



**THE PENAL INSTITUTIONS REGULATIONS 1961,
AMENDMENT NO. 5**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 16th day of September
1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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. Women's quarters 3. Information to be given to inmates 4. Illness of inmate, etc. 5. Duties and powers of Deputy Superintendent 6. Regulations relating to officer in charge of women's quarters revoked 7. Powers of officers in relation to offences 8. Regulations relating to release after serving part sentence revoked 9. Maintenance of discipline and responsibility 10. Drug tests 11. Payment of accumulated savings | <ul style="list-style-type: none"> 12. Hours for instruction 13. Letters 14. Reintegration into the community 15. Medical and dental facilities 16. Mental health 17. Executions 18. Inspections 19. Institutions where there are 2 or more medical officers 20. Institution clothing 21. Separation of minor and adult inmates 22. Appeals 23. Revocation of regulations relating to pre-release hostels |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Penal Institutions Regulations 1961, Amendment No. 5, 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 1st day of October 1985.

2. Women's quarters—Regulation 8 (2) of the principal regulations is hereby revoked.

3. Information to be given to inmates—(1) Regulation 13 (2) of the principal regulations (as amended by regulation 7 of the Penal Institutions Regulations 1961, Amendment No. 3) is hereby amended by omitting the words "to release after serving part only of a sentence,".

(2) Regulation 7 of the Penal Institutions Regulations 1961, Amendment No. 3 is hereby consequentially revoked.

4. Illness of inmate, etc.—Regulation 18 (1) (b) of the principal regulations is hereby amended by omitting the words "the Mental Health Act 1911", and substituting the words "the Mental Health Act 1969".

5. Duties and powers of Deputy Superintendent—(1) Regulation 22 (1) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

"(b) The Deputy Superintendent shall have all the powers of the Superintendent."

(2) Regulation 22 (2) of the principal regulations is hereby amended by omitting the words "(except the powers conferred on the Superintendent by section 34 of the Act)".

6. Regulations relating to officer in charge of women's quarters revoked—(1) Regulations 23 to 26 of the principal regulations are hereby revoked.

(2) Regulations 12 to 15 of the Penal Institutions Regulations 1961, Amendment No. 3 are hereby consequentially revoked.

7. Powers of officers in relation to offences—The principal regulations are hereby amended by revoking regulation 28, and substituting the following regulation:

"28. Any officer who has control of the institution pursuant to regulation 27 of these regulations may, in the absence of the Superintendent and the Deputy Superintendent (if any), exercise the powers conferred on the Superintendent under section 34 of the Act, subject to the following conditions:

"(a) That the officer has the prior authority of the Secretary:

"(b) That the officer complies with any restriction imposed by the Secretary on the extent of the officer's exercise of those powers."

*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
Amendment No. 4: S.R. 1984/66

8. Regulations relating to release after serving part sentence revoked—(1) Regulations 55A to 55E of the principal regulations and the heading immediately before those regulations (as inserted by regulation 21 of the Penal Institutions Regulations 1961, Amendment No. 3) are hereby revoked.

(2) Regulations 21 and 22 of the Penal Institutions Regulations 1961, Amendment No. 3 are hereby consequentially revoked.

9. Maintenance of discipline and responsibility—Regulation 62 (2) of the principal regulations is hereby amended by omitting the word “rehabilitation”, and substituting the words “reintegration into the community”.

10. Drug tests—The principal regulations (as amended by regulation 24 of the Penal Institutions Regulations 1961, Amendment No. 3) are hereby amended by omitting the word “sputum” in every case where it occurs in regulations 74A (1), 74B (1), 74B (2), 74C (3), 74E (1), 74E (2), 74F, and 74G, and substituting in each case the word “saliva”.

11. Payment of accumulated savings—The principal regulations are hereby amended by revoking regulation 95, and substituting the following regulation:

“95. (1) On the release of any inmate on conditions, the inmate shall be paid such portion of the inmate’s accumulated earnings as the Superintendent approves. Any balance shall be paid through the probation officer supervising the inmate at such times while the inmate remains subject to conditions of release and in such amounts as the probation officer thinks fit.

