

1984/66



**THE PENAL INSTITUTIONS REGULATIONS 1961,
AMENDMENT NO. 4**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 19th day
of March 1984

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to section 45 of the Penal Institutions Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Official information 3. Search of inmate on admission 4. Property of inmate 5. Clothing 6. Disposal of unclaimed property | | <ul style="list-style-type: none"> 7. New heading and regulation (relating to inmate's clothes) inserted in principal regulations 8. Religious services 9. Power to refuse permission to visit 10. X-ray examinations 11. Separation of minor and adult inmates |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Penal Institutions Regulations 1961, Amendment No. 4, and shall be read together with and deemed part of the Penal Institutions Regulations 1961* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

*S.R. 1961/161

Amendment No. 1: S.R. 1966/9

Amendment No. 2: S.R. 1979/281

Amendment No. 3: S.R. 1981/60

2. Official information—(1) The principal regulations are hereby amended by revoking regulation 34, and substituting the following regulation:

“34. An officer shall use or disclose information acquired by him in his capacity as an officer only in accordance with his official duty.”

(2) Regulations 42 (2), 43, and 119 of the principal regulations are hereby revoked.

3. Search of inmate on admission—Regulation 47 (1) of the principal regulations is hereby amended by inserting, before the words “toilet requisites”, the word “clothing”.

4. Property of inmate—Regulation 48 of the principal regulations is hereby amended by inserting, before the words “toilet requisites”, the word “clothing”.

5. Clothing—Regulation 52 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Where any clothing is placed in the charge of the Superintendent, every article of underclothing, and (where necessary) any article of outer clothing, shall be washed or cleaned before being stored.”

6. Disposal of unclaimed property—The principal regulations are hereby amended by inserting, after regulation 53, the following regulation:

“53A. (1) Where, for any reason, any property of an inmate is not returned to him, or is left behind by him, on his release and the identity of that inmate is known, the Superintendent shall take all reasonable steps to notify the released inmate of his right to collect the property; and if the released inmate fails to collect the property within 3 months thereafter, it shall be deemed to be forfeited to the Crown and may be disposed of in accordance with subclause (4) of this regulation.

“(2) If any inmate escapes from the institution and remains at large for a period of 3 months thereafter, any property of the inmate in the institution shall, on the expiry of that period, be deemed to be forfeited to the Crown and may be disposed of in accordance with subclause (4) of this regulation.

“(3) If any property is found in the institution and the Superintendent is unable, after making all reasonable inquiries, to establish the ownership of that property, he shall retain that property for a period of 3 months; and if the ownership of the property is not established within that period, the property shall be deemed to be forfeited to the Crown and may be disposed of in accordance with subclause (4) of this regulation.

“(4) Any property that is deemed under this regulation to be forfeited to the Crown may be destroyed or disposed of in such manner as the Secretary thinks fit.

“(5) Nothing in the foregoing provisions of this regulation applies in respect of money.”

7. New heading and regulation (relating to inmate's clothes) inserted in principal regulations—The principal regulations are hereby amended by inserting, after regulation 87, the following heading and regulation:

“Clothing

“87A. Superintendent may allow inmate to wear own clothes—At any institution designated for the purpose by the Secretary, and subject to such conditions as the Secretary may impose, the Superintendent may allow the inmates or any of them to wear their own clothes (instead of institution clothing), at all times or at any time or times, as the Superintendent thinks fit.”

8. Religious services—Regulation 97 (4) of the principal regulations is hereby revoked.

9. Power to refuse permission to visit—Regulation 113 (2) of the principal regulations is hereby revoked.

10. X-ray examinations—The principal regulations are hereby amended by revoking regulation 125, and substituting the following regulation:

“125. Where the medical officer thinks it necessary, he shall ensure that a chest X-ray is carried out as soon as possible after the inmate’s admission.”

11. Separation of minor and adult inmates—The principal regulations are hereby amended by revoking regulation 167, and substituting the following regulation:

“167. (1) This regulation applies in any case where any land or building or any part of any land or building has been declared, pursuant to section 4 of the Act, to be more than one kind of penal institution and, for that reason, persons under the age of 20 years and persons over that age are detained therein.

“(2) So far as practicable, but subject to any direction given under section 8A of the Act or under subclause (3) of this regulation, inmates under the age of 20 years, whether they are inmates awaiting trial or inmates detained after conviction, shall be kept apart from inmates of or over that age.

“(3) The Secretary may from time to time, in respect of any institution, direct the mixing of any inmate or class of inmates under the age of 20 years with any inmates or class of inmates over that age, or the mixing of any inmate or class of inmates over that age with any inmates or class of inmates under that age, if he is satisfied that it is in the best interests of the inmates concerned.

“(4) A direction may be given under subclause (3) of this regulation only in respect of an inmate or inmates detained after conviction.”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulation 2 renders the principal regulations consistent with the principles of the Official Information Act 1982.

Regulations 3, 4, 5, and 7 clear the way for Superintendents to allow inmates to wear their own clothes (instead of institution clothing), either all the time or at specific times.

Regulation 6 provides for the disposal of unclaimed property in a penal institution.

Regulation 8 removes the element of compulsion from religious observance by inmates.

Regulation 9 removes the prohibition against former inmates visiting institutions.

Regulation 10 relaxes the present requirements relating to X-ray examinations. In future, these will be required only where the medical officer so decides, rather than as a matter of routine.

Regulation 11 relaxes the present rules relating to the separation of minor and adult offenders. The Secretary for Justice may direct the mixing of any inmate with inmates of the other age group in cases where he considers it is in the best interests of the inmates to do so.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 March 1984.

These regulations are administered in the Department of Justice.