



## FEDERAL SUBSIDIARY LEGISLATION

PRISONS ACT 1995 [ACT 537]

**P.U.(A) 325/2000**

**PRISONS REGULATIONS 2000**

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### ARRANGEMENT OF REGULATIONS

#### [Preamble](#)

#### **PART 1 - PRELIMINARY**

Regulation 1. [Citation and commencement](#)

Regulation 2. [Interpretation](#)

Regulation 3. [General principles of prison administration and application of regulations](#)

#### **PART 2 - ACCOMMODATION**

Regulation 4. [Sleeping accommodation](#)

Regulation 5. [Women's accommodation](#)

Regulation 6. [Young prisoners](#)

Regulation 7. [Hospital accommodation](#)

Regulation 8. [Punishment and segregation cells](#)

Regulation 9. [Equipment and accommodation facilities](#)

#### **PART 3 - ADMISSION, DISCHARGE, REMOVAL AND SAFE CUSTODY OF PRISONERS**

Regulation 10. [Photographs of prisoner](#)

Regulation 11. [Search](#)

Regulation 12. [Recording of particulars](#)

Regulation 13. [Children of female prisoner](#)

Regulation 14. [Retention of property](#)

Regulation 15. [Baths](#)

Regulation 16. [Prison clothing](#)

Regulation 17. [Hair cutting](#)

Regulation 18. [Medical examination](#)

- Regulation 19. [Vaccination](#)
- Regulation 20. [Contagious or infectious diseases](#)
- Regulation 21. [Reception Board](#)
- Regulation 22. [Information to prisoners](#)
- Regulation 23. [Custody during removal, etc.](#)
- Regulation 24. [Imprisonment for default or want of sureties](#)
- Regulation 25. [Discharge on due date](#)
- Regulation 26. [Police supervision](#)
- Regulation 27. [Day of release](#)
- Regulation 28. [Discharge on holidays](#)
- Regulation 29. [Return of clothing and property](#)
- Regulation 30. [Gratuity and special gratuity](#)
- Regulation 31. [Detention after due date of discharge](#)
- Regulation 32. [Transport on discharge](#)
- Regulation 33. [Computation of sentences](#)

#### **PART 4 - CATEGORISATION OF PRISONERS**

- Regulation 34. [Categories of prisoners](#)

#### **PART 5 - THE PROGRESSIVE STAGE SYSTEM**

- Regulation 35. [Stages](#)
- Regulation 36. [First Stage](#)
- Regulation 37. [Second Stage](#)
- Regulation 38. [Third Stage](#)
- Regulation 39. [Fourth Stage](#)
- Regulation 40. [Special Stage](#)
- Regulation 41. [Reduction and postponement of promotion in Stage](#)
- Regulation 42. [Privileges](#)

#### **PART 6 - THE REMISSION SYSTEM**

- Regulation 43. [Remission](#)
- Regulation 44. [Consecutive and overlapping sentences](#)
- Regulation 45. [Record of remission](#)
- Regulation 46. [Explanation of Remission System](#)
- Regulation 47. [Remission for prisoners in mental hospital](#)
- Regulation 48. [Remission during punishment, etc.](#)
- Regulation 49. [Forfeiture of award of remission](#)
- Regulation 50. [Discharge when remission earned](#)
- Regulation 51. [Punishment](#)
- Regulation 52. [Release on part payment](#)
- Regulation 53. [Restoration of remission](#)
- Regulation 54. [Quadrennial report on prisoners](#)

#### **PART 7 - TREATMENT OF PRISONERS**

- Regulation 55. [Duty of prison officers](#)
- Regulation 56. [Use of force](#)
- Regulation 57. [Bedding](#)
- Regulation 58. [Clothing](#)
- Regulation 59. [Cleanliness](#)
- Regulation 60. [Diets](#)
- Regulation 61. [Diet of unconvicted prisoners](#)
- Regulation 62. [Diet scales to be exhibited](#)

- Regulation 63. [Additional food](#)
- Regulation 64. [Waste of food](#)
- Regulation 65. [Inspection of foodstuffs](#)
- Regulation 66. [Restricted diet](#)
- Regulation 67. [Exercise](#)
- Regulation 68. [Unauthorised articles](#)
- Regulation 69. [Smoke, etc. prohibited](#)
- Regulation 70. [Search of persons and vehicles](#)
- Regulation 71. [Use of books and writing materials by prisoners](#)

## **PART 8 - EMPLOYMENT OF PRISONERS**

- Regulation 72. [General requirement of work](#)
- Regulation 73. [Hours of labour](#)
- Regulation 74. [Employment of women prisoners](#)
- Regulation 75. [Record of prisoners' work](#)
- Regulation 76. [Allocation of labour](#)
- Regulation 77. [Segregation of prisoner at labour](#)
- Regulation 78. [Labour on holidays](#)
- Regulation 79. [Employment in special industry](#)

## **PART 9 - EARNINGS SCHEME**

- Regulation 80. [Payment for work](#)
- Regulation 81. [Grades](#)
- Regulation 82. [Grading and promotion](#)
- Regulation 83. [Rates of earnings](#)
- Regulation 84. [Savings](#)
- Regulation 85. [Prisoners in hospital](#)

## **PART 10 - LETTERS AND VISITS TO PRISONERS**

- Regulation 86. [Prisoners' communications](#)
- Regulation 87. [Normal minimum provision, on special letters and visits](#)
- Regulation 88. [Postponement or withdrawal of letters or visits for misconduct](#)
- Regulation 89. [Deferment in case of punishment](#)
- Regulation 90. [Additional letters and visits as a privilege](#)
- Regulation 91. [Letter instead of a visit, special letters and visits](#)
- Regulation 92. [Communications through Officer-in-Charge](#)
- Regulation 93. [Number of persons allowed to visit](#)
- Regulation 94. [Time and conditions of visits](#)
- Regulation 95. [Visit on weekly holiday not allowed](#)
- Regulation 96. [Communication by ex-prisoners](#)
- Regulation 97. [Censoring of letters](#)
- Regulation 98. [Supervision of visits](#)
- Regulation 99. [Food from outside](#)
- Regulation 100. [Particulars of visit or visits and powers of Officer-in-Charge](#)
- Regulation 101. [Visits by legal adviser](#)
- Regulation 101A. [Written communication with legal advisers and courts](#)
- Regulation 102. [Visits by police officer](#)
- Regulation 103. [Serving of writs, etc.](#)
- Regulation 104. [Letters and visits to debtors](#)
- Regulation 105. [Letters and visits to unconvicted prisoners](#)
- Regulation 106. [Letters and visits to banishment prisoners](#)
- Regulation 107. [Letters and visits to prisoners under sentence of death](#)
- Regulation 108. [Prisoners committed in default of payment of fine, etc.](#)

- Regulation 109. [Sick prisoners](#)
- Regulation 110. [Visits for long sentence prisoners](#)
- Regulation 111. [Release of prisoners on licence](#)
- Regulation 112. [Other forms of communication](#)

#### **PART 11 - PETITIONS AND COMPLAINTS**

- Regulation 113. [Petitions](#)
- Regulation 114. [Petitions by condemned prisoners](#)
- Regulation 115. [Complaints by prisoners](#)
- Regulation 116. [Requests by prisoners to see Director General or Visiting Justices](#)
- Regulation 117. [Applications by prisoners](#)

#### **PART 12 - OFFENCES, PUNISHMENT AND RESTRAINTS**

- Regulation 118. [Officer-in-Charge to deal with reports](#)
- Regulation 119. [Separation of reported prisoners](#)
- Regulation 120. [Information to reported prisoners](#)
- Regulation 121. [Offence against prison discipline to be reported and investigated](#)
- Regulation 122. [Minor prison offences](#)
- Regulation 123. [Aggravated prison offences](#)
- Regulation 124. [Award of punishment by the Officer-in-Charge for minor prison offences](#)
- Regulation 125. [Award of punishment by the Officer-in-Charge for aggravated prison offences](#)
- Regulation 126. [Medical examination of prisoner awarded punishment](#)
- Regulation 127. [Clothing and bedding for prisoners on punishment](#)
- Regulation 128. [Full diet after 3 days restricted diet](#)
- Regulation 129. [Maximum period of close confinement in a year](#)
- Regulation 130. [Visit to prisoner under close confinement](#)
- Regulation 131. [Corporal punishment](#)
- Regulation 132. [Carrying out of punishment](#)
- Regulation 133. [Rules for infliction of corporal punishment](#)
- Regulation 134. [Remission of corporal punishment](#)
- Regulation 135. [Record of corporal punishment](#)
- Regulation 136. [Return of corporal punishment](#)
- Regulation 137. [Record of punishment](#)
- Regulation 138. [Prosecution in court](#)
- Regulation 139. [Instruments of restraint](#)
- Regulation 140. [Temporary confinement in special cell](#)

#### **PART 13 - ESCAPES**

- Regulation 141. [Security of ladders, planks, etc.](#)
- Regulation 142. [Action in the event of escape](#)
- Regulation 143. [Escapees' special supervision](#)
- Regulation 144. [Period of escape not to count as part of sentence](#)

#### **PART 14 - RELIGIOUS INSTRUCTION AND EDUCATION**

- Regulation 145. [Prisoner to state religious denomination](#)
- Regulation 146. [Change of religion](#)
- Regulation 147. [Religious education](#)
- Regulation 148. [Religious services and instruction](#)
- Regulation 149. [Visits by religious personnel or other members of religious associations](#)
- Regulation 150. [Religious books](#)

## **PART 15 - EDUCATION AND GENERAL WELFARE**

- Regulation 151. [Educational classes](#)
- Regulation 152. [Library](#)
- Regulation 153. [Reading materials](#)
- Regulation 154. [Lectures and concerts, etc.](#)
- Regulation 155. [Physical training and recreation](#)
- Regulation 156. [Voluntary teachers](#)

## **PART 16 - APPELLANTS**

- Regulation 157. [Appellants](#)
- Regulation 158. [Application by appellants](#)
- Regulation 159. [Treatment of appellants](#)
- Regulation 160. [Letters and facilities for appeal](#)
- Regulation 161. [Custody of appellants](#)
- Regulation 162. [Payment for work to appellants](#)
- Regulation 163. [Period spent as appellant to count towards sentence](#)
- Regulation 164. [Appellants subject to these Regulations](#)

## **PART 17 - UNCONVICTED PRISONERS**

- Regulation 165. [Separation from convicted persons](#)
- Regulation 166. [Employment](#)
- Regulation 167. [Food and other necessities](#)
- Regulation 168. [Clothing and bedding](#)
- Regulation 169. [Prison diets](#)
- Regulation 170. [Private medical adviser](#)
- Regulation 171. [Visit](#)
- Regulation 172. [Disinfection of clothing](#)
- Regulation 173. [Unconvicted prisoners to earn no remission](#)
- Regulation 174. [Prisoners charged with a capital offence](#)
- Regulation 175. [Forfeiture of privileges](#)

## **PART 18 - PRISONERS UNDER SENTENCE OF DEATH**

- Regulation 176. [Search and accommodation](#)
- Regulation 177. [Visit by religious personnel](#)
- Regulation 178. [Letters](#)
- Regulation 179. [Visits](#)
- Regulation 180. [Clothing, food, etc.](#)
- Regulation 181. [Employment and personal hygiene](#)
- Regulation 182. [Executions](#)

## **PART 19 - BOARD OF VISITING JUSTICE**

- Regulation 183. [Visit by Visiting Justices](#)
- Regulation 184. [To be accompanied by prison officer](#)
- Regulation 185. [Complaints by prisoners](#)
- Regulation 186. [Inspection of prisoners](#)
- Regulation 187. [Abuses](#)
- Regulation 188. [Minute Book](#)

## **PART 20 - AID ON DISCHARGE AND AFTER-CARE OF PRISONERS**

- Regulation 189. [Objective](#)
- Regulation 190. [Constitution of Discharge Board](#)
- Regulation 191. [Interview with prisoners](#)
- Regulation 192. [Special assistance](#)
- Regulation 193. [Employment](#)

## **PART 21 - DUTIES OF THE DIRECTOR GENERAL, ETC.**

### ***Division I - The Director General***

- Regulation 194. [Inspection and report on prisons](#)
- Regulation 195. [Regulations and uniformity to be enforced](#)
- Regulation 196. [Duties on visits](#)
- Regulation 197. [Director General's Standing Orders](#)

### ***Division II - Officer-in-Charge***

- Regulation 198. [Duties of Officer-in-Charge](#)
- Regulation 199. [Administration of prison](#)
- Regulation 200. [Control of officers](#)
- Regulation 201. [Journal](#)
- Regulation 202. [Maintenance of records](#)
- Regulation 203. [Inspection of prison](#)
- Regulation 204. [Prisoners' complaints, etc.](#)
- Regulation 205. [Inspection of meals](#)
- Regulation 206. [To ensure that Act, regulations and orders followed](#)
- Regulation 207. [Interview of prisoners on admission](#)
- Regulation 208. [Search](#)
- Regulation 209. [Muster of prisoners](#)
- Regulation 210. [Death of prisoner](#)
- Regulation 211. [Magistrate to be informed](#)
- Regulation 212. [Recommendations by Medical Officer](#)
- Regulation 213. [Mentally disordered prisoners](#)
- Regulation 214. [Prisoners life endangered by imprisonment](#)
- Regulation 215. [Visitors to view a prison](#)
- Regulation 216. [Searching of prison officer, Medical Officer and others](#)
- Regulation 217. [Books](#)
- Regulation 218. [Inspection of buildings, machinery, etc.](#)
- Regulation 219. [Petitions by prisoners](#)
- Regulation 220. [Prisoners' property](#)
- Regulation 221. [Requisitions on storekeeper](#)
- Regulation 222. [Absence from prison](#)
- Regulation 223. [Charge of the prison in the case of Officer-in-Charge's absence](#)
- Regulation 224. [Reports to the Director General](#)
- Regulation 225. [Action in case of emergency](#)
- Regulation 226. [Reference to Director General](#)
- Regulation 227. [Annual estimates](#)
- Regulation 228. [Control of expenditure](#)
- Regulation 229. [Annual report on prison](#)

### ***Division III - Medical Officers***

- Regulation 230. [Resident Medical Officer and attendance at prison](#)
- Regulation 231. [Examination of prisoners and visit to prisoners](#)

Regulation 232. Case Book and Journal  
Regulation 233. Reports of mentally disordered prisoners  
Regulation 234. Sick prisoners  
Regulation 235. Prisoners unfit for prison, etc.  
Regulation 236. Inspection of prison, etc.  
Regulation 237. Death of a prisoner  
Regulation 238. Examination of food, water, clothing, etc.  
Regulation 239. Visits to prisoners on capital charge  
Regulation 240. Report to be made on capital charge prisoners  
Regulation 241. Medical observation of prisoners  
Regulation 242. Infectious or contagious diseases  
Regulation 243. Medical Officer to report certain matters  
Regulation 244. To be conversant with regulations

***Division IV- Dental Officers***

Regulation 245. Dental Officers

***Division V - Prison Officers***

Regulation 246. Enlistment  
Regulation 247. Liable to serve in any prison  
Regulation 248. Quarters  
Regulation 249. Illness of officer  
Regulation 250. Absence from duty  
Regulation 251. Search of prison officers  
Regulation 252. Obedience to laws, regulations, etc., and to orders  
Regulation 253. Visitors to the prison  
Regulation 254. Unauthorised communications to the press  
Regulation 255. Unauthorised gratuities, fees, etc.  
Regulation 256. Interests in prison contracts forbidden  
Regulation 257. Report of misconduct, etc.  
Regulation 258. Communications with relatives of prisoners  
Regulation 259. No testimonials to be given to prisoners  
Regulation 260. Trafficking with prisoners  
Regulation 261. Tobacco or liquors  
Regulation 262. Junior prison officers not to punish prisoners  
Regulation 263. Not to enter prisoners' cells at night  
Regulation 264. Conversing or familiarity with prisoners  
Regulation 265. Complaints or applications by prisoners  
Regulation 266. Safe custody of prisoners  
Regulation 267. Handing over duties  
Regulation 268. Rules regarding use of firearms  
Regulation 269. Checking of keys  
Regulation 270. Not to leave prisoners  
Regulation 271. Visitors to the prison  
Regulation 272. Prisoners who appear to be in ill-health  
Regulation 273. Discipline duty  
Regulation 274. Women prison officer

**PART 22 - DISCIPLINARY REGULATIONS AND DISCIPLINARY BOARDS**

Regulation 275. Application of P. U. (A) 395/93 and P. U. (A) 396/93

## **PART 23 - PRISON OFFICERS' REWARD FUND**

Regulation 276. [Administration and application of the Fund](#)

Regulation 277. [Accrued sums](#)

Regulation 278. [Management and operational costs](#)

Regulation 279. [Payment](#)

Regulation 280. [Payment of reward not to exceed certain limits and to be published](#)

Regulation 281. [Grant to welfare fund, recreation centre and club](#)

Regulation 282. [Accounts](#)

## **PART 24 - REVOCATION**

Regulation 283. [Revocation](#)

[FIRST SCHEDULE](#)

[SECOND SCHEDULE](#)

[LIST OF AMENDMENTS](#)



## **Preamble**

In exercise of the powers conferred by section 67 of the Prison Act 1995 [Act 537], the Minister makes the following regulations:

### **PART 1 – PRELIMINARY**

#### **Regulation 1. Citation and commencement.**

- (1) These regulations may be cited as the **Prisons Regulations 2000**.
- (2) These Regulations shall come into operation on 1 September 2000.

