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**No. S 447**

**PRISONS ACT  
(CHAPTER 247)**

**PRISONS (AMENDMENT) REGULATIONS 2014**

In exercise of the powers conferred by section 84 of the Prisons Act, the Minister for Home Affairs hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Prisons (Amendment) Regulations 2014 and shall come into operation on 1st July 2014.

**Deletion and substitution of regulation 73A**

2. Regulation 73A of the Prisons Regulations (Rg 2) is deleted and the following regulation substituted therefor:

**“Institutional Discipline Advisory Committee**

**73A.** There shall be an Institutional Discipline Advisory Committee for one or more prisons, or more than one Institutional Discipline Advisory Committee for one prison, to render an opinion to the Commissioner on whether, in any case where a Superintendent has ordered a prisoner of that prison or any one of those prisons to undergo corporal punishment under section 71(1)(a) of the Act, the punishment imposed on the prisoner is excessive.”.

**Amendment of regulation 73B**

3. Regulation 73B of the Prisons Regulations is amended —

(a) by deleting the word “Director” in paragraph (1) and substituting the word “Commissioner”;

(b) by deleting the words “an Institutional Discipline Review Committee” in paragraph (1) and substituting the words “an Institutional Discipline Advisory Committee”;

(c) by deleting paragraphs (2) and (3) and substituting the following paragraph:

“(2) The Institutional Discipline Advisory Committee shall consider the case and shall make a recommendation to the Commissioner to assist the Commissioner in making a decision under section 71(3) of the Act.”; and

(d) by deleting the regulation heading and substituting the following regulation heading:

**“Referral to Institutional Discipline Advisory Committee”.**

### **Deletion of regulations 116 to 126**

4. Regulations 116 to 126 (including the headings immediately above regulations 116 and 125) of the Prisons Regulations are deleted.

### **Deletion of regulation 151 and insertion of new Parts VIIIA, VIIIB and VIIC**

5. The Prisons Regulations are amended by deleting regulation 151 and inserting the following Parts:

#### **“PART VIIIA**

##### **Remission of sentences**

##### *Division 1 — Review of life sentences, etc.*

#### **Application**

**151A.** Regulation 151B applies to a prisoner to whom Division 3 of Part VB of the Act applies.

#### **Referral to Life Imprisonment Review Board**

**151B.—**(1) There shall be a Life Imprisonment Review Board for one or more prisons, or more than one Life Imprisonment

Review Board for one prison, to consider whether the Minister should direct the Commissioner to make a remission order in respect of a prisoner of that prison or any one of those prisons referred to it under paragraph (2), and to make a recommendation in that regard and on any other matter in relation to a remission order for the Minister's decision.

(2) Before the date on which the Minister would be required to review (or further review) a prisoner's case under section 50P of the Act, the Commissioner must refer the prisoner's case to a Life Imprisonment Review Board.

(3) A Life Imprisonment Review Board must make its recommendation under paragraph (1) before the date on which the Minister would be required to review (or further review) the prisoner's case under section 50P of the Act.

### *Division 2 — Review of long sentences*

#### **Application**

**151C.** Regulation 151D applies to a prisoner who, on 1st July 2014, has served 20 years of his sentence or more.

#### **Referral to Long Imprisonment Review Board**

**151D.**—(1) There shall be a Long Imprisonment Review Board for one or more prisons, or more than one Long Imprisonment Review Board for one prison, to consider whether the Minister should direct the Commissioner to make a remission order in respect of a prisoner of that prison or any one of those prisons referred to it under paragraph (2), and to make a recommendation in that regard and on any other matter in relation to a remission order for the Minister's decision.

(2) Before the date on which the Minister would be required to review (or further review) a prisoner's case under section 50J of the Act, the Commissioner must refer the prisoner's case to a Long Imprisonment Review Board.

(3) A Long Imprisonment Review Board must make its recommendation under paragraph (1) before the date on which

the Minister would be required to review (or further review) the prisoner's case under section 50J of the Act.

*Division 3 — Mandatory aftercare scheme*

**Application**

**151E.** Regulations 151F, 151G and 151H apply to —

- (a) a person to whom Division 5 of Part VB of the Act applies; and
- (b) a person to whom Division 5 of Part VB of the Act would apply if he were released on a remission order.

**Referral to Mandatory Aftercare Advisory Committee**

**151F.**—(1) There shall be a Mandatory Aftercare Advisory Committee for one or more prisons, or more than one Mandatory Aftercare Advisory Committee for one prison, to make a recommendation to the Commissioner, in respect of a person of that prison or any one of those prisons, on any one or more of the following matters referred to the Committee by the Commissioner:

- (a) whether the Commissioner should impose mandatory aftercare conditions on the person under section 50V of the Act;
- (b) the type of mandatory aftercare conditions to be imposed on the person and the duration for which they are to be imposed;
- (c) whether the Commissioner should vary, cancel or add to any mandatory aftercare conditions imposed;
- (d) whether the Commissioner should extend or reduce the period for which the person is subject to the mandatory aftercare conditions;
- (e) whether the Commissioner should waive, in any particular case, any of the mandatory aftercare conditions imposed;

- (f) any other matter relating to the mandatory aftercare scheme established under Division 5 of Part VB of the Act.

(2) A Mandatory Aftercare Advisory Committee must consider the matters referred to it, having regard to the factors in regulation 151G, before making its recommendation to the Commissioner.

**Factors to be considered in imposing mandatory aftercare conditions**

**151G.** The Commissioner must consider the following factors when exercising his powers under section 50V of the Act in relation to any person to whom this regulation applies:

- (a) the person's progress and response to rehabilitation in prison and (where relevant) while on remission;
- (b) the person's family support;
- (c) the person's risk of recidivism;
- (d) the person's latest offence and his antecedents;
- (e) all other relevant factors.

**Serious and minor breaches of mandatory aftercare conditions**

**151H.—(1)** The following shall be serious breaches of mandatory aftercare conditions for the purposes of section 50Y of the Act:

- (a) where as a result of one or more breaches of section 50V(3)(c) of the Act, the person fails, for a cumulative period of 24 hours, to remain indoors in accordance with that section;
- (b) every breach of the mandatory aftercare condition in section 50V(3)(e)(i) of the Act;
- (c) every breach of the mandatory aftercare condition in section 50V(3)(e)(v) of the Act;