficient, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors and Council to annul the Rules so made and allowed as aforesaid, and thenceforward the Rules so annulled shall cease to be of Force in that Prison, and thereafter it shall not be lawful to continue any Prisoner in separate Confinement in that Prison until new Provisions shall have been made and allowed as aforesaid for the separate Confinement of Prisoners therein: Provided also, that in case the Prison shall be inadequate for the individual Separation of all the Prisoners who may be confined therein at One Time, the Rules of the Prison shall specify the Class or Description of Prisoners who shall be confined in the separate Cells, having regard either to the Nature of the Crime with which the Prisoner may be charged, or of which he or she may have been convicted, or to the Sex or Age of the Prisoner, or to the Term of Imprisonment, or to such other Circumstances as the Board of Superintendence shall think fit, and as the said Lord Lieutenant or other Chief Governor or Governors and Council shall approve. Proviso.

Like Provision for the Superannuation of Keepers, &c. of Prisons in Dublin as has been made in other Counties in Ireland.

V. And whereas it is expedient to make the like Provision for the Superannuation of the Keepers, Turnkeys, and Matrons of Prisons within the County of *Dublin* and County of the City of *Dublin* as has been made for the same Purpose in other Counties throughout *Ireland*; be it therefore enacted, That it shall and may be lawful for the several Grand Juries at the Presenting Terms in the County of *Dublin* and County of the City of *Dublin*, upon the Recommendation of the Inspectors General of Prisons, or One of them, supported by the Certificate of the Board of Superintendence of any Gaol, Bridewell, House of Correction, or other Prison, in or for either of such Counties respectively, or by such other Certificates as the said Lord Lieutenant or other Chief Governor or Governors shall require or direct, that any Keeper, Turnkey, or Matron of such Gaol, Bridewell, House of Correction, or other Prison, is incapable, from Age, or Infirmity of Mind or Body, to discharge the Duties of his or her Office, to order that such Keeper, Turnkey, or Matron shall and may be superannuated, and shall and may receive such yearly Allowance or Superannuation as to such Grand Jury shall seem fitting and proper, and thereupon such Keeper, Turnkey, or Matron shall cease to hold his or her Office, and the yearly Sum to which he or she shall become entitled shall be presented by the Grand Jury of the County of the City of *Dublin* or of the County of *Dublin*, as the Case may be, in equal Moieties, One at each Presenting Term during the Life of the Person so superannuated, on its being proved to the Satisfaction of such Grand Jury that such Person is living: Provided always, that no such Superannuation Allowance for any such Keeper, Turnkey, or Matron shall in any Case exceed Two Thirds of the annual Salary to which such Person shall be entitled at the Time of his or her Superannuation, nor the Proportions with reference to the Amount of the Salary of any such Keeper, Turnkey, or Matron, and the Periods of their Services respectively, which by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty

4 & 5 W. 4. c. 24.

Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, are directed to be observed.

Act may be amended this Session.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.