#### **Regulation 2. Interpretation.**

In these Regulations, unless the context otherwise requires-

"long sentence prisoner" means a prisoner who is sentenced to imprisonment for a period of or exceeding six months or for consecutive periods the total of which amounts to or exceeds six months;

"short sentence prisoner" means a prisoner who is sentenced to imprisonment for a period of less than six months or for consecutive periods the total of which is less than six months;

"unconvicted prisoner" means a person who is-

- (a) confined under civil process;
- (b) on remand charged with a crime or an offence;
- (c) committed to take his trial;
- (d) confined for want of sureties; or
- (e) confined under section 4 of the Banishment Act 1959 [Act 79];

"convicted prisoner" means a prisoner who is convicted by the court and has been sentenced to imprisonment;

"weekly holiday" has the meaning assigned to it in the Holidays Act 1951 [Act 369];

"gatekeeper" includes any junior or senior prison officer who is in charge of the main gate of a prison;

"Earning Scheme" means a scheme of payment regulated in Part 9 of these Regulations

### **Regulation 3. General principles of prison administration and application of Regulations.**

(1) These Regulations shall be applied, due allowance being made for the differences in character and respect for discipline of various types of prisoners, in accordance with the following principles:

(a) discipline and order shall be maintained with fairness but firmness and with no more restriction than is required for safe custody and to ensure a well-ordered community life;

(b) in the control of prisoners, prison officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation; and

(c) at all times the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility, so as to rebuild their morale, to inculcate in them habits of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

(2) These Regulations shall apply to every prisoner.

(3) Notwithstanding subregulation (2), the provisions of any Part of these Regulations relating to any particular category of prisoners shall, where the provisions of such Part are in conflict or are inconsistent with any other provisions of these Regulations, apply to prisoners of such category.

## **PART 2 – ACCOMMODATION**

### **Regulation 4. Sleeping accommodation.**

(1) Every prisoner shall, if the accommodation of the prison permits, be confined at night in a separate cell, dormitories or wards certified by the Medical Officer.

(2) If it is necessary for special reasons, the Director General may authorise the accommodating of not more than three prisoners in one cell.

### **Regulation 5. Women's accommodation.**

(1) Male and female prisoners shall be kept absolutely separate from each other, and shall be confined in different buildings.

(2) The wards, cells, dormitories and yards where women prisoners are confined shall, if possible, be secured by locks different from those securing the wards, cell, dormitories and yards allotted to male prisoners.

(3) Women prisoners shall in all cases be attended by women prison officers.

(4) A male prison officer shall not enter a prison or part of a prison appropriated for the use of women prisoners except on duty and in the company of a woman prison officer.

### **Regulation 6. Young prisoners.**

(1) Prisoners appearing to the Officer-in-Charge to be a young prisoner, whether male or female, shall be kept apart from adults.

(2) A prisoner who declares himself to be more than twenty one years of age but who, in the opinion of the Officer-in-Charge and the Medical Officer, should not, having regard to his character, constitution and antecedents, be classed with adult prisoners, shall be treated as a young prisoner.

### **Regulation 7. Hospital accommodation.**

In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

### **Regulation 8. Punishment and segregation cells.**

(1) In every prison, special cells shall be provided or appropriated for the confinement of prisoners undergoing punishment for prison offences or segregated for the good order and discipline of a prison.

(2) Every such cell shall be certified by the Medical Officer that it may be used as a punishment cell or a segregation cell.

### **Regulation 9. Equipment and accommodation facilities.**

The Officer-in-Charge may determine any equipment or facilities that may be placed in a cell or dormitory.

## **PART 3 - ADMISSION, DISCHARGE, REMOVAL AND SAFE CUSTODY OF PRISONERS.**

### **Regulation 10. Photographs of prisoner.**

On admission, and from time to time as may be required, every prisoner shall be photographed and his or her name, age, height, weight, particular marks, general appearance and other information, if any, shall be recorded in the Prisoner's Record.

### **Regulation 11. Search.**

(1) Every prisoner shall be searched on admission and at such times subsequently as may be directed, and all unauthorised articles shall be taken from him.

(2) The searching of a prisoner shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed articles.

(3) No prisoner shall be stripped and searched in the presence of another prisoner.

(4) No prisoner shall be searched except by a prison officer who is of the same gender as the prisoner to be searched.

### **Regulation 12. Recording of particulars.**

On the admission into prison of a prisoner convicted of a registrable offence as defined by the Registration of Criminals And Undesirable Persons Act 1969 [Act 7], or ordered to be banished, a photograph and fingerprints of such prisoner shall be taken and a description made on the proper forms and forwarded to the Registrar of Criminals.

### **Regulation 13. Children of female prisoner.**

(1) A child under three years of age may be admitted with his mother by the Director General.

(2) Any child admitted with his mother under this regulation may be provided with basic necessities for the child's maintenance and care by the Director General.

(3) When any child has presumably attained the age of three years, the Medical Officer shall report if it is desirable or necessary that the child should be longer retained.

(4) Except by special authority of the Director General, a child shall not be kept in prison with his mother after attaining the age of four years.

(5) When a child attains the age of three or four, as the case may be, the Officer-in-Charge shall refer to the Director General for instructions should the Officer-in-Charge know of no relations willing or in a position to receive such child.

### **Regulation 14. Retention of property.**

(1) Except in the case of persons detained for safe custody, the private clothes, money and all other articles in possession of, or sent in to any prisoner, not expressly allowed by these Regulations, shall be taken from such prisoner.

(2) Such property shall be inventoried in the Register of Prisoners' Effects, which shall be signed by the prisoner concerned certifying its correctness.

(3) Any such article of a perishable or dangerous nature may be destroyed.

### **Regulation 15. Baths.**

Every prisoner shall take a bath on admission, and thereafter daily unless the Medical Officer otherwise directs.

## **Regulation 16. Prison clothing.**

- (1) Except for unconvicted prisoners, all prisoners shall be dressed in prison clothes.
- (2) All clothing shall be marked in accordance with the categorisation as specified in Part 4 of these Regulations or as directed by the Director General.

## **Regulation 17. Hair cutting.**

- (1) All convicted prisoners shall have their hair cut short and their beards, whiskers and moustaches (if worn) trimmed close, and those who wear no hair on their faces, or a moustache only, shall be shaved as often as may be necessary to preserve a clean and decent appearance.
- (2) A woman prisoner's hair shall not be cut on admission or afterwards without her consent except where the Medical Officer or Officer-in-Charge, as the case may be, consider that this is necessary for health, cleanliness or security reasons.
- (3) The hair of unconvicted prisoners shall be kept, as far as cleanliness permits, in the same state as it was on admission.
- (4) Any Asian prisoners sentenced to imprisonment for any period exceeding one month, who are in the habit of shaving their heads, shall be allowed to have their heads shaved once a week.
- (5) The hair of a Sikh prisoner, shall not be cut without an order in writing from the Officer-in-Charge, which order shall not be made except on the ground of necessity certified by a Medical Officer.

## **Regulation 18. Medical examination**

- (1) Every prisoner shall, as soon as possible after his admission, be separately examined by the Medical Officer, who shall enter in the Prisoner's Record particulars of the prisoner's state of health and any other particulars as he may deem necessary.
- (2) No prisoner shall be sent to labour until the Medical Officer has certified that he is fit to perform such labour.
- (3) Every prisoner shall be examined by the Medical Officer before being discharged or removed to another prison.
- (4) The Medical Officer may, with the approval of the Officer-in-Charge, at any time arrange for any prisoner to undergo any medical test, as he may deem fit.
- (5) A prisoner due for discharge who is suffering from any acute or dangerous illness shall be transferred to a government hospital.

## **Regulation 19. Vaccination**

A prisoner may be vaccinated or re-vaccinated at the direction of the Medical Officer.

## **Regulation 20. Contagious or infectious diseases.**

If any prisoner found to have any infectious or contagious disease, or to be infested with vermin, a report shall be made forthwith to the Medical Officer under whose direction steps shall be taken to treat the condition and to prevent it from spreading to other prisoners.

## **Regulation 21. Reception Board**

(1) At every prison there shall be a Reception Board consisting of the Officer-in-Charge and such other persons as the Director General may determine, who shall, as soon as possible after the reception of the prisoner in the prison, interview every prisoner, and consider what arrangements are to be made for his training.

(2) The Reception Board shall, as soon as possible after reception, classify all prisoners sentenced to imprisonment, having regard to their age, character and previous history.

## **Regulation 22. Information to prisoners.**

A printed abstract in English and Malay languages of these Regulations relating to the treatment and conduct of the prisoners, with a copy of the prison dietaries shall be kept posted in places accessible to the prisoners and such regulations and dietaries shall be read to prisoners who cannot read within twenty-four hours after admission and once thereafter in every subsequent period of three months.

## **Regulation 23. Custody during removal, etc.**

A prisoner who is being removed or transferred from one prison to another shall, while outside the prison, be kept in the custody of the prison officer directed to convey him and shall be deemed to be in the lawful custody of the Officer-in-Charge of the prison at which such prison officer is serving.

## **Regulation 24. Imprisonment for default or want of sureties.**

A prisoner committed to prison in default of paying a sum of money or for want of surety shall, on admission be informed of the means whereby he may obtain his release but until he obtains his release every such prisoner shall be subject to these Regulations

### **Regulation 25. Discharge on due date.**

The Officer-in-Charge shall be responsible especially for the due discharge of all prisoners immediately on their becoming entitled to release, whether by the expiration of their terms of sentences, payment of fines, pardons or commutations, or remissions of sentences earned under these Regulations and, to ensure accuracy in regard to such remissions, he shall, at least one month before the date of release, check the remission earned by each prisoner.

### **Regulation 26. Police supervision.**

The Officer-in-Charge shall one week before the discharge of any prisoner who has been directed to be subject to the supervision of the police for any period commencing from the expiration of any sentence passed upon him notify the Registrar of Criminals of the day on which and the hour at which such discharge is expected to take place, and shall further ask such prisoner to what place he proposes to proceed on discharge and inform the Registrar of Criminals of the prisoner's answer to the question.

### **Regulation 27. Day of release.**

A prisoner shall be released from prison in the morning of the day on which under these Regulations he is due for release.

### **Regulation 28. Discharge on holidays.**

If the date of a prisoner's release falls on a weekly holiday or a public holiday, the prisoner shall be released on the preceding day.

### **Regulation 29. Return of clothing and property.**

On the discharge of a prisoner, all articles of clothing and property shall be returned to him, unless it has been found necessary to destroy any article of clothing, in which case he shall be provided with such clothing as is suitable.

### **Regulation 30. Gratuity and special gratuity.**

(1) A gratuity in accordance with the Progressive Stage System shall be paid on release to every prisoner sentenced to imprisonment (whether originally, or in default of payment of a fine or fines) for one month, but less than six months, and such a prisoner who spends the whole of such term in hospital shall be eligible for the gratuity.

(2) In addition to the gratuity referred to under subregulation (1) , a sum not exceeding two hundred ringgit may be awarded to a prisoner who has undergone a sentence of four years and above and who has shown special zeal and skill, accompanied by exemplary conduct, in any branch of prison industries.

(3) Such sum shall only be granted with the approval of the Director General and on the recommendation of the Prison Discharge Board, and that it shall be applied to the purchase of tools and other equipment which will assist the rehabilitation of the prisoner.

### **Regulation 31. Detention after due date of discharge.**

(1) Any punishment lawfully imposed on a prisoner in accordance with the provisions of the Act may be carried into effect notwithstanding that the carrying into effect of the punishment may necessitate the detention of the prisoner beyond the date at which he would otherwise be entitled to be discharged from prison.

(2) The period of such detention shall not exceed forty-eight hours, such period to be calculated from the last hour of the day upon which the prisoner would otherwise be entitled to be discharged.

### **Regulation 32. Transport on discharge.**

Subject to the approval of the Director General and at the expense of the Government, a prisoner duly discharged from a prison, including from a prison in a place other than that in which he was sentenced shall be provided with free transport back to his place where he ordinarily resides.

### **Regulation 33. Computation of sentences.**

Sentences shall be computed as follows:

(a) a term of imprisonment shall be deemed to run the first moment of the day on which the sentence begins;

(b) a prisoner shall not be legally entitled to discharge until the end of the last day of his sentence and he may be detained until any hour on that day; and

(c) a sentence expressed in terms of one month or more or one year or more shall run to the date in the month or year in which it expires preceding the month or year on which it commenced, whatever be the number of days in the month or months or year or years.



## **PART 4 - CATEGORISATION OF PRISONERS**

### **Regulation 34. Categories of prisoners.**

(1) With a view to facilitating the training of prisoners and of minimising the danger of contamination, prisoners shall be categorised, having regard to their age, gender, character, personality, previous history and other factors as may be determined by the Officer-in-Charge, in accordance with the following provisions:

(a) convicted category, which shall consist of all prisoners convicted and sentenced by the court and currently serving sentence in prison;

(b) unconvicted category, which shall consist of all debtors, persons on remand or awaiting trial, persons detained for safe custody or for want of sureties, who have not been convicted;

(c) young prisoner category, which shall consist of all convicted prisoners below twenty one years of age;

(d) first offenders category, which shall be distinguished from the other prisoners by having a red prison number on the left of their shirt;

(e) recidivist category, which shall be distinguished from the other prisoners by having a black prison number on the left of their shirt; and

(f) escapees category, which shall consist of all former escapees from prison or other authorities currently serving sentence and shall be distinguished from the other prisoners, by having additional coloured stripes as may be determined by the Director General.

(2) A prisoner may be removed from any category if, in the opinion of the Officer-in-Charge, he is unfit to be associated with the prisoners in that category.

(3) Arrangements shall be made where prisoners in each category are segregated, as far as possible, and conditions allow, both at place of work and accommodation.

(4) Members of the Armed Forces or of the Police Force convicted of breaches of service or police discipline only shall so far as may be practicable having regard to the prison accommodation and the circumstances of the case, be kept separate and distinct from prisoners convicted of offences of an immoral, dishonest, shameful or criminal character.

(5) Arrangements shall be made at all local prisons to provide, so far as practicable, for the effective segregation at all times of the five categories of convicted prisoners.

(6) The Director General may institute such other categories as may in his opinion be necessary for improving the method of categorisation, and he may in his discretion authorise in particular cases or at particular prisons departure from provisions of these Regulations.

(7) All categories of prisoners may be identified by the usage of abbreviation above the prison number worn on their shirt.

## **PART 5 - THE PROGRESSIVE STAGE SYSTEM**

### **Regulation 35. Stages.**

- (1) There shall be established at every prison a system of progressive stages with increasing privileges attached to the higher stages, in these Regulations referred to as the "Progressive Stage System".
- (2) There shall be five stages of imprisonment, namely-
  - (a) First Stage;
  - (b) Second Stage;
  - (c) Third Stage;
  - (d) Fourth Stage; and
  - (e) Special Stage.
- (3) Promotions from Second Stage onwards shall depend upon good conduct, industry and length of service in each Stage.
- (4) The whole term which a prisoner is liable to serve under consecutive or overlapping sentences shall be treated as one sentence for the purposes of the Progressive Stage System.
- (5) The Progressive Stage System shall be explained to every prisoner on first admission by the Reception Board.

### **Regulation 36. First Stage.**

- (1) The First Stage shall consist of short sentence prisoners, and such prisoners shall work at such labour as may be directed by the Officer-in-Charge.
- (2) A prisoner in this Stage shall, subject to good conduct and industry, be eligible to receive on release, a gratuity of five ringgit for the first month in this Stage and one ringgit for each month thereafter.
- (3) A prisoner in this Stage shall wear white collar shirt.

### **Regulation 37. Second Stage.**

- (1) The Second Stage shall consist of long sentence prisoners.
- (2) A prisoner on admission shall remain in this Stage for the first three months of his sentence, and shall be entitled to participate in the Earnings Scheme.
- (3) A prisoner in this Stage shall work at such labour as may be directed by the Officer-in-Charge.
- (4) A prisoner shall not be eligible for promotion to the Third Stage until he has not had a

disciplinary charge against him for a period of at least one month.

(5) A prisoner in this Stage shall wear red collar shirt.

### **Regulation 38. Third Stage.**

(1) After serving three months in the Second Stage with good conduct and industry, a prisoner shall be eligible for promotion to the Third Stage, and in the Third Stage, prisoners shall work at such labour as may be directed by the Officer-in-Charge.

(2) A prisoner shall remain in this Stage for fifteen months and shall not be eligible for promotion to the Fourth Stage until he has not had a disciplinary charge against him for a period of at least three months.