“(2) On the release of any other inmate, the inmate shall be paid the full amount of the inmate’s accumulated earnings.”

12. Hours for instruction—Regulation 107 of the principal regulations is hereby amended by inserting, after the words “the Secretary”, the words “or the Superintendent”.

13. Letters—Regulation 110 (4) of the principal regulations is hereby amended by omitting the words “The Secretary or an Inspector or”.

14. Reintegration into the community—Regulation 118 of the principal regulations is hereby amended by omitting from subclause (1), and also from subclause (2), the word “rehabilitation”, and substituting in each case the words “reintegration into the community”.

15. Medical and dental facilities—Regulation 120 (4) of the principal regulations is hereby amended by omitting the words “the Dangerous Drugs Act 1927”, and substituting the words “the Misuse of Drugs Act 1975”.

16. Mental health—Regulation 132 (2) of the principal regulations is hereby amended by omitting the words “mental hospital under the provisions of the Mental Health Act 1911”, and substituting the words “psychiatric hospital under the provisions of the Mental Health Act 1969”.

17. Executions—Regulation 134 of the principal regulations is hereby revoked.

18. Inspections—Regulation 135 of the principal regulations is hereby amended by omitting the words “At least once in every three months, and”.

19. Institutions where there are 2 or more medical officers—The principal regulations are hereby amended by inserting, after regulation 137, the following regulation:

“137A. Where 2 or more medical officers are appointed to the institution, any of those officers may perform or exercise any of the duties and powers imposed and conferred on the medical officer by any of these regulations, and each such medical officer shall comply with the requirements of regulations 136 and 137 of these regulations.”

20. Institution clothing—Regulation 163 of the principal regulations is hereby amended by adding the following subclause:

“(3) The Secretary may from time to time designate any institution or part of an institution to be a place in which inmates awaiting trial shall be required to wear institution clothing, if the Secretary considers that such designation would be to the benefit of the security of that institution or that part of an institution.”

21. Separation of minor and adult inmates—The principal regulations are hereby amended by revoking regulation 167 (as substituted by regulation 11 of the Penal Institutions Regulations 1961, Amendment No. 4), and substituting the following regulation:

“167. (1) So far as practicable, but subject to any direction given by the Secretary under subclause (2) 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.

“(2) 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 of or over that age, or the mixing of any inmate or class of inmates of or over that age with any inmates or class of inmates under that age, if the Secretary is satisfied that it is in the best interest of the inmates concerned.

“(3) A direction may be given by the Secretary under subclause (2) of this regulation only in respect of an inmate or inmates detained after conviction.”

22. Appeals—The principal regulations are hereby amended by revoking regulations 168 and 169, and substituting the following regulation:

“168. (1) Subject to the succeeding provisions of this regulation, every inmate who has appealed or applied for leave to appeal against any conviction or order or sentence shall, pending the determination of the appeal or application, be treated in the manner required by the sentence or order to which the inmate is subject.

“(2) For the purposes of the appeal or application, the inmate may receive visits from a medical practitioner or other professional adviser selected by the inmate, or by the inmate’s friends or legal adviser, under the same conditions as those applying to visits by the inmate’s legal adviser.

“(3) The provisions of subclauses (2) and (3) of regulation 161 of these regulations shall apply to the inmate as if the inmate were awaiting trial and as if the preparation of the appeal or application were the preparation of the inmate’s defence.”

23. Revocation of regulations relating to pre-release hostels—The Penal Institutions (Pre-release Hostels) Regulations 1981* are hereby revoked.

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

*S.R. 1981/59

EXPLANATORY NOTE

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

The amendments are of an administrative nature only, and are largely consequential upon the enactment of the Criminal Justice Act 1985 and related legislation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 September 1985.

These regulations are administered in the Department of Justice.