(3) A prisoner in this Stage shall wear green collar shirt.

### **Regulation 39. Fourth Stage.**

(1) After serving fifteen months in the Third Stage (or normally, eighteen months of his sentence) a prisoner shall be eligible for promotion to the Fourth Stage, subject always to good conduct and industry.

(2) A prisoner in the Fourth Stage shall work at such labour as may be directed by the Officer-in-Charge.

(3) In this Stage, a prisoner shall be eligible for promotion in the Earnings Scheme if his conduct is excellent and he reaches a high standard of skill at his work.

(4) A prisoner shall not be eligible for promotion to Special Stage until he has not had a disciplinary charge against him for a period of at least six months.

(5) A prisoner shall remain in the Fourth Stage for eighteen months.

(6) A prisoner in this Stage shall wear blue collar shirt.

### **Regulation 40. Special Stage.**

(1) When a prisoner has completed eighteen months in the Fourth Stage (or, normally, when he has served three years of his sentence) subject to very excellent conduct and industry, he shall be-

(a) eligible for promotion to the Special Stage;

(b) employed upon a trade or such labour as the Officer-in-Charge may direct; and

(c) eligible for promotion in the Earnings Scheme subject always to good conduct and the maintenance of his standard of skill at his trade.

(2) A prisoner in the Special Stage, whose conduct has been continuously excellent from the time

of his entering the Fourth Stage, shall, if he has been in the Special Stage for at least two years, be eligible to be discharged fourteen days earlier.

(3) A prisoner in this Stage shall be an Exemplary Prisoner and shall wear a special blue uniform.

### **Regulation 41. Reduction and postponement of promotion in Stage.**

(1) As a result of a disciplinary charge or for continued slackness at labour, a prisoner may be reduced in Stage or have his promotion to another Stage postponed by the Officer-in-Charge for a period of not less than three months and not more than six months.

(2) A prisoner reduced to a lower Stage shall not be entitled to restoration until he has completed at least three months without a disciplinary charge or if reduced from the Special Stage, until he has completed at least six months without a disciplinary charge.

(3) A prisoner reduced in Stage shall also be liable to forfeiture of earnings, reduction in Earnings Grade, or removal from Earnings Scheme for a period not exceeding six months.

(4) A prisoner in the Special Stage who is reduced a second time shall not be eligible for restoration until he has completed at least twelve months without a disciplinary charge unless the Officer-in-Charge direct otherwise.

### **Regulation 42. Privileges.**

(1) The Director General shall, in the interest of good conduct and training, establish at every prison such system or systems of privileges as may be appropriate for different categories of prisoners and different methods of training.

(2) Every such system shall include arrangements under which sums paid to prisoners under these Regulations may be spent on such articles and subject to such conditions as the Director General may determine.

(3) The privileges of prisoners in the various Stages shall be as follows:

(a) a prisoner in the First and Second Stages-

(i) shall be allowed to have library books and exchange them as often as may be practicable; and

(ii) shall be eligible to attend such concerts, lectures, exhibition of audio-visual programmes and such other activities as the Officer-in-Charge may direct;

(b) in addition to the privileges referred to in paragraph (a), a prisoner in the Second Stage shall be eligible to be placed on the Earnings Scheme;

(c) a prisoner in the Third Stage-

(i) shall be allowed to have library books and exchange them as often as may be practicable;

(ii) shall be eligible to attend concerts, lectures, handicraft classes, school

classes, exhibition of audio-visual programmes and such other activities as the Officer-in-Charge may direct;

(d) a prisoner in the Fourth and Special Stages-

(i) shall be allowed to have library books and exchange them as often as may be practicable;

(ii) shall be allowed to attend concerts, lectures, handicraft classes, school classes and exhibition of audio-visual programmes;

(iii) shall be allowed to partake in any other evening activities which may be arranged;

(iv) may have approved means of recreation in his cell; and

(v) may be permitted to leave the prison under escort to take part in competitions approved by the Officer-in Charge.

(4) Wherever possible, a Special Stage prisoner-

(a) shall be permitted to occupy dormitory accommodation; or where this is not possible his cell will be provided with special furniture and extra bedding may be issued to him;

(b) shall not be locked in his cell or dormitory at midday or until one hour after the normal hour of lock up;

(c) shall be provided with similar facilities at week-ends; and

(d) may be permitted to move within the prison without escort.

(5) Prisoners in all Stages shall be eligible to receive suitable books or periodicals from home subject to the approval by the Officer-in-Charge.

(6) Prisoners in all Stages shall be eligible to receive such other privileges as may, from time to time, be approved by the Director General.

(7) For the purpose of this Part, "prisoners" refers to convicted prisoners.

## **PART 6 - THE REMISSION SYSTEM**

### **Regulation 43. Remission.**

(1) Subject to the terms of an order made by the Pardons Board established under Article 42 of the Federal Constitution, with a view to encouraging good conduct and industry and to facilitate reformatory treatment, a prisoner sentenced to imprisonment is entitled to be granted remission as follows:

(a) a convicted prisoner sentenced to a term of imprisonment exceeding one month may be granted as remission one-third of his sentence:

Provided that in no case shall any remission granted result in the release of a prisoner until he has served one calendar month of imprisonment;

(b) a prisoner sentenced to a term of imprisonment of one month or less than one month shall not be granted remission.

(2) Notwithstanding any provision in these Regulations, the Director General may, in any case where any other punishment ordered by the court has not been executed, reduce the period of remission to be granted to the prisoner under subregulation (1) by not more than two weeks to enable that punishment to be executed.

#### **Regulation 44. Consecutive and overlapping sentences.**

(1) Where one term of imprisonment is consecutive to another term, such terms shall be treated as one term for the purposes of remission, and where one sentence is partly concurrent with, but overlaps another, the latter sentence shall be added to the period of the former actually served when the latter commenced and remission shall be calculated on the total period:

Provided that the date of release of the prisoners of the subsequent sentence shall not be earlier than the previous term of sentence.

(2) Where a prisoner serving two or more sentences is further convicted and sentenced to imprisonment and the court orders the fresh sentence "To commence at the expiration of the sentence the prisoner is now serving" the order of the Court shall be interpreted literally.

(3) Any difficulty regarding the computation of sentences and remission shall be referred to the Director General for a ruling.

#### **Regulation 45. Record of remission.**

(1) A record shall be kept for each prisoner earning remission showing, in days, the sentence, the remission allowed, and any forfeitures of remission.

(2) The earliest possible date of release shall be recorded to date as well as the latest possible date of discharge.

(3) Remission of sentence or aggregate of sentences shall be awarded on the admission of a prisoner.

#### **Regulation 46. Explanation of Remission System.**

The Remission System shall be explained to all prisoners on admission, and when, for any reason, remission is forfeited, the Officer-in-Charge shall ensure that a prisoner is made fully aware of such forfeiture.

#### **Regulation 47. Remission for prisoners in mental hospital.**

A prisoner transferred to a mental hospital shall be allowed the full remission under these Regulations.

#### **Regulation 48. Remission during punishment, etc.**

A prisoner undergoing confinement in a punishment cell shall not earn remission in respect of the period during which he is undergoing such punishment.

#### **Regulation 49. Forfeiture of award of remission.**

All or any part of the remission for which a prisoner may be eligible may, on commission of any minor or aggravated prison offence, be cancelled by the Director General:

Provided that in no case shall any forfeiture exceed the amount of remission earned at the time of the commission of the offence.

#### **Regulation 50. Discharge when remission earned.**

A prisoner on the Remission System shall be entitled to discharge on the day after he has completed earning his remission.

#### **Regulation 51. Punishment.**

A prisoner allowed to earn remission under these Regulations may be punished for any prison offence by the forfeiture of such remission not exceeding seven days for any one such offence in addition to or in lieu of any punishment which may be inflicted under the Act or these Regulations.

#### **Regulation 52. Release on part payment.**

When a prisoner avails himself of the right to obtain his earlier release by part payment of a fine or any other sum of money which he has been ordered to pay he shall be allowed to earn remission for industry and good conduct on the full period of his sentence or sentences, less that part for which he has paid, provided that such balance of the term of imprisonment is more than one calendar month.

#### **Regulation 53. Restoration of remission.**

The Director General may in his discretion restore to any prisoner all or part of any remission not exceeding one month which such prisoner has forfeited during his sentence.

#### **Regulation 54. Quadrennial report on prisoners.**

(1) The Officer-in-Charge shall every month, prepare a report on every prisoner who has during the previous month completed four, eight, twelve or sixteen years of his sentence and every subsequent year thereafter.

- (2) Each report shall include-
- (a) a statement by the Officer-in-Charge on the work and conduct of the prisoner; and
  - (b) a statement by the Medical Officer on the mental and bodily condition of the prisoner, with particular reference to the effect of imprisonment on his health.
- (3) The Officer-in-Charge shall not later than six months after the completion of the periods referred to in subregulation (1) forward such report to the Director General who shall enter on that report any recommendations he may desire to make and forward it to the Menteri Besar or Chief Minister of the State within which the offence of which the prisoner was convicted, was committed or treated to have been committed for the purpose of Article 42 of the Federal Constitution except that-
- (a) in security cases; and
  - (b) in the case of a person convicted of an offence by a Court Martial constituted under the Armed Forces Act 1972 [Act 77],

such report shall be forwarded to the Yang di-Pertuan Agong.

(4) The Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri, as the case may be, may, acting in accordance with Article 42 of the Federal Constitution remit the residue of the prisoner's sentence or may direct at what later time or times the case shall again be submitted for his consideration and in that event he may at any later date either remit part or the residue of the prisoner's sentence.

## **PART 7 - TREATMENT OF PRISONERS**

### **Regulation 55. Duty of prison officers.**

It is the duty of all prison officers to treat all prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, at the same time to be firm in maintaining order and discipline and enforcing the provisions of the Act, these Regulations and Director General's Standing Orders.

### **Regulation 56. Use of force.**

(1) No officer shall strike a prisoner unless compelled to do so in self-defence or in defence of another person or prisoner or when ordered to inflict corporal punishment.

(2) A prisoner struck by a prison officer in self-defence or in defence of another person or prisoner shall be examined as soon as possible by the Medical Officer and an immediate report of the incident shall be made to the Officer-in-Charge.



### **Regulation 57. Bedding.**

(1) Every prisoner shall be supplied with bedding in accordance with a scale approved by the Director General.

(2) Additional bedding may be supplied in special circumstances on the recommendation of the Medical Officer.

### **Regulation 58. Clothing.**

(1) The clothes of a prisoner shall be changed and washed weekly, and bedclothes shall be aired and washed as often as the Officer-in-Charge may direct.

(2) The prison clothing discarded by a prisoner on discharge shall be thoroughly washed, dried and disinfected before being returned to store or re-issued.

### **Regulation 59. Cleanliness.**

The prison and every room and part thereof, shall be kept clean and every prisoner shall keep his cell, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be directed, and shall clean and sweep the yards, passages, and other parts of the prison as he may be ordered.

### **Regulation 60. Diets.**

The food of a prisoner, whether convicted or unconvicted shall be in accordance with the diet scales set out in the First Schedule or such other diet scales as may from time to time be approved by the Minister on the recommendation of the Minister of Health.

### **Regulation 61. Diet of unconvicted prisoners.**

(1) An unconvicted prisoner may elect to provide his own food.

(2) Any unconvicted prisoner who does not elect to provide his own food shall be supplied with the same diet scales as approved under regulation 60.

### **Regulation 62. Diet scales to be exhibited.**

A copy of the diet scales shall be displayed in some conspicuous part of the prison.

### **Regulation 63. Additional food.**

No prisoner shall receive or have in his possession any food other than that authorised by the diet scales, except-

(a) with the authority of the Officer-in-Charge in special circumstances; or

(b) with the authority of the Medical Officer if a variation of diet is desirable on medical grounds for an individual prisoner.

### **Regulation 64. Waste of food.**

The diet of a prisoner who persistently wastes his food may be reduced on the written recommendation of the Medical Officer.

### **Regulation 65. Inspection of foodstuffs.**

(1) Care shall be taken that all provisions supplied to prisoners be of proper quality and weight, and in all cases food shall be given to prisoners before the day's work begins.

(2) Scales and standard weights and measures shall be provided for weighing the food supplied to them.

### **Regulation 66. Restricted diet.**

A prisoner ordered restricted diet shall have substituted for his ordinary diet the restricted diet as prescribed in the First Schedule, unless otherwise ordered by the Medical Officer.

### **Regulation 67. Exercise.**

Arrangements shall be made so far as practicable for every prisoner, unless excused by the Medical Officer on medical grounds, to take exercise and physical recreation daily:

Provided that security and discipline are duly maintained

### **Regulation 68. Unauthorised articles.**

(1) No prisoner shall have in his possession any unauthorised article and any such article found in his possession shall be confiscated by the Officer-in-Charge.

(2) No person shall without authority-

(a) convey or throw into, or deposit in, a prison; or

(b) convey to any prisoner, or deposit with a view to its coming into the possession of any prisoner,  
any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article.

(3) Any unauthorised article conveyed, thrown or deposited may be confiscated by the Officer-in-Charge.

### **Regulation 69. Smoke, etc. prohibited.**

No prisoner shall be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Officer-in-Charge with the approval of the Director General.

### **Regulation 70. Search of persons and vehicles.**

(1) All persons including legal advisors of a prisoner and vehicles entering or leaving a prison may be examined and searched, and any person suspected of bringing any prohibited article into a prison, or of carrying out any prohibited article or any property belonging to a prison, shall be stopped and immediate notice shall be given to the Officer-in-Charge.

(2) The Officer-in-Charge may refuse admission to a prison of a person who is not willing to be examined and searched or whose conduct is improper.

(3) The Officer-in-Charge may direct the removal from a prison of a person who while in the prison is not willing to be examined and searched or whose conduct is improper.

### **Regulation 71. Use of books and writing materials by prisoners.**

Any prisoner may have the use of books and writing materials received or secured through the prison officer with the permission and approval of the Officer-in-Charge as far as is consistent with the proper discipline of the prison.

## **PART 8 - EMPLOYMENT OF PRISONERS**

### **Regulation 72. General requirement of work.**

(1) Every convicted prisoner shall be required to work at any labour authorised by the Officer-in-Charge and for which he is certified as fit by the Medical Officer.

(2) Every unconvicted prisoner who elects to be employed during the period he is confined shall be authorised to work if he is certified as fit for that work by the Medical Officer.

### **Regulation 73. Hours of labour.**

The hours of labour for prisoners shall be as directed by the Director General.

### **Regulation 74. Employment of women prisoners.**

Female prisoners shall be employed only within the prison precinct unless otherwise approved by the Director General.

### **Regulation 75. Record of prisoners' work.**

At each prison, a record of the daily work of all prisoners shall be kept in such form as the Director General may direct.

### **Regulation 76. Allocation of labour.**

The Officer-in-Charge will himself allow to each prisoner the labour for which he is best suited, the first consideration being to give each prisoner the suitable vocational training which his sentence, interest, capacity and the resources of the prison will allow.

### **Regulation 77. Segregation of prisoner at labour.**

(1) If at any time it appears to the Officer-in-Charge that it is desirable for the maintenance of good order or discipline, or in the interest of the prisoner that he should not be employed in association with others, the Officer-in-Charge may arrange for him to work temporarily in a cell and not in association.

(2) It shall be within the discretion of the Officer-in-Charge to arrange for such prisoner to be employed in association again whenever he considers this desirable, and he shall do so if the Medical Officer so advises on medical grounds.

### **Regulation 78. Labour on holidays.**

(1) Unless otherwise directed by the Director General, no prisoner shall be required to do any labour except such as may be necessary for keeping the prison premises clean, on a weekly holiday or a public holiday.

(2) All Muslim prisoners shall be allowed to observe the fast of Ramadhan and during the fast shall be required to work at such reduced task as the Medical Officer considers proper.

## **Regulation 79. Employment in special industry.**

(1) Notwithstanding anything in these Regulations, the Officer-in-Charge may give an election to any prisoner to work in any special industry established by the Minister within the prison system.

(2) A prisoner who elects to work in such industry may at any time cease to work in such work but while doing such work shall submit himself to the discipline imposed by the Officer-in-Charge upon those working in such industry.

(3) Such prisoner shall earn such rate of pay as may be determined by the Minister.

(4) Regulations 80, 81, 82 and 83 shall not apply to a prisoner who elects to work in a special industry.

## **PART 9 - EARNINGS SCHEME**

### **Regulation 80. Payment for work.**

Subject to the provisions of the Progressive Stage System, prisoners shall receive payment for their work and skill at industry in accordance with the regulations set out in this Part.

### **Regulation 81. Grades.**

(1) Prisoners eligible under the Progressive Stage System shall, for the purposes of the Earnings Scheme, be classified in four grades as follows:

(a) Grade A, which shall consist of prisoners who are highly skilled at their trades and whose conduct is, upon recommendation, excellent, and exemplary, and this grade shall be the highest grade;

(b) Grade B, which shall consist of prisoners who are skilled at their trade, but who have not reached the degree of proficiency required for Grade A and must have spent at least fifteen months in Grade C before being promoted and may be promoted upon recommendation and this grade shall be considered the intermediate grade;

(c) Grade C, which shall consist of prisoners who are skilled at their trade, but who have not reached the degree of proficiency required for Grade B and must have spent at least three months in Grade D before being promoted and may be promoted upon recommendation and this grade shall be considered the normal grade; and

(d) Grade D, which shall consist of all other prisoners eligible under the Progressive Stage System for inclusion in the Earnings Scheme and this grade will be the basic grade.

(2) Promotion to Grade A, Grade B and Grade C will depend upon skill and conduct.

(3) If the type of work is such that it requires a team of prisoners to produce a product, such prisoners shall receive collective payment for all work completed:

Provided that the payment is higher than the present earning grade; and

Provided further that no prisoner collectively employed shall earn a total sum per day in excess of the rate laid down for a Grade A prisoner.

### **Regulation 82. Grading and promotion.**

(1) All prisoners, on becoming eligible under the Progressive Stage System for the Earnings Scheme will be graded as Grade D.

(2) The Officer-in-Charge may, at his discretion, make promotions from Grade D to Grade C or from Grade C to Grade B on the basis of good behavior and progress at work.

(3) The Officer-in-Charge may make recommendations to the Director General for promotions to Grade A on the basis of exemplary conduct and skill at work and such recommendations may be approved by the Director General.

### **Regulation 83. Rates of earnings.**

(1) A prisoner shall be eligible to earn such rates of pay as the Director General with the approval of the Minister, may from time to time specify in respect of each grade.

(2) Notwithstanding subregulation (1), the Director General may have the discretion to introduce earning rates for work done by short sentence prisoners who elects to be employed during his period of confinement.

### **Regulation 84. Savings.**

(1) A prisoner on the Earning Scheme will be permitted to spend up to a maximum of two-thirds of the total of his monthly earning upon the purchase of necessities for his own use as may be allowed by the Director General:

Provided that a prisoner working in a special industry established under regulation 79 shall unless the Director General in writing allows otherwise be permitted to spend part of his earnings per month.

(2) The balance of the earnings shall be placed to the credit of the prisoner and the total credit shall be paid to him on release or part of their earning to be send to their family or for such other purposes as may be approved by the Director General.

### **Regulation 85. Prisoners in hospital.**

(1) No prisoner shall be eligible to be paid for days spent in hospital.

(2) Facilities shall be provided whereby prisoners may make purchases in accordance with these Regulations.

## **PART 10 - LETTERS AND VISITS TO PRISONERS**

### **Regulation 86. Prisoners' communications.**

Communications between prisoners and their relatives and friends shall be allowed in accordance with this Part, subject to such restrictions as may be necessary for the maintenance of discipline and good order in prison, and the prevention of crime; and no other person shall be allowed to communicate with a prisoner except by special authority, and no prisoner shall hold any sort of unauthorised communication with any person.

### **Regulation 87. Normal minimum provision, on special letters and visits.**

(1) On admission a prisoner shall be entitled to write a "reception letter" and to receive a visit of forty five minutes duration.

(2) On transfer a prisoner shall be entitled to write and receive a "transfer letter".

(3) Visits and letters shall be granted as follows:

(a) a prisoner in the First and Second Stages, shall be entitled to write one letter every week and to receive one visit of forty-five minutes duration every four weeks or to write and receive one letter in lieu;

(b) a prisoner in the Third Stage, shall be entitled to write one letter every week and to receive a visit of forty-five minutes duration every three weeks or to write and receive one letter in lieu;

(c) a prisoner in the Fourth Stage, shall be entitled to write one letter every week and to receive a visit of forty-five minutes duration every two weeks or to write and receive one letter in lieu;

(d) a prisoner in the Special Stage, shall be entitled to write one letter every week and to receive a visit of forty-five minutes duration every week or to write and receive one letter in lieu.

(4) Notwithstanding subregulation (3), the Officer-in-Charge may vary the length of visits as he deems fit.

(5) A prisoner in any stage shall be entitled to receive letters without restrictions.

(6) No other visits or communications shall be permitted without an order in writing from the Officer-in-Charge.

### **Regulation 88. Postponement or withdrawal of letters or visits for misconduct.**

The privilege of writing and receiving letters and receiving visits may, at the discretion of the Officer-in-Charge, be postponed or withdrawn at any time in case of misconduct.

### **Regulation 89. Deferment in case of punishment.**

When a prisoner who becomes entitled to a letter and visit under regulation 87 is at the time undergoing punishment the letter or visit shall be deferred at the discretion of the Officer-in-Charge.

### **Regulation 90. Additional letters and visits as a privilege.**

The Officer-in-Charge may allow such additional letters and visits as he may determine, as a privilege for any stage of prisoners.

### **Regulation 91. Letter instead of a visit, special letters and visits.**

The Officer-in-Charge may allow any prisoner entitled to a visit to write a letter and receive a reply in lieu of such visit and may also allow any prisoner to write a special letter and receive a reply or to receive a special visit in any of the following circumstances:

- (a) the death or serious illness of a near relative;
- (b) business or family affairs of an urgent nature; or
- (c) arrangements for obtaining employment or assistance from friends on release.

### **Regulation 92. Communications through Officer-in-Charge.**

The Officer-in-Charge may at any time communicate to a prisoner, or to his relatives or friends, any matter of importance to such a prisoner in case he should not be entitled to write or receive a letter.

### **Regulation 93. Number of persons allowed to visit.**

Not more than five persons shall be allowed to visit a prisoner at one time except in cases where the Officer-in-Charge determines otherwise.

### **Regulation 94. Time and conditions of visits.**

All visits to prisoners shall take place during the normal working hours and between such hours as the Officer-in-Charge may direct and in the sight and hearing of a prison officer.



### **Regulation 95. Visits on weekly holiday not allowed.**

No person shall be allowed to visit a prisoner on a weekly holiday, except in cases of emergency or for other reasons as the Director General deems fit.

### **Regulation 96. Communication by ex-prisoners.**

No communication shall be allowed between an ex-prisoner and a prisoner except by the written authority of the Officer-in-Charge.

### **Regulation 97. Censoring of letters.**

(1) Every letter to or from a prisoner shall be read by the Officer-in-Charge or by a responsible officer deputed by him for the purpose and it shall be within the discretion of the Officer-in-Charge of a prison to stop any letter on the grounds that the contents are objectionable or that it is of inordinate length.

(2) If the contents or part of a letter written by the prisoner are in the opinion of the Officer-in-Charge, objectionable, he shall-

(a) give the prisoner concerned an opportunity to re-write it; and

(b) if the contents of the re-written letter or parts thereof are still considered objectionable, file the letter in the prisoner's record after informing him that he has lost his privilege for that particular term.

(3) If the contents or part of a letter addressed to the prisoner are in the opinion of the Officer-in-Charge, objectionable, he shall-

(a) return that letter to the sender if his address is known; or

(b) if the address of the sender is not known, destroy the letter.

(4) For the purpose of this regulation, the contents or part of a letter written to or from a prisoner may be found to be objectionable on any or all of the following grounds:

(a) the interests of national security;

(b) the prevention, detection, investigation or prosecution of crime;

(c) the interests of public safety;

(d) the securing or maintaining of prison security or good order and discipline in a prison;

(e) the protection of health or morals;

(f) the protection of the rights and freedom of any person.

*[Ins. P.U.(A) 300/2002]*

### **Regulation 98. Supervision of visits.**

A subordinate officer may, together with an interpreter in the case when such officer does not understand the language spoken, shall be within sight and hearing during the whole of every interview unless the Officer-in-Charge by an order in writing otherwise directs.

### **Regulation 99. Food from outside.**

No visitor shall bring in any food from outside unless otherwise permitted by the Officer-in-Charge.

### **Regulation 100. Particulars of visit or visits and powers of Officer-in-Charge.**

(1) All visitors shall state their name, address, relationship or any other information as required by the Officer-in-Charge in his journal.

(2) If an Officer-in-Charge or an officer detailed by him has any ground for suspicion, he may search or cause to be searched male visitors and may direct a female officer to search female visitors and such search not to be in the presence of any prisoner or of another visitor.

(3) In the case of any visitor refusing to be searched, the Officer-in-Charge may deny him or her admission and the grounds of such refusal, with the particulars of the refusal, shall be entered in his journal.

(4) The Officer-in-Charge has the discretion to disallow a visit if the visitors are not properly and decently dressed.

### **Regulation 101. Visits by legal adviser.**

(1) A prisoner shall be entitled to consult-

(a) with the head of the legal advisers of his choice or if that head is unable to attend to the prisoner, with one of such legal advisers chosen by him; or

(b) if there is more than one legal advisers defending the prisoner's case, with any one of such legal advisers chosen by him.

(2) Reasonable facilities shall be accorded to the legal adviser of a prisoner who is conducting any legal proceedings, civil or criminal, in which the prisoner is a party, to see the prisoner with reference to such proceedings in the sight, but not in the hearing, of a prison officer.

(3) The legal adviser of a prisoner may, with the permission of the Officer-in-Charge, see such prisoner with reference to any other legal business in the sight and hearing of a prison officer.

(4) A prisoner who after conviction has given notice of appeal, and a prisoner detained on an order of banishment, shall have all reasonable facilities for seeing his legal adviser and, if an alien, his consular representative, at such times on week days as the Officer-in-Charge may approve pending the conclusion of his appeal or the carrying into effect of the order of banishment.

(5) The legal adviser of a prisoner may be accompanied by one person under the direct and immediate control of such legal adviser for the purposes of interpretation.

(6) For the purposes of this regulation, "legal adviser" shall mean the prisoner's counsel or advocate and solicitor or except in subregulation (1), the authorised clerk of such counsel or advocate and solicitor.

(7) Every visit by legal adviser shall be accompanied by proper documentation and it shall be held during working hours unless otherwise permitted by the Officer-in-Charge.

(8) Notwithstanding anything in this regulation, the Officer-in-Charge shall have the power to stop or object or postpone any visit by any legal adviser on the ground of prison's security.

### **Regulation 101A. Written communication with legal advisers and courts.**

(1) A prisoner may communicate in writing with his legal adviser and any court and such communication may only be opened, read or stopped by the Officer-in-Charge in accordance with the provisions of this regulation.

(2) Written communication to which this regulation applies may be opened if the Officer-in-Charge has reasonable cause to believe that it contains an illicit enclosure and any such enclosure shall be filed in the prisoner's record or destroyed as the Officer-in-Charge deems fit.

(3) Written communication to which this regulation applies may be opened, read or stopped if the Officer-in-Charge has reasonable cause to believe that its contents endanger prison security or the safety of others or are otherwise of a criminal nature.

(4) A prisoner shall be given the opportunity to be present when any written communication to which this regulation applies is opened and shall be informed if the written communication or any enclosure is to be read or stopped.

(5) A prisoner shall, on his request, be provided with paper and all other writing materials necessary for the purposes of subregulation (1).

(6) In this regulation, "illicit enclosure" includes any article the possession of which has not been authorised by these Regulations and any written communication to or from a person other than the prisoner concerned, his legal adviser or a court.

*[Ins. P.U.(A) 300/2002]*

### **Regulation 102. Visits by police officer.**

(1) On production of an order from the Inspector General of Police, or from the Officer-in-Charge of a Police District, or from a Magistrate, any police officer may, at any reasonable time, visit any prison and interview any prisoner in the sight and hearing of a prison officer, for the following purposes:

(a) identifying offenders;

(b) photographing and taking particulars of prisoners who have been directed to be

subject to the supervision of the Police;

(c) taking statements from prisoners considered necessary for any investigation under any written law in force; and

(d) any other purpose authorised in writing by the Officer-in-Charge.

(2) The Officer-in-Charge may in his discretion direct that such visit to a prisoner shall take place out of the hearing of a prison officer.

### **Regulation 103. Serving of writs, etc.**

An officer of the law with a competent warrant or order for serving writs or other legal process on persons within a prison shall be admitted into the prison at any normal working hours unless otherwise permitted by the Officer-in-Charge.

### **Regulation 104. Letters and visits to debtors.**

A person committed to prison for debt shall be subject to the same regulations as regards receiving visit and writing and receiving letters as a prisoner undergoing sentence.

### **Regulation 105. Letters and visits to unconvicted prisoners.**

An unconvicted prisoner, other than a debtor, shall have all reasonable facilities for seeing his relatives and friends and legal advisers and, if he is an alien, his consular representative and for sending and receiving letters, consistent with the discipline of the prison.

### **Regulation 106. Letters and visits to banishment prisoners.**

Part 17 of these Regulations shall apply to banishment prisoners, except such prisoners who are also serving sentences of imprisonment.

### **Regulation 107. Letters and visits to prisoners under sentence of death.**

Part 18 of these Regulations shall apply to prisoners under sentence of death.

### **Regulation 108. Prisoners committed in default of payment of fine, etc.**

A person committed to prison in default of the payment of a sum which in pursuance of a conviction or order he is required to pay, or in default of finding a surety, shall be allowed to communicate or to have an interview with any of his relatives or friends on any week day at any normal working hours for the *bona fide* purpose of providing for the payment of the surety which would procure his release from prison.

### **Regulation 109. Sick prisoners.**

If a prisoner seriously ill desires to be visited by a near relative or a friend, the Medical Officer may give an order in writing for the visit by such relative or friend subject to approval by the Officer-in-Charge.

### **Regulation 110. Visits for long sentence prisoners.**

Where a prisoner serving a long sentence has served for a period of three years and, owing to the distance from his home, has not received any visits from relatives or friends during such imprisonment, the Director General may, in his discretion, order the transfer of such long sentence prisoner to the prison nearest his home and permit such prisoner to be visited by friends or relatives, not exceeding five in number at any one time, for such period as the Director General may prescribe:

Provided that in all such cases the work, conduct and progress of the prisoner merit such privilege.

### **Regulation 111. Release of prisoners on licence.**

(1) The Director General may, in his discretion, release a prisoner who has served not less than four years of a sentence of imprisonment on licence for such period and upon such conditions as he may deem fit to impose.

(2) The conditions of absence and the form of licence shall be substantially as set out in the Second Schedule.

### **Regulation 112. Other forms of communication.**

The Director General may introduce any other form of communication from time to time as he deems fit.

## **PART 11 - PETITIONS AND COMPLAINTS**

### **Regulation 113. Petitions.**

(1) A prisoner may, if he wishes, petition the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri, as the case may be, on the subject of his conviction or sentence, once as soon as practicable after his conviction and a second such petition shall be allowed when a prisoner has completed three years from the date of conviction, and thereafter such petitions shall be granted at two yearly intervals, unless there are any special circumstances which the Officer-in-Charge may consider should be brought to the notice of the Yang di-Pertuan Agong or the Ruler or the Yang di-Pertua Negeri, as the case may be.

(2) A prisoner may, if he wishes, petition the Yang di-Pertuan Agong or the Ruler or the Yang di-Pertua Negeri, as the case may be, on any other subject at any time, provided that no petition shall be permitted if the reply to a previous petition on the same subject is still outstanding.

### **Regulation 114. Petitions by condemned prisoners.**

A prisoner under sentence of death may freely petition the Yang di-Pertuan Agong or the Ruler or Yang di-Pertua Negeri, as the case may be, while under such sentence.

### **Regulation 115. Complaints by prisoners.**

(1) A prisoner may make complaints to the Visiting Justices, the Director General or the Officer-in-Charge.

(2) A prisoner may approach any junior prison officer with a request for an interview with the Officer-in-Charge for the purpose of making a complaint.

### **Regulation 116. Requests by prisoners to see Director General or a Visiting Justice.**

Arrangements shall be made that any request by a prisoner to see the Director General or a member of the Visiting Justices shall be recorded by the officer to whom it is made and conveyed without delay to the Officer-in-Charge, who shall inform the Director General or member of the Visiting Justices when he next visits the prison of every such request of a prisoner to see him.

### **Regulation 117. Applications by prisoners.**

The Officer-in-Charge shall at a convenient hour on every day, other than weekly and public holidays, hear the applications of all prisoners who have requested to see him.

## **PART 12 - OFFENCES, PUNISHMENTS AND RESTRAINTS**

### **Regulation 118. Officer-in-Charge to deal with reports.**

No report against a prisoner shall be dealt with by any prison officer other than Officer-in-Charge or in his absence the officer appointed to act for him.

### **Regulation 119. Separation of reported prisoners.**

When a prisoner has been reported for an offence the Officer-in-Charge may order him to be kept apart from other prisoners pending adjudication.

### **Regulation 120. Information to reported prisoners.**

A prisoner shall before a report is dealt with be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.

### **Regulation 121. Offence against prison discipline to be reported and investigated.**

Every offence by a prisoner against prison discipline shall be reported forthwith, and the Officer-in-Charge shall investigate such report not later than the following day, unless that day be a weekly holiday or a public holiday.

### **Regulation 122. Minor prison offences.**

The following shall be minor prison offences-

- (a) talking during working hours or talking loudly, laughing or singing at any time after having been ordered by a prison officer to desist;
- (b) quarrelling with any other prisoner;
- (c) secreting any article whatsoever;
- (d) in possession of any unauthorised article;
- (e) showing disrespect to any prison officer or other employee of the prison or official visitor;
- (f) common assault or taking part in any attack on any other prisoner;
- (g) answering untruthfully any question put by a prison officer or other employee of the prison or an official visitor;

(h) holding any communication, whether in writing, by word of mouth, or otherwise with any person in disobedience of these Regulations or Director General's Standing Orders;

(i) omitting to assist in the maintenance of discipline by reporting any prison offence, or omitting to give assistance to an officer when called on to do so;

(j) doing any act or using any language calculated to offend the feelings and prejudices of any other prisoners;

(k) doing any act calculated to create any unnecessary alarm in the mind of any prisoner or any prison officer or other employee of the prison;

(l) leaving without permission of a prison officer the group to which he is attached, or the part of the prison in which he is confined;

(m) leaving without permission of a prison officer the ward, the yard, the place in file, the seat, berth or any other place as assigned to him;

(n) loitering about the yards or lingering in the wards when these are open;

(o) omitting or refusing to march in file when moving about the prison or preceeding to or returning from work;

(p) visiting the latrines without permission of a prison officer or remaining there longer than is necessary;

(q) refusing to eat the food prescribed by the prison diet scale without any valid reason;

(r) eating or appropriating any food not assigned to him or taking from or adding to the portions assigned to other prisoners;

(s) giving or selling to, or exchanging with, any other prisoner, any portion of his own food;

(t) removing without permission of a prison officer food from the kitchen or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink;

(u) wilfully destroying food or throwing it away without orders;

(v) introducing into food or drink anything likely to render it unpalatable or unwholesome;

(w) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it;

(x) removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;

(y) omitting or refusing to keep his person clean, or disobeying any order regulating the cutting of hair;

(z) omitting or refusing to keep clothing, blankets, bedding, or utensils clean, or disobeying any order as to the arrangement or disposition of such articles;



(aa) tampering in any way with prison locks, lamps or lights or other property with which he has no concern;

(bb) stealing the prison clothing or any part of the prison kit of any other prisoners;

(cc) committing a nuisance in any part of the prison;

(dd) spitting on or otherwise soiling any floor, door, wall, or other part of the prison building or any article in the prison;

(ee) wilfully befouling the wells, latrines, washing or bathing places;

(ff) damaging the trees within the enclosure of the prison precincts;

(gg) omitting or refusing to take reasonable care of all prison property entrusted to him;

(hh) omitting or refusing to take reasonable care of, or injuring, or misappropriating, the materials and implements entrusted to him for work;

(ii) omitting to report at once any loss, breakage, or injury which he may have caused to prison property or implements;

(jj) manufacturing any article without the knowledge or permission of a prison officer;

(kk) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;

(ll) appropriating any portion of the task performed by another prisoner;

(mm) mixing or adding any foreign substance to the materials issued for work;

(nn) cursing or swearing, or using indecent, violent, threatening or insulting language;

(oo) causing or omitting to assist in suppressing violence or insubordination of any kind;

(pp) immoral, disorderly or indecent behaviour;

(qq) omitting or refusing to help any prison officer in case of an attempted escape or of an attack upon such officer or another prisoner;

(rr) idling or refusing to work or showing negligence in the performance of his allotted task;

(ss) defacing or injuring the walls, furniture or other property of the prison;

(tt) malingering;

(uu) refusing to undergo medical treatment;

(vv) abetting the commission of any minor prison offence;

(ww) any other act or omission to the prejudice of good order or discipline, though not specified in the foregoing paragraphs; and

(xx) attempting to commit any of the foregoing offences

### **Regulation 123. Aggravated prison offences.**

The following shall be aggravated prison offences:

- (a) mutiny or incitement to mutiny;
- (b) escape or attempt to escape;
- (c) having in possession or under control or custody, or distributing or abusing any dangerous drug or substance or tobacco or any dangerous or offensive weapon;
- (d) taking part in an assault or attack on a prison officer;
- (e) aggravated or repeated assault on another prisoner;
- (f) wilful destruction of prison property;
- (g) wilfully causing himself or other person any illness, injury or disability;
- (h) wilfully making a false or groundless accusation or complaint against a prison officer or other employee of the prison;
- (i) repetition of a minor offence, after having been twice punished for the same minor offence;
- (j) any act of gross misconduct or insubordination;
- (k) abetting the commission of an aggravated prison offence;
- (l) using grossly abusive or offensive language to a prison officer or other employee of the prison;
- (m) when undergoing, or about to undergo, punishment, wilfully making a disturbance tending to disrupt the order of the prison;
- (n) wrongfully detaining any person;
- (o) taking part in any form of strike;
- (p) attempting to commit suicide; and
- (q) attempting to commit any of the foregoing offences

### **Regulation 124. Award of punishment by the Officer-in-Charge for minor prison offences.**

An Officer-in-Charge may punish any prisoner, found after due enquiry to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments:

- (a) reprimand;
- (b) reduction in stage for a period not exceeding two months;
- (c) postponement of promotion in stage for a period not exceeding two months;
- (d) forfeiture of privileges for a period not exceeding two months;

- (e) removal from the Earnings Scheme for a period not exceeding three months;
- (f) reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade;
- (g) forfeiture of remission not exceeding fourteen days;
- (h) separate confinement in a cell on the restricted diet prescribed in the First Schedule for a period not exceeding fourteen days.

### **Regulation 125. Award of punishment by the Officer-in-Charge for aggravated prison offences.**

An Officer-in-Charge may punish a prisoner found after due enquiry to be guilty of an aggravated prison offence by ordering him to undergo one or more of the following punishments:

- (a) reprimand;
- (b) reduction in stage for a period not exceeding four months;
- (c) postponement of promotion in stage for a period not exceeding four months;
- (d) forfeiture of privileges for a period not exceeding four months;
- (e) removal from the Earnings Scheme for a period not exceeding six months;
- (f) reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade;
- (g) forfeiture of remission not exceeding thirty days;
- (h) separate confinement in a cell on the restricted diet prescribed in the First Schedule for a period not exceeding twenty one days;
- (i) corporal punishment not exceeding twelve strokes with a rattan.

### **Regulation 126. Medical examination of prisoner awarded punishment.**

Every prisoner sentenced to dietary or corporal punishment shall be sent to the Medical Officer for examination, and a certificate that its infliction is not likely to produce any serious or permanent injury shall be obtained by the Officer-in-Charge before it is carried out.

### **Regulation 127. Clothing and bedding for prisoners on punishment.**

A prisoner undergoing punishment shall be supplied with such clothing and bedding as may be necessary.

### **Regulation 128. Full diet after 3 days restricted diet.**

Whenever a prisoner is sentenced to undergo close confinement in a punishment cell for a period exceeding three days on a restricted diet, he shall be given full diet on every fourth day.

### **Regulation 129. Maximum period of close confinement in a year.**

Confinement in the punishment cells shall not exceed an aggregate of ninety days in a year for any one prisoner, and the execution of any two consecutive sentences shall be separated by a period not shorter than the longer of such sentences.

### **Regulation 130. Visit to prisoner under close confinement.**

(1) A prisoner sentenced to confinement in the punishment cells shall see no one other than prison officers in the execution of their duty and the Medical Officer, and shall have only out-door exercise as the Medical Officer certifies is absolutely necessary for health.

(2) Every prisoner confined in a punishment cell or subjected to restricted diet shall be visited at least once a day by the Officer-in-Charge and the Medical Officer, and if he is confined in a punishment cell he shall be visited by the appointed prison officer regularly.

### **Regulation 131. Corporal punishment.**

(1) When any sentence of corporal punishment is passed under these Regulations upon a prisoner he shall not be liable to more than one such sentence in respect of the act or acts, or omission or omissions, for which he has been sentenced.

(2) A sentence of corporal punishment shall not be passed upon a female prisoner or a male prisoner who is more than fifty years of age.

(3) A sentence of corporal punishment in excess of ten strokes with a light rattan shall not be passed or inflicted on a young prisoner and the maximum number of strokes which may be awarded to young prisoner by the Officer-in-Charge shall be six.

(4) Punishment with the rattan shall be inflicted on the buttocks of the offender.

(5) For the purposes of punishment under this regulation, the rattan used-

- (a) in the case of an adult, shall not be more than 1.25 centimetres in diameter; and
- (b) in the case of young prisoner, shall be a light rattan.

### **Regulation 132. Carrying out of punishment.**

(1) Any punishment lawfully imposed on a prisoner may be carried out in any prison, or partly in one prison and partly in another.

(2) The corporal punishment shall not be inflicted in instalments.

### **Regulation 133. Rules for infliction of corporal punishment.**

(1) At the infliction of every sentence of corporal punishment the Officer-in-Charge and the Medical Officer shall be present and the Medical Officer shall give such directions for preventing injury to health as he may deem necessary, and the Officer-in-Charge or any other officer appointed for that purpose shall carry such directions into effect.

(2) Corporal punishment shall not, except by special order in case of emergency, be inflicted within twenty four hours of the sentence being awarded.

### **Regulation 134. Remission of corporal punishment.**

At any time after the infliction of corporal punishment has commenced the Medical Officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted, and the Officer-in-Charge shall thereupon remit the remainder of the punishment.

### **Regulation 135. Record of corporal punishment.**

The Officer-in-Charge shall enter in the corporal punishment book the hour at which the punishment was inflicted, the number of strokes inflicted, and any order which the Medical Officer may have given as to remission.

### **Regulation 136. Return of corporal punishment.**

A return of all corporal punishments inflicted by order of an Officer-in-Charge shall be submitted to the Director General monthly.

### **Regulation 137. Record of punishment.**

The Officer-in-Charge shall enter or cause to be entered in the Punishment Book a record of every prisoner punished under these Regulations, showing the date and nature of the offence and punishment, the name of the prisoner and of the authority dealing with the case, and any directions given by the Medical Officer, and a record of such punishment shall be entered also in the prisoner's personal record.

### **Regulation 138. Prosecution in court.**

Nothing in these Regulations shall be construed so as to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, but no prisoner shall be punished twice for the same offence.

### **Regulation 139. Instruments of restraint.**

(1) Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment nor as restraint except in the following circumstances:

(a) as a precaution against escape;

(b) on medical grounds by direction of the Medical Officer;

(c) by order of the Officer-in-Charge, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property.

(2) The patterns and manner of use of instruments of restraint shall be decided by the Director General and such instruments shall not be applied for any longer time than is strictly necessary.

### **Regulation 140. Temporary confinement in special cell.**

The Officer-in-Charge may order any refractory or violent prisoner to be temporarily confined in a special cell, but no prisoner shall be confined in such a cell as a punishment or for longer than is necessary.

## **PART 13 – ESCAPES**

### **Regulation 141. Security of ladders, planks, etc.**

Prison officers shall use the greatest vigilance to prevent the escape of any prisoner and no ladders, planks, ropes, chains or anything likely to facilitate escape shall be left unsecured in any prison.

### **Regulation 142. Action in the event of escape**

On receiving the report of the escape of a prisoner the Officer-in-Charge shall-

(a) order the prison and its neighbourhood to be searched at once;

(b) notify the Director General at once; and

(c) circulate notification of the escape and the prisoner's description to the Police and other relevant authorities

### **Regulation 143. Escapees' special supervision.**

Prisoners, who during a previous detention in any lawful custody have escaped or attempted to escape, will be considered and treated as potential prison breakers, unless the Officer-in-Charge for any special reason otherwise directs.

### **Regulation 144. Period of escape not to count as part of sentence.**

The period during which an escaped prisoner is at large shall not be counted as part of the sentence he was undergoing at the time of his escape.

## **PART 14 - RELIGIOUS INSTRUCTION AND EDUCATION**

### **Regulation 145. Prisoner to state religious denomination.**

Every prisoner shall be required on reception to state his religious denomination, and shall continue to be treated as a member of that denomination.

### **Regulation 146. Change of religion.**

A prisoner shall not be allowed to change his religion, except in any special case in which the Officer-in-Charge is satisfied, after due enquiry, that the change is proposed from conscientious motives and is not sought from any idle whim or caprice, or from a desire to escape from prison discipline.

### **Regulation 147. Religious education.**

The Officer-in-Charge shall make arrangements for the conduct of religious or moral education for prisoners under his charge by the following persons:

(a) prison officer who is qualified to be a religious instructor;

(b) in respect of Muslim prisoners, any person who has been issued with "tauliah" under any law relating to the administration of Islamic laws; and

(c) in respect of non-Muslim prisoners, a person nominated by any religious association which is lawfully registered.

### **Regulation 148. Religious services and instruction.**

Provision shall be made for religious services, for the visit of religious personnel or other members of religious associations which are lawfully registered and for moral and religious instruction to prisoners.

### **Regulation 149. Visits by religious personnel or other members of religious associations.**

(1) Religious personnel from the Government Department or members of religious associations which are lawfully registered may be admitted at reasonable and proper times to a prison to visit prisoners who may desire their services.

(2) The Officer-in-Charge shall have the right to object the visit or to stop this service at any time in the interest of the prison security.

### **Regulation 150. Religious books.**

There shall so far as practicable be available for the personal use of every prisoner books of religious observance and instruction or any other religious articles recognised for his denomination as are accepted by the Officer-in-Charge for use in prison.

## **PART 15 - EDUCATION AND GENERAL WELFARE**

### **Regulation 151. Educational classes.**

(1) At every prison programmes of educational classes shall be arranged and reasonable facilities, under such conditions as the Director General may determine, shall be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private study, or to practise handicrafts.

(2) Special attention shall be paid to the education of illiterate prisoners within the hours determined by the Officer-in-Charge.

(3) Every prisoner able to profit by the educational facilities provided shall be encouraged to do so.

### **Regulation 152. Library.**

A library shall be provided in every prison, and, subject to these Regulations and to such conditions as the Director General may determine, every prisoner shall be allowed to have library books and to exchange them as often as practicable.

### **Regulation 153. Reading materials.**

The prisoners may receive reading materials from outside the prison under such conditions as the Officer-in-Charge may determine.



### **Regulation 154. Lectures and concerts, etc.**

The Officer-in-Charge may arrange for lectures, concerts, debates and other programmes for prisoners to take place within the hours determined by the Officer-in-Charge.

### **Regulation 155. Physical training and recreation.**

At each prison facilities will be provided for physical training, games and for recreation both physical and mental.

### **Regulation 156. Voluntary teachers.**

The Director General may, on the recommendation of the Officer-in-Charge, appoint a sufficient number of prison visitors as voluntary teachers for the purpose of visiting prisoners regularly during their period of imprisonment and for conducting such classes as may be approved.

## **PART 16 – APPELLANTS**

### **Regulation 157. Appellants.**

An appellant is a person who has been convicted and desires to appeal against his sentence or conviction or both.

### **Regulation 158. Application by appellants.**

(1) A prisoner becomes an appellant on the day on which the signed notice of appeal, or of application for leave to appeal, or of application for an extension of time to appeal, is despatched to the court.

(2) In computing the time allowed for giving notice of appeal the day on which sentence was pronounced will be excluded.

### **Regulation 159. Treatment of appellants.**

An appellant shall, as far as possible, be kept apart from other categories of prisoners.

### **Regulation 160. Letters and facilities for appeal.**

(1) Paper and all other writing materials to such extent as may appear reasonable to the Officer-in-Charge shall be furnished to an appellant who requires to be so supplied for the purpose of communicating with friends or preparing his appeal.

(2) Any confidential written communication prepared for his legal adviser may be delivered personally to him or his authorised personnel without being previously examined by a prison officer.

(2A) Any communication in writing with any court may be opened, read or stopped by the Officer-in-Charge and the provisions of subregulations 101A (2), (3), (4) and (6) shall apply *mutatis mutandis* to such communication.

[Ins. P.U.(A) 300/2002]

(3) All other written communication are to be considered as letters and the provisions of Part 10 in respect of letters shall apply *mutatis mutandis* to such written communication.

[Am. P.U.(A) 300/2002]

### **Regulation 161. Custody of appellants.**

(1) An appellant who when in custody is brought to a place at which he is entitled to be present for the purposes of appeal, or to a place to which the High Court in its appellate jurisdiction or the Court of Appeal or the Federal Court or any judge thereof may order him to be taken for the purposes of any proceedings of that court, shall, while absent from the prison, be kept in the custody of officers directed by the Officer-in-Charge to convey him to that place.

(2) An appellant when absent from prison under this regulation shall wear his own clothing, or, if his own clothing cannot be used, clothing different from prison clothes.

### **Regulation 162. Payment for work to appellants.**

(1) Every appellant shall have the option of employment in the prison at his election.

(2) In the event of an appellant electing to be so employed he shall receive payment in accordance with the rates to be determined in accordance with Part 9 of these Regulations.

(3) If an appellant is ordered to be released by the High Court in its appellate jurisdiction or by the Court of Appeal or the Federal Court, as the case may be, payment may be made to him in respect of his work.

### **Regulation 163. Period spent as appellant to count towards sentence.**

The period during which a prisoner is treated as an appellant shall count towards the period of his imprisonment.

### **Regulation 164. Appellants subject to these Regulations.**

An appellant shall be subjected to these Regulations, except in so far as they are inconsistent with this Part.

## **PART 17 - UNCONVICTED PRISONERS**

### **Regulation 165. Separation from convicted persons.**

Unconvicted prisoners shall in no case be confined in association with convicted prisoners and may be permitted to associate with convicted prisoners under such conditions as the Director General may prescribe.

### **Regulation 166. Employment.**

(1) Unconvicted prisoners shall not be required to do any labour other than what is required to keep their room and utensils clean.

(2) If any such prisoners desires to work and it is practicable and safe to permit him to do so, employment of a suitable nature shall be provided for him and the Officer-in-Charge shall pay such wages as determined in accordance with Part 9 of these Regulations.

(3) In the event of misconduct during employment by any such prisoner further employment may be refused by the Officer-in-Charge.

### **Regulation 167. Food and other necessities.**

(1) An unconvicted prisoner may be permitted to purchase food or other necessities from the prison canteen as permitted by the Officer-in-Charge.

(2) Subject to the Director General's Standing Order these prisoners may utilize their own personal savings through the record office or as provided by the family.

### **Regulation 168. Clothing and bedding.**

(1) An unconvicted prisoner shall be permitted to wear his own clothes and to procure for himself or to receive at proper hours such articles of clothing as the Officer-in-Charge may approve.

(2) An unconvicted prisoner not having proper clothing of his own shall be provided with prison clothing.

(3) Bedding shall be provided for all unconvicted prisoners.

### **Regulation 169. Prison diets.**

An unconvicted prisoner who does not elect to provide his own food, shall receive the same scale of diet as a convicted prisoner.

### **Regulation 170. Private medical adviser.**

A prisoner on remand or committed to take his trial shall, if necessary for the purposes of his defence, be allowed to see a registered medical practitioner appointed by himself or by his relatives or friends or legal adviser on any weekday at a reasonable hour, in the sight, but not in the hearing, of the Officer-in-Charge or an officer detailed by him.

### **Regulation 171. Visit.**

(1) A prisoner on remand or committed to take his trial shall have a visit by his relative once a week for a duration of forty five minutes.

(2) Not more than five persons shall be allowed to visit a prisoner at any one time.

(3) The number of visitors may be determined by the Officer-in-Charge in circumstances as he deems fit.

(4) A prisoner on remand or committed to take his trial, for the purpose of his sentence, shall be allowed to see his legal adviser on appointment at reasonable hour as the Officer-in-Charge deems fit.

### **Regulation 172. Disinfection of clothing.**

When unconvicted prisoner wears his own clothing in prison the Medical Officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing be disinfected, and during the process of disinfection the prisoner shall be allowed to wear prison clothing.

### **Regulation 173. Unconvicted prisoners to earn no remission.**

Nothing in these Regulations relating to remission of sentence of the Progressive Stage System shall apply to an unconvicted prisoner.

### **Regulation 174. Prisoners charged with a capital offence.**

(1) An unconvicted prisoner charged with a capital offence will be kept under special observation at all times.

(2) All letters written or received by a prisoner charged with a capital offence shall be carefully examined by the Officer-in-Charge.

### **Regulation 175. Forfeiture of privileges.**

(1) Any privilege allowed under this Part may at any time be withdrawn by the Officer-in-Charge if satisfied that there has been an abuse of that privilege.

(2) The Officer-in-Charge may modify the routine of the prison with regard to an unconvicted prisoner so far as to dispense with any practice which, in the opinion of the Officer-in-Charge, is clearly unnecessary or unsuitable in the case of the particular prisoner.

## **PART 18 - PRISONERS UNDER SENTENCE OF DEATH**

### **Regulation 176. Search and accommodation.**

(1) Every prisoner condemned to death shall be thoroughly searched, and any articles shall be removed from him which it is considered dangerous or inexpedient to leave in his possession.

(2) A prisoner condemned to death shall be confined in a separate cell and be kept apart from all other prisoners and be under the constant supervision of a prison officer both by day and by night.

(3) The cell in which such prisoner is confined shall on every such occasion be previously examined by the Officer-in-Charge or an officer detailed by him, who is to satisfy himself of its fitness and safety and make an entry of his having done so in his journal.

(4) The cell or room shall not be unlocked except under supervision of prison officers and it shall be thoroughly examined and searched daily while occupied by a condemned prisoner.

### **Regulation 177. Visit by religious personnel.**

(1) A prisoner under sentence of death shall be asked if he wishes to see a religious personnel, and, if he so desires, a religious personnel to which denomination he belongs shall, if practicable, be asked to visit the prisoner on a duration approved by the Officer-in-Charge.

(2) The visit shall take place in the sight and hearing of a prison officer.

### **Regulation 178. Letters.**

(1) A prisoner under sentence of death shall be allowed facilities to correspond with his legal adviser, relatives or in the case of a foreign prisoner his consular's representative.

(2) A prisoner under sentence of death shall be entitled to write one letter to his relatives a week.

### **Regulation 179. Visits.**

(1) No person, except the Medical Officer and prison officers, in the course of duty, and, if required by the prisoner, a religious personnel to which denomination he belongs shall have access to any prisoner under sentence of death without a written order from the Officer-in-Charge.

(2) The Officer-in-Charge or a prison officer detailed by him shall be present during the whole of every such interview.

(3) A visit to prisoners under sentence of death, whether by a legal adviser or others, shall take place in the sight and hearing of a prison officer notwithstanding that such visit may be in relation to an appeal.

(4) Such prisoner shall receive a visit from his relatives of forty-five minutes duration every week or to write one letter in lieu.

(5) Notwithstanding subregulation (4) , the Officer-in-Charge may vary the length of visit as he deems fit.

### **Regulation 180. Clothing, food, etc.**

A prisoner under sentence of death shall be provided with clothing, food and bedding and such other articles as may be approved by the Director General.

### **Regulation 181. Employment and personal hygiene.**

A prisoner under sentence of death shall not be subject to employment except for keeping his person and dress in proper state and the place he is confined clean.

### **Regulation 182. Executions.**

(1) The Officer-in-Charge shall be responsible for carrying out executions and he and the prison officer involved shall make themselves familiar with the instructions for carrying out executions.

(2) The Officer-in-Charge and the prison officers involved will satisfy themselves that every precaution is taken to ensure executions being carried out with efficiency and despatch in accordance with the instructions and that the gallows and all appliances connected with executions are maintained in good condition and order.

(3) All executions shall be carried into effect in accordance with the instructions issued from time to time by the Director General, and due decorum shall be observed by all concerned.

(4) Subject to any other written law, no person shall attend any execution other than the Officer-in-Charge, the Medical Officer and such other prison officers and staffs as the Officer-in-Charge may direct.

## **PART 19 - BOARD OF VISITING JUSTICE**

### **Regulation 183. Visit by Visiting Justices.**

(1) The Visiting Justice or Justices shall visit the prison for which he is or they are appointed once during each month and shall inspect the several wards, cells, yards, punishment cells and other apartments and divisions of the prison.

(2) The Visiting Justice or Justices may also inspect the journals, registers and books of the prison.

### **Regulation 184. To be accompanied by prison officer.**

(1) During the visits of inspection neither the Officer-in-Charge nor the next senior prison officer shall accompany the Visiting Justice or Justices, but the Officer-in-Charge or, in his absence, the senior prison officer shall inform them of any prisoner who wishes to see them and shall afford them every assistance in their inspection and shall detail any prison officer to accompany him or them.

(2) No person other than a prison officer or staff employed by the prison department shall be permitted to accompany a Visiting Justice during his course of his inspection

### **Regulation 185. Complaints by prisoners.**

The Visiting Justices shall on every visit hear any complaint which any prisoner may wish to make and shall especially enquire into the condition of those prisoners who are undergoing punishment.

### **Regulation 186. Inspection of prisoners.**

The Visiting Justice or Justices shall see and inspect prisoners at labour and shall visit the sick prisoners in hospital and prisoners in cells and dormitories.

### **Regulation 187. Abuses.**

The Visiting Justice or Justices shall call the attention of the Officer-in-Charge to any irregularity in carrying out these Regulations, or in the discipline or behaviour of prison officers, and to any fault in the buildings which may appear to require attention; and the Visiting Justice or Justices may examine into and may enter in the Minute Book any remarks respecting any cause of complaint stated by any prisoner or respecting any other matter appearing to call for comment.

### **Regulation 188. Minute Book.**

(1) A Visiting Justices' Minute Book shall be provided in each prison in which the members of the Board of Visiting Justices shall record their visits, and enter any remarks and suggestions which they may have to make.

(2) A copy of their remarks, with any comments by the Office-in-Charge, shall be forwarded to the Chairman of the Board of Visiting Justices and to the Director General immediately after the inspection has taken place.

## **PART 20 - AID ON DISCHARGE AND AFTER-CARE OF PRISONERS**

### **Regulation 189. Objective.**

From the beginning of a prisoner's sentence, consideration shall be given, in consultation with the appropriate after-care organisation, to the prisoner's future and assistance to be given to him on and after his release.

### **Regulation 190. Constitution of Discharge Board.**

At each prison there shall be established a Discharge Board, in this Part referred to as the "Board", which shall consist of the Officer-in-Charge, and if possible a welfare officer and a representative of the local Discharged Prisoners Aid Committee, if any.

### **Regulation 191. Interview with prisoners.**

The Board shall interview all prisoners on admission and within three months of their due date of discharge and shall decide the form of assistance, if any is required, to be granted to the prisoner with a view to his rehabilitation in civil life.

### **Regulation 192. Special assistance.**

In special cases the Board may make such recommendation to the Director General as they think fit regarding any grant referred to under subregulation 30(2).

### **Regulation 193. Employment.**

In the case of prisoners who are proceeding to another part of Malaysia on release, the Board shall communicate with the local representative of the Discharge Prisoners Aid Committee, if any, with a view to obtaining employment for the prisoner and to ensure that such prisoner may receive after-care assistance should he so desire.



## **PART 21 - DUTIES OF THE DIRECTOR GENERAL, ETC.**

### **Division I - The Director General**

#### **Regulation 194. Inspection and report on prisons.**

(1) The Director General shall periodically, thoroughly and systematically visit and inspect or cause to be visited and inspected every prison in Malaysia.

(2) The Director General shall report any matter which he considers should be brought to the notice of the Government and once a year, shall forward a full report on the prisons in Malaysia to the Minister.

#### **Regulation 195. Regulations and uniformity to be enforced.**

The Director General shall, in particular, ensure that the provisions of the Act and of these Regulations are strictly carried out and shall take the necessary steps to secure uniformity of administration throughout all prisons in Malaysia.

#### **Regulation 196. Duties on visits.**

On the occasion of each visit to any prison the Director General-

(a) shall see prisoners, and shall enquire into all complaints and applications which any of the prisoners may make to him;

(b) shall give special attention to the sick and weakly, and to those who are in punishment cells; and

(c) shall inspect and initial any journals, registers and books kept in the prison.

#### **Regulation 197. Director General's Standing Orders.**

(1) For the proper administration and discipline of prison, the Director-General may make Director General's Standing Orders not inconsistent with these Regulations.

(2) The Director General's Standing Orders shall be binding on all prison officers and prisoners.

### **Division II - Officer-in-Charge**

#### **Regulation 198. Duties of Officer-in-Charge.**

The Officer-in-Charge shall be responsible that all written laws, regulations and orders relating to the prison, prisoners and staff are strictly adhered to and all records, accounts, documents, and correspondence are properly kept, maintained up to date, and in safe custody, and he shall pay

special attention to the provisions of Chapters XXVII and XXX of the Criminal Procedure Code [Act 593] and the Courts of Judicature Act 1964 [Act 91].

### **Regulation 199. Administration of prison.**

The Officer-in-Charge-

(a) shall be responsible for the proper management of the prison to which he shall be appointed; and

(b) shall take care that the prisoners are humanely treated, that the discipline is strictly enforced, and that treatment and rehabilitation are duly promoted.

### **Regulation 200. Control of officers.**

(1) Subject to the orders of the Director General, the Officer-in-Charge-

(a) shall have control of the prison officers of the prison to which he has been appointed; and

(b) shall require from them strict obedience to the provisions of the Act, to these Regulations and Director General's Standing Orders.

(2) The Officer-in-Charge shall report to the Director General immediately any case of misconduct or neglect of duty by a prison officer.

### **Regulation 201. Journal.**

The Officer-in-Charge shall keep a journal in which he shall record all matters of importance relating to the prison or prisoners, and of which he is directed to keep a record by these Regulations.

### **Regulation 202. Maintenance of records.**

The Officer-in-Charge shall be responsible for seeing that proper records are kept of all such circumstances, and of any correspondence connected with such circumstances, as affect the interests of particular prisoners, and shall bring the cases to the notice of the Director General after such time, or at such time, or at such intervals, as may be proper in each case.

### **Regulation 203. Inspection of prison.**

The Officer-in-Charge-

(a) shall frequently, and never less than once a day, inspect all or any parts of the prison and see prisoners, unless the Director General otherwise directs; and

(b) shall visit all or any parts of the prison at an uncertain hour of the night at least once a week and shall record such inspections and visits in his journal.

### **Regulation 204. Prisoners' complaints, etc.**

The Officer-in-Charge-

(a) shall ensure that prisoners who have complaints or applications to make are allowed to make them;

(b) shall ensure that the Medical Officer's instructions are carried into effect; and

(c) shall pay special attention to those prisoners who are in hospital or are undergoing punishment for prison offences.

### **Regulation 205. Inspection of meals.**

(1) The Officer-in-Charge shall, from time to time, and not less than twice in each week, visit the prisoners at their meals and shall enquire into any complaint that may be made to him regarding the rations and shall take immediate action to remove the cause of any such complaint which appears to be justified.

(2) The Officer-in-Charge shall ensure that the foodstuffs are of good quality and that every prisoner receives the rations to which he is entitled by law and that no deviation from the authorised scale is permitted except by the written authority of the Medical Officer.

### **Regulation 206. To ensure that Act, regulations and orders followed.**

(1) The Officer-in-Charge-

(a) must be familiar with the Act, these Regulations and the Director General's Standing Orders, and must carry them out; and

(b) must see that all officers understand their duties and perform it.

(2) Apart from performing his regular duties, the Officer-in-Charge should, from time to time, witness the performance of every duty in the prison, so that he may be familiar with every thing that is done in the prison, and be capable of making improvements, or of suggesting them to the Director General.

### **Regulation 207. Interview of prisoners on admission.**

The Officer-in-Charge shall take an early opportunity to interview all prisoners after their reception, and he may again interview them prior to discharge.

### **Regulation 208. Search.**

The Officer-in-Charge shall cause to be examined frequently the state of the cells, bedding, locks, bolts, bars, and others and shall seize all unauthorised articles.

### **Regulation 209. Muster of prisoners.**

The Officer-in-Charge shall receive reports accounting for all prisoners in his custody daily at the closing and opening of the prison, and on locking up after return from labour each morning and afternoon.

### **Regulation 210. Death of prisoner.**

The Officer-in-Charge shall, upon the serious illness or death of any prisoner, give immediate notice thereof to the most accessible known relative of the prisoner or of the deceased, as the case may be.

### **Regulation 211. Magistrate to be informed.**

The Officer-in-Charge shall, upon the death of any prisoner, give immediate notice of the death to the nearest police station and Magistrate in the State and shall also, as early as he conveniently can, report the death to the Director General.

### **Regulation 212. Recommendations by Medical Officer.**

The Officer-in-Charge shall so far as practicable carry into effect any written recommendation made by the Medical Officer, on grounds of health, for the alteration of the discipline or treatment of any prisoner, or for his separation from other prisoners.

### **Regulation 213. Mentally disordered prisoners.**

The Officer-in-Charge shall without delay report to the Medical Officer any case of mental disorder or apparent mental disorder and subsequently he shall notify the Director General.

### **Regulation 214. Prisoners life endangered by imprisonment.**

The Officer-in-Charge shall, without delay, report to the Director General any case in which the Medical Officer is of opinion that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment, or that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline.

### **Regulation 215. Visitors to view a prison.**

(1) The Officer-in-Charge shall not allow any person to view a prison unless such person shall produce an order in writing from the Minister or the Director General authorising him to view the prison.

(2) Visitors authorised to view a prison shall give their names and addresses and sign their names in the Visitors Book and are liable to be searched by order of the Officer-in-Charge.

(3) The Officer-in-Charge shall ensure that no person authorised to view a prison makes a sketch or takes a photograph or records by audio-visual recording or holds any communication with a prisoner unless permitted.

(4) Every visitor to a prison shall be accompanied throughout his visit by a prison officer.

(5) The Officer-in-Charge shall remove from the prison any visitor to the prison or to a prisoner whose conduct is improper.

### **Regulation 216. Searching of prison officer, Medical Officer and others.**

Any prison officer, Medical Officer, Dental Officer or staff employed by the prison department may be searched by order of the Officer-in-Charge at any time.

### **Regulation 217. Books.**

The Officer-in-Charge shall keep or cause to be kept-

(a) a Prison Record for each prisoner committed, with the sentence, date of commitment and the date at which such sentence will expire, and the name, age, height, weight, particular marks and general appearance of the prisoner and any other particulars which may be required and, in the case of prisoners referred to in regulation 43, a record of the remission to be earned, and of the forfeitures of remission and the earliest possible date of release;

(b) a Daily Release Book, in diary form, in which he shall enter, when admitted, the name of every prisoner under the proper date of release;

(c) a Prisoners' Effects Book to be kept in the approved form;

(d) a Prisoners' Punishment Book, in which shall be recorded the name of every prisoner punished for prison offences, the punishment inflicted and the name of the officer ordering the punishment and also the certificate of the Medical Officer as to whether the prisoner is physically fit to undergo the punishment as ordered, and the date;

(e) a petty cash account;

(f) an account of all receipt and disbursements;

(g) an Unofficial Visitors Book, containing a record of all unofficial visitors to the prison;

- (h) a Visiting Justices' Minute Book;
- (i) an Official Visitors Book;
- (j) a list of books and documents committed to his care; and
- (k) such other books or records as the Director General may direct.

### **Regulation 218. Inspection of buildings, machinery, etc.**

The Officer-in-Charge shall inspect and ensure that all machinery and all buildings connected with the prison are maintained in a proper state of repair and that all necessary precautions against accidents to prisoners are duly enforced.

### **Regulation 219. Petitions by prisoners.**

The Officer-in-Charge shall as soon as possible, submit to the Director General any petition received from a prisoner.

### **Regulation 220. Prisoners' property.**

The Officer-in-Charge shall take particular care to see that every precaution is taken to ensure the safe custody of prisoners' property and to prevent the loss or misappropriation of any such property.

### **Regulation 221. Requisitions on storekeeper.**

The Officer-in-Charge shall be responsible for checking and approving all demands made on the storekeeper for stores and clothing to be used in the prison and he shall also check and approve all work orders and requisitions in connection with any prison industry.

### **Regulation 222. Absence from prison.**

The Officer-in-Charge shall not be absent from prison for a night without the prior consent in writing of the Director General, and his leave of absence shall be entered in his journal.

### **Regulation 223. Charge of the prison in the case of Officer-in-Charge's absence.**

The charge of the prison shall, in the absence of the Officer-in-Charge, devolve on the next most senior prison officer, and such officer, shall be competent to perform and shall perform any duty required to be performed by the Officer-in-Charge.

### **Regulation 224. Reports to the Director General.**

The Officer-in-Charge shall report to the Director General all escapes, serious assaults, outbreaks of disease or any occurrences of an unusual or serious nature.

### **Regulation 225. Action in case of emergency.**

In cases of sudden emergency the Officer-in-Charge shall take such action as may in the circumstances be necessary, entering the particulars in his journal, and forthwith making a report of the sudden emergency to the Director General.

### **Regulation 226. Reference to Director General.**

The Officer-in-Charge shall refer to the Director General all questions pertaining to prison management with which they themselves cannot deal.

### **Regulation 227. Annual estimates.**

The Officer-in-Charge shall prepare the annual estimates for the prisons of which they are in charge and submit them to the Director General.

### **Regulation 228. Control of expenditure.**

The Officer-in-Charge shall keep strict surveillance over the expenditure of such public money as may be allocated to his prison; and he shall ascertain that all money received are properly accounted for.

### **Regulation 229. Annual report on prison.**

The Officer-in-Charge shall furnish to the Director General, before the 31 January in each year, a general report upon the prison under his charge, in addition to such special or periodical reports as may otherwise be required.

## **Division III - Medical Officers**

### **Regulation 230. Resident Medical Officer and attendance at prison.**

Every prison shall have, if possible, a resident Medical Officer who shall attend at the prison daily.

### **Regulation 231. Examination of prisoners and visit to prisoners.**

The Medical Officer-

(a) shall examine every prisoner as early as possible after admission and make in the Prison Record the entries required by regulation 18;

(b) shall examine every prisoner before he is made to undergo labour;

(c) shall examine every prisoner sentenced to punishment for any prison offence before any such punishment is carried out and certify whether in his opinion such punishment can be inflicted without the probability of serious injury being caused thereby;

(d) shall examine every prisoner prior to discharge, transfer or removal;

(e) shall visit as often as necessary such of the prisoners who are sick;

(f) shall, where possible, see every child accompanying female prisoner as often as necessary;

(g) shall see every prisoner once a week and every prisoner sentenced to a separate confinement in a cell on prescribed restricted diet once a day;

(h) shall at uncertain times, inspect the prisoners whilst at labour;

(i) shall see such of the prisoners who complain of illness and report in writing to the Officer-in-Charge their fitness or otherwise for labour; and

(j) shall direct such modifications of labour, diet and punishment as in particular cases he shall deem necessary

### **Regulation 232. Case Book and Journal.**

(1) The Medical Officer shall enter in a Case Book, to be kept in the prison and accessible to the Officer-in-Charge an account of the name, disease, state and treatment of every sick prisoner.

(2) The Medical Officer shall also keep a Journal in which shall be entered day by day his comments on the state of the prison and prisoners.

### **Regulation 233. Report of mentally disordered prisoners.**

The Medical Officer-

(a) shall report to the Officer-in-Charge the case of any prisoner whose mind has been or appears likely to be injuriously affected, and give such written directions in the case as he may think proper; and

(b) shall report in writing the case of any prisoner appearing to be mentally disordered.



### **Regulation 234. Sick prisoners.**

The Medical Officer shall report in writing to the Officer-in-Charge the case of any prisoner to which he thinks it necessary on medical grounds to draw attention and shall make such recommendations as he deemed needful for the alteration of the discipline or treatment of the prisoner or for the supply of additional articles to the prisoner.

### **Regulation 235. Prisoners unfit for prison, etc.**

Whenever the Medical Officer is of the opinion that the life of a prisoner will be endangered by his continuance in prison or that a sick person will not survive his sentence or is totally and permanently unfit for prison discipline, he shall state his opinion, and the grounds for that opinion, in writing to the Officer-in-Charge, who shall forward that opinion to the Director General.

### **Regulation 236. Inspection of prison, etc.**

The Medical Officer shall periodically inspect every part of the prison with special reference to the sanitary state of the prison, the health of the prisoners and adequacy and proper cooking of the diets; and he shall ensure that the body weights of prisoners are properly recorded and shall periodically review them.

### **Regulation 237. Death of a prisoner.**

(1) The Medical Officer shall forthwith, on the death of a prisoner, otherwise than by judicial execution, enter in his Case Book the following particulars:

(a) the time when the illness, if any, was first observed;

(b) the time and date when the illness was first reported to him;

(c) when the illness assumed a dangerous character;

(d) the nature of the disease or other cause of death; and

(e) the time of death and-

(i) an account of the appearance after death together with any special remarks that appear to him to be necessary; or

(ii) the result of post-mortem examination, if any.

(2) The Medical Officer shall report in writing to the Officer-in-Charge subsequently after taking the actions referred to in subregulation (1).

### **Regulation 238. Examination of food, water, clothing, etc.**

The Medical Officer shall frequently examine the food of the prisoners, cooked and uncooked, and shall report in writing to the Officer-in-Charge as to the quality the provisions, and also as to the sufficiency of clothing and bedding, and any deficiency in the quality, or defect in the quantity, of the water, or any other cause which may affect the health of the prisoners.

### **Regulation 239. Visits to prisoners on capital charge.**

(1) The Medical Officer shall periodically visit every person in the prison committed for trial on a capital charge, and shall make such observations and notes on the observations as may be requisite to enable him to give evidence as to the mental condition of such person, if required, at the trial, and he shall enter such notes in his Case Book.

(2) If a person committed for trial on a capital charge be transferred to another prison, it shall be the duty of the Officer-in-Charge to obtain certified copies of such notes from the Medical Officer, and to send them to the Officer-in-Charge of the prison which the said person is transferred; and such notes shall be brought to the notice of the Medical Officer immediately on the arrival of the said person.

(3) If he sees fit, the Medical Officer may apply to the Officer-in-Charge to procure for him a copy of the record of the preliminary inquiry.

### **Regulation 240. Report to be made on capital charge prisoners.**

The Medical Officer shall at least four days before the trial of any person on a capital charge submit a report in writing to the Public Prosecutor on the mental condition of the prisoner, stating whether or not any indication of insanity has been exhibited and whether or not the prisoner is in his opinion fit to plead and if the Medical Officer is of opinion that there is a distinct history of periodical attacks of insanity, followed by intervals of mental clearness, and that the prisoner has enjoyed a lucid period whilst under observation in prison, his report shall embody this opinion.

### **Regulation 241. Medical observation of prisoners.**

(1) The Medical Officer shall keep careful observation on the mental condition of prisoners condemned to death and long sentence prisoners.

(2) In the case of a prisoner condemned to death, the Medical Officer shall within three weeks of the date of the conviction forward to the State Secretary concerned in which the prisoner was convicted a report on the prisoner's mental condition.

### **Regulation 242. Infectious or contagious diseases.**

(1) The Medical Officer shall give directions in writing-

- (a) for separating prisoners having infectious or contagious diseases;

(b) for cleansing and disinfecting any room, cell or dormitory occupied by any such prisoner; and

(c) for cleansing, disinfecting, or destroying, if necessary, any infected apparel or bedding, which the Officer-in-Charge shall forthwith carry into effect.

(2) The Medical Officer shall in the case of the occurrence of any epidemic, or highly infections or contagious disease, or of any other circumstances affecting the health of the prisoners requiring unusual measures, make immediate report to the Officer-in-Charge without waiting for the time of any periodical report.

### **Regulation 243. Medical Officer to report certain matters.**

The Medical Officer shall report to the Officer-in-Charge in writing any irregularity in the prison hospital which may come to his knowledge, and any difficulty or obstruction with which he may meet in the performance of his duties.

### **Regulation 244. To be conversant with regulations.**

The Medical Officer shall make himself conversant with these Regulations and conform to them and shall support the Officer-in-Charge in the maintenance of care and the safe custody of the prisoners.

## **Division IV - Dental Officers**

### **Regulation 245. Dental Officers.**

The regulations applicable to Medical Officers shall apply, so far as may be permitted to Dental Officers.

## **Division V - Prison Officers**

### **Regulation 246. Enlistment.**

(1) Every person having been accepted for enlistment as a prison officer in the prisons department shall, upon acceptance of his service abide all terms of the service.

(2) Every prison officer shall be issued with a warrant card for the purpose of carrying out their duties.

### **Regulation 247. Liable to serve in any prison.**

All prison officers on entering the prison department may be employed in any part of Malaysia or any places it may seem fit to the Director General to employ him.

### **Regulation 248. Quarters.**

- (1) All prison officers shall live in such quarters as the Government may assign to them.
- (2) No prison officer shall live or sleep out of such quarters without the permission of the Officer-in-Charge.
- (3) No prison officer shall permit any person, not being a regular member of his household to remain for the night in his quarters without the permission of the Officer-in-Charge.
- (4) The Director General may permit any staff employed by the prison department other than prison officers to stay within the prison quarters if the quarters are available.

### **Regulation 249. Illness of officer.**

Any prison officer disabled from the regular performance of his duties by illness shall report his illness immediately to the Officer-in-Charge.

### **Regulation 250. Absence from duty.**

A prison officer shall not be absent from the prison compound during hours of duty without leave from the Officer-in-Charge and before leaving the prison at any time he shall hand over his prisoners under his control, keys, arms, books and others to the next prison officer on duty in the place appointed.

### **Regulation 251. Search of prison officers.**

Every prison officer shall submit himself to be searched within a prison.

### **Regulation 252. Obedience to laws, regulations, etc. , and to orders.**

Every prison officer shall strictly conform to all written laws, regulations and standing orders relating to prisons and shall obey all lawful orders, written or verbal, of officers senior to them in the service.

### **Regulation 253. Visitors to the prison.**

Prison officers shall not receive visitors in the prison unless otherwise permitted by the Officer-in-Charge.

### **Regulation 254. Unauthorised communication to the press.**

No prison officer or any person employed in the prison shall make any unauthorised communication concerning any prison or prisoner to any person and shall not, without the authority of the Director General, communicate to the public press information derived from official sources or connected with his duties or the prison, and any such communication by an officer without authority, will be regarded as a breach of confidence and will render him liable to disciplinary action.

### **Regulation 255. Unauthorised fees, gratuities, etc.**

(1) No prison officer shall receive any fee or gratuity, or have any money dealings with, or on behalf of, any prisoner, or any visitor to any prisoner.

(2) No prison officer shall borrow money from any person connected with a contract for the supply of food or other articles for the use of any prison.

### **Regulation 256. Interests in prison contracts forbidden.**

No prison officer and no member of the family of any prison officer shall directly or indirectly have any interest in any contract or supply connected with any prison, nor shall he, under any pretence, receive any fee or gratuity from any person connected with any such contract or supply.

### **Regulation 257. Report of misconduct, etc.**

No prison officer shall on any pretence fail to make an immediate report to his superior officer of any misconduct or wilful disobedience of these Regulations or any abuse or impropriety which may come to his knowledge.

### **Regulation 258. Communication with relatives of prisoners.**

No prison officer shall correspond with or communicate in any manner with the friends or relatives of any prisoner, unless expressly authorised by the Officer-in-Charge.

### **Regulation 259. No testimonials to be given to prisoners.**

No prison officer shall give any certificate or testimonial to, or in respect of, any prisoner as regards his conduct in prison or otherwise.

### **Regulation 260. Trafficking with prisoners.**

No prison officer shall convey any communication, parcel, or article, to or from any prisoner without the order of the Officer-in-Charge.

### **Regulation 261. Tobacco or liquors.**

A prison officer shall not use tobacco or spirituous or fermented liquors within the precincts of any prison.

### **Regulation 262. Junior prison officers not to punish prisoners.**

No junior prison officer shall punish a prisoner except when ordered to do so.

### **Regulation 263. Not to enter prisoners' cells at night.**

No prison officer shall enter a prisoner's cell at night without being accompanied by another officer except in cases of imperative necessity, and in such circumstances he shall make an immediate report to the senior officer in charge of the prison and shall make a written report to the Officer-in-Charge as soon as possible.

### **Regulation 264. Conversing or familiarity with prisoners.**

(1) No prison officer shall unnecessarily converse with a prisoner or by word, gesture or demeanour do anything which may tend to irritate a prisoner.

(2) No prison officer shall allow any familiarity on the part of prisoners towards himself or any other prison officer or on any account speak of his duties or of any matters of discipline or prison arrangement within hearing of the prisoners.

### **Regulation 265. Complaints or applications by prisoners.**

A prison officer shall without delay inform the Officer-in-Charge or any senior prison officer the name of any prisoner who desires to see him, or to make any complaint, or to prefer any request to superior authority.

### **Regulation 266. Safe custody of prisoners.**

Prison officers shall be responsible for the safe custody of prisoners under their charge, and with this in view they shall count the prisoners at least once every half an hour, as far as the conditions permit, and always-

(a) on receiving charge of a party;

(b) on handing over charge;

(c) on leaving any building or work; or

(d) in any other circumstances that need prisoners to be counted.

### **Regulation 267. Handing over duties.**

All prison officers on being relieved from any particular duty or transferred to another part of the prison, shall point out to their successors all matters of special importance connected with their duties, and explain any directions of the superior officers affecting any particular prisoner.

### **Regulation 268. Rules regarding use of firearms.**

Prison officers shall make themselves familiar with the provisions of section 22 of the Act and the Director General's Standing Orders, and when carrying firearms shall use them only in strict conformity with the provisions of the said Act and Standing Orders.

### **Regulation 269. Checking of keys.**

Prison officers shall check all keys when handing or taking over and report immediately any defect and see that no prison key is, under any circumstances, allowed to pass into the possession of any prisoner or other unauthorised person.

### **Regulation 270. Not to leave prisoners.**

No prison officer shall, whilst in charge of prisoners outside the precincts of any prison, leave such prisoners under any pretext from the time of their departure from the prison until they return to the prison, nor shall he for any purpose enter any house, store, yard, or premises (not being the place appointed for the labour of such prisoners) within the period during which he shall be in charge of such prisoners.

## **Regulation 271. Visitors to the prison.**

- (1) A prison officer acting as gatekeeper of any prison shall not allow any person, not being a prison officer or a prisoner, to enter the prison without the permission of the Officer-in-Charge, given verbally or in writing.
- (2) Subregulation (1) of this regulation shall not apply to-
  - (a) a Judge of the Federal Court;
  - (b) a Judge of the Court of Appeal;
  - (c) a Judge of High Court;
  - (d) a Session Court Judge;
  - (e) a Magistrate having jurisdiction in a place where the prison is situated; and
  - (f) any Visiting Justice of the prison.
- (3) The gatekeeper shall keep a record of all persons other than the prison officers entering or leaving the prison and he shall require all such persons to write their names in a book provided for that purpose.
- (4) The gatekeeper shall have the power to search any person upon entering and leaving the prison.
- (5) Any person who refuse to be searched by the gatekeeper shall not be allowed to enter the prison premises.
- (6) The gatekeeper shall not allow any person other than a prison officer to enter the prison without being accompanied by a prison officer.
- (7) The gatekeeper shall not allow any prisoner to pass out of the main gate unaccompanied by a prison officer or any other relevant authority.
- (8) The gatekeeper shall carefully examine the orders for the admission of prisoners' friends, checking their names and identity cards with the name on the order, and if he is not satisfied that the order relates to the person tendering the same he shall immediately report the matter to the Officer-in-Charge for his instructions.
- (9) The gatekeeper shall ascertain the names of all workpeople who may be working in the prison, and he shall warn them that they are not allowed to speak to or give anything to any prisoner without proper authority.
- (10) The gatekeeper shall satisfy himself that workpeople passing out of the prison correspond to those who entered.
- (11) The gatekeeper shall take charge of all letters, parcels, or other articles sent for any prisoner and he shall deliver them to the Officer-in-Charge.
- (12) The gatekeeper shall examine all articles brought into the prison, and shall stop and prevent any person bringing any prohibited articles into the prison.
- (13) The gatekeeper shall not allow any article to be taken out of the prison without the



permission of the Officer-in-Charge or the production of a Gate Pass duly signed.

### **Regulation 272. Prisoners who appear to be in ill-health.**

Every prison officer shall direct the attention of the Officer-in-Charge to any prisoner who may appear not to be in health, although not complaining of sickness, or whose state of mind may appear deserving of special notice and care, in order that the opinion and instructions of the Medical Officer may be taken on the case.

### **Regulation 273. Discipline duty.**

Every prison officer is liable for discipline duty, if required.

### **Regulation 274. Women prison officer.**

Except as otherwise provided in the Act, Regulations and Director General's Standing Orders, women prison officer shall be appointed to such rank, perform such duties, exercise such powers, enjoy such privileges and subject to authority and discipline as may be prescribed in the Act, Regulations and Standing Orders.

## **PART 22 - DISCIPLINARY REGULATIONS AND DISCIPLINARY BOARDS**

### **Regulation 275. Application of P. U. (A) 395/93 and P. U. (A) 396/93**

The [Public Officers \(Conduct and Discipline\) Regulations 1993 \[P.U.\(A\) 395/93\]](#) and the [Public Service Disciplinary Boards 1993 \[P.U.\(A\) 396/93\]](#) shall apply to the prison officers and the staff employed by the prison department.

## **PART 23 - PRISON OFFICERS' REWARD FUND**

### **Regulation 276. Administration and application of the Fund.**

The Fund shall be administered and applied in accordance with the provisions of the Act, the Financial Procedure Act 1957 [Act 61] and these Regulations.

### **Regulation 277. Accrued sums.**

(1) All sums accruing to the Fund under subsection 60(2) of the Act shall be paid without any deductions to the Accountant General and credited to the Fund.

(2) The Accountant General shall maintain proper accounts of the Fund.

### **Regulation 278. Management and operational costs.**

Any costs, expenses or charges incurred in connection with the management or operation of the Fund may be charged to the Fund subject to the approval of the Committee in writing.

### **Regulation 279. Payment.**

All payments from the Fund shall be certified by the Chairman of the Committee or in his absence, a Senior Prison Officer who is also a member of the Committee.

### **Regulation 280. Payment of reward not to exceed certain limits and to be published.**

- (1) A reward under paragraph 61(a) of the Act shall not exceed five hundred ringgit.
- (2) A reward under paragraph 61(b) of the Act shall not exceed one thousand ringgit.
- (3) Any payment of such reward and the reason for such reward shall be published in the Director General's Standing Order.

### **Regulation 281. Grant to welfare fund, recreation centre and club.**

The Committee may make a grant out of the Fund pursuant to paragraph 61(c) of the Act to any prison officer welfare fund, recreation centre or club and the grant to such a fund, recreation centre or club shall not exceed ten thousand ringgit in any calendar year.

### **Regulation 282. Accounts.**

- (1) The Committee or any person authorized by it in writing shall keep and maintain proper accounts of the Fund which shall be balanced monthly with the accounts maintained by the Accountant General.
- (2) The Fund shall be kept in credit at all times and shall not be overdrawn.
- (3) The Committee shall as soon as possible after 31 December of each year, but in any case not later than 31 March of the following financial year, forward to the Auditor General the statement of accounts showing the opening balance of, receipts of, payments from and the closing balance of the account of the Fund for that year.
- (4) A copy of the statement of accounts duly examined by the Auditor General shall be forwarded to the Secretary General of the Treasury and the Accountant General.
- (5) The account of the Fund shall be closed when it is no longer required and its credit balance, if

any, shall be credited to the relevant account of the Federal Consolidated Fund in accordance with subsections 9(5) and 9(6) of the Financial Procedure Act 1957.

*[Am. P.U.(A) 514/2000]*

## **PART 24 – REVOCATION**

### **Regulation 283. Revocation.**

The following Rules, Regulations and notification are revoked:

*[Am. P.U.(A) 514/2000]*

- (a) the Prison Rules 1953 [L. N. 326 of 1953];*
- (b) the Prison Regulations 1958 of Sabah [No. S148];*
- (c) the Prison Rules 1956 of Sarawak [G. N. S. 31/1956]; and*
- (d) Notification of approved diet scale [P. U. (B) 388/92].*

## FIRST SCHEDULE (Regulations 13, 60 and 66)

### I. DAILY DIET FOR EACH PRISONER

Chicken/Fresh fish	150g each meal
OR	
Beef	130g each meal
Rice	300g daily
Rice (For porridge)	50g each meal
Biscuit	42g each meal
Papaya/Pineapple/Honeydew	150g each meal
OR	
Banana	90g each meal
OR	
Water melon	200g each meal
<i>Fucuk</i>	15g each meal
Sugar	25g each meal
Red sugar	5g each meal
Anchovy	10g each meal
Jam/ <i>kaya</i>	10g each meal
Green peas/Red beans	50g each meal
Coffee	6g each meal
Margarine	10g each meal
Cooking oil	15g each meal
Bread bun	50g each meal
White bread	75g each meal
Non-leafy vegetables	100g each meal
Leafy vegetables	150g each meal
Powdered milk	20g each meal
Tow foo	200g each meal
Tea	3g each meal
Egg	1 egg each meal
Salted egg	1/2 egg each meal
<i>Tempe</i>	70g each meal
Potatoes	50g each meal

#### NOTE:

Additional diet for each pregnant prisoner, prisoner with breast feeding baby and HIV/AIDS infected prisoner.

Powdered milk	Pregnant prisoner	30g daily
Powdered milk	Prisoner with breast feeding baby	30g daily
Bread bun	Prisoner with breast feeding baby	50g daily
Leafy vegetables	Prisoner with breast feeding baby	50g daily
Powdered milk	HIV/AIDS infected prisoner	30g daily

### II. DAILY DIET FOR EACH VEGETARIAN PRISONER

Rice	300g daily
Rice (For porridge)	50g each meal
Biscuit	42g each meal
Papaya/Pipeapple/Honeydew	150g each meal

OR	
Banana	90g each meal
OR	
Water melon	200g each meal
<i>Fucuk</i>	15g each meal
Sugar	25g each meal
Red sugar	5g each meal
Jam/ <i>kaya</i>	10g each meal
Green peas/Red beans	50g each meal
Baked beans	30g each meal
Coffee	6g each meal
Margarine	10g each meal
Meal maker	30g each meal
Cooking oil	15g each meal
Bread bun	50g each meal
White bread	75g each meal
Non-leafy vegetables	100g each meal
Leafy vegetables	150g each meal
Full cream powdered milk	20g each meal
Tow foo	200g each meal
Tea	3g each meal
Egg	1 egg each meal
Salted egg	1/2 egg each meal
<i>Tempe</i>	70g each meal
Potatoes	50g each meal

### III. DAILY DIET FOR EACH YOUNG PRISONER

Chicken/Fresh fish	150g each meal
OR	
Beef	130g each meal
Rice	300g daily
Rice (For porridge)	50g each meal
<i>Beras pulut hitam</i>	50g each meal
Bee hoon	100g each meal
Wheat grains	50g each meal
Biscuit	28g each meal
Papaya/Pineapple/Honeydew	150g each meal
OR	
Banana	90g each meal
OR	
Water melon	200g each meal
<i>Fucuk</i>	15g each meal
Sugar	25g each meal
Red sugar	5g each meal
Anchovy	10g each meal
Jam/ <i>kaya</i>	10g each meal
Green peas/Red beans	50g each meal
Coffee	6g each meal
Margarine	10g each meal
Cooking oil	15g each meal
Bread bun	50g each meal
White bread	75g each meal
Non-leafy vegetables	100g each meal

Leafy vegetables	150g each meal
Chocolate powder	10g each meal
Full cream Powdered milk	50g each meal
Tow foo	200g each meal
Tea	3g each meal
Egg	1 egg each meal
Salted egg	1/2 egg each meal
<i>Tempe</i>	70g each meal
Potatoes	50g each meal

NOTE:

Additional diet for each pregnant young prisoner, young prisoner with breast feeding baby and HIV/AIDS infected young prisoner.

Powdered milk	Pregnant young prisoner	30g daily
Powdered milk	Young prisoner with breast feeding baby	30g daily
Bread bun	Young prisoner with breast feeding baby	50g daily
Leafy vegetables	Young prisoner with breast feeding baby	50g daily
Powdered milk	HIV/AIDS infected young prisoner	30g daily

**IV. DAILY DIET FOR EACH CHILD**

Chicken	40g each meal
OR	
Beef	20g each meal
OR	
Fresh fish	30g each meal
Rice	25g daily
Baby cereal	50g each meal
Papaya/Honeydew	80g each meal
OR	
Orange	1/2 orange each meal
OR	
Banana	45g each meal
OR	
Water melon	100g each meal
Sugar	5g each meal
Anchovy	10g each meal
Green peas/Red beans	25g each meal
Cooking oil	5g each meal
Non-leafy vegetables	20g each meal
Leafy vegetables	30g each meal
Full cream powdered milk	10g each meal
Egg	1/2 egg each meal
Custard powder	15g each meal
Sweet potatoes/Yam (For porridge)	25g each meal
Potatoes	25g each meal

NOTE:

Non-leafy vegetables does not include bottle gourd and loofah.

## V. SPECIAL RATION ACCORDING TO MENU FOR EACH PRISONER/YOUNG PRISONER OF THE PRISON DEPARTMENT

Tamarind	4g per person
Tamarind slice	1g per person
Big onions	5g per person
Red onion	1g per person
Garlic	1g per person
Prawn paste	1g per person
<i>Sago</i>	2g per person
<i>Biji Sawi</i>	1g per person
<i>Buah pelaga</i>	1g per person
<i>Bunga cengkih</i>	1g per person
<i>Bunga lawang</i>	1g per person
Chillies	1g per person
Dried chillies	3g per person
Small chillies	3g per person
Vinegar	2g per person
Onions leaves	1g per person
<i>Pandan leaves</i>	1g per person
Curry leaves	1g per person
<i>Daun kesom</i>	1g per person
Lime leaves	1g per person
Soup leaves	1g per person
Salt	10g per person
<i>Halba</i>	1g per person
Ginger	1g per person
Anchovy average-3cm	10g per person
Salted fish	15g per person
Corn cream in tin	5g per person
<i>Jintan manis</i> ,powder	1g per person
<i>Jintan Putih</i> ,powder	1g per person
Dal	10g per person
Thin soy sauce	2g per person
Thick soy sauce	2g per person
Tom yam cubes	1g per person
Cinnamon	1g per person
Black pepper seed	1g per person
Lime	15g per person
Curry powder	5g per person
<i>Kurma powder</i>	5g per person
Soup powder	5g per person
Lemon grass	1g per person
Chilly powder	1g per person
Tumeric powder	2g per person
Pepper	1g per person
Coconut milk powder	5g per person
<i>Sohun</i>	1g per person
Chilly sauce	10g per person
Tomato sauce	10g per person
Tow choo	2g per person
Bean spout for bihun	10g per person
Tow foo	50g per person
Salted egg	1/4 egg per person
Egg for bihun	1/2 egg per person

Tomato 10g per person

**VI. RESTRICTED DIET FOR ALL PRISONERS**

Bread 500g daily  
Powdered milk 50g daily

*[Subs. P.U.(A) 193/2003]*

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*[Previous First Schedule]*



**SECOND SCHEDULE (Subregulation 111(2))**

*[Am. P.U.(A) 514/2000]*

**RELEASE ON LICENCE UNDER SECTION 43**

No: .....

Office of the Director General  
Prisons Department  
Malaysia

Date: .....

To:  
.....  
.....

You are hereby permitted to be released on licence from the .....

prison for a period of ..... days from ..... on the following conditions:

*[Am. P.U.(A) 514/2000]*

(1) You will proceed to ..... (*full address*) and will not without my consent remove from, that place.

(2) You will abstain from any violation of the law and will not associate with persons of bad character.

(3) You will report back to the Officer-in Charge of the  
..... at  
..... by ..... on  
the .....

(4) No extension will be granted and should you fail to return at the time stated you will be deemed to have committed an offence.

(5) Your attention is drawn to subsections 43(2), (3) and (4) of the Prison Act 1995, which read:

"(2) The Director General may, at any time,-

(a) modify or cancel the conditions referred to in subsection (1) ; or

(b) by order, recall to prison a prisoner released on licence under subsection (1) but without prejudice to the power of the Director General to release the prisoner on licence again.

(3) Where a prisoner is recalled under paragraph (b) of subsection (2) , his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding two years or to both.

(4) A prisoner who fails to comply with any condition of the licence issued to him under

subsection (1) shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding two years or to both. "

(6) You will carry this licence during the period you are absent from prison and will produce it whenever you are required to do so by any prison or police officer.

(7) You will report to the Officer-in Charge of the prison at ..... any circumstances in which you may require assistance or advice.

.....  
*Director General  
Prison Department  
Malaysia*

These conditions relating to my release on licence have been read and explained to me and I understand them.

.....  
*Prisoner*  
.....  
*Officer-in-Charge*

Made 23 August 2000.  
[KDN. S. 171/926/1; PN(PU<sup>2</sup>) 163/IV]

DATO' SERI ABDULLAH BIN HAJI AHMAD BADAWI  
*Minister of Home Affairs*

## LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
<a href="#">P.U.(A) 514/2000</a>	Corrigendum	
<a href="#">P.U.(A) 300/2002</a>	Prisons (Amendment) Regulations 2002	1-8-2002
<a href="#">P.U.(A) 193/2003</a>	Prisons (Amendment) Regulations 2003	12-5-2003

## Previous First Schedule (Up to 11th May 2003)

### FIRST SCHEDULE (Regulations 60 and 66)

#### I. DAILY DIET FOR EACH PRISONER

Rice (under-milled)	300 g per day
Salt	6 g per day
Palm oil	25 g per day
Beef or mutton or dried fish or fresh fish	130 g per day
OR	
Chicken	170 g per day
OR	
Eggs	2 eggs twice a week
Green or leafy vegetables	160 g per day
Non-leafy vegetables	200 g per day
Bread	200 g per day
Tea	50 g for 8 persons (per day)
Coffee or Chocolate	80 g for 10 persons (per day)
Sugar	30 g per day
Margarine	20 g per day
Jam/Kaya	30 g per day
Full-cream powdered milk	20 g per day
Banana	2 bananas per day
OR	
Papaya/Pineapple	150 g per day
OR	
Orange	150 g per day
NOTE:	

Non-leafy vegetables does not include bottle gourd and loofah.

#### II. SPECIAL RATION ACCORDING TO MENU ONLY

Dal	10 g per person (twice a week)
Tow Choo	2 g per person
Onions	5 g per person
Onion (red)	1 g per person
Ginger	1 g per person
Garlic	1 g per person
Pepper powder	1 g per person
Asam jawa	4 g per person
Vinegar	2 g per person
Prawn paste	1 g per person
Dried chilly	1 g per person
Chilly powder	1 g per person
Tumeric powder	2 g per person
Curry powder	2 g per person
Thin soy sauce	2 g per person
Thick soy sauce	2 g per person

### III. DIET FOR VEGETARIAN PRISONER

The vegetarian diet is the same as the daily diet for a prisoner as provided in paragraph I except:

In replacement of chicken/ meat for every meal	50 g dal OR ground nut (raw) OR green peas OR red beans
In replacement of fresh fish for every meal	100 g tow foo (hard) OR 200 g tow foo (soft) OR 50 g tow foo (dried slices)
Eggs (twice a week)	shall be supplied to a vegetarian prisoner who consumes eggs

### IV. RESTRICTED DIET FOR ALL PRISONERS

Bread	510 g daily
Margarine	60 g daily