

No. 18204

SUBJECT

C0533/425

Prison Bill

Ordinance No 37 of 1930

Previous

1625/30

Subsequent

5061/33

2. Gov. Byrne Conf. 69 20th. May.
Comments on question of discriminatory provision
in Section 61(2) of the Ordinance and states that
the necessary amendment has been incorporated in
Bill enclosed in No. 1.

The draft Bill incorporates most of the
suggestions made in the despatch at 13 on 16281/30.

Section 2 now includes the definitions of
"penal diet" and "reduced diet" suggested in that
despatch.

Section 5 of the Bill omits the words
"to be" after "appear". ^{suggest that} ~~that~~ should be
inserted.

they are before
"found".

Section 7. The absolute remission of
sentences under Section 40 of the Ordinance is now
applied by the Bill to prisoners at large under
licence. The Prison Commissioners apparently
anticipated that this remission would not apply
to this category, but the point seems immaterial.

Section 9 incorporates the amendments
suggested, including the limitation to 12 strokes
of corporal punishment inflicted on juveniles.

The revised Section (2) appears to require the
omission of the word "to" in the seventh line
and possibly the insertion ^{of} "shall not exceed".

Section 10 incorporates the suggestion contained in
para. 6 of the despatch, although para. 5 of 1
suggests that this is unnecessary.

As regards Section 21, it is considered
impracticable to require that the Medical Officer
or his subordinate shall visit the prison daily.

While this cannot be regarded as altogether
satisfactory because of the reasons indicated in
the Prison Commissioner's Memorandum (enclosure to

8 in 16281/30, p.2), there seems no alternative at present, and in the larger prisons daily visits apparently take place in practice.

As regards Section 28, the latest position is that it has been suggested to the Governor at 12 in 17206/31 that a Juvenile offenders' Ordinance should be enacted with a suspending clause to enable the Ordinance to be introduced as circumstances permit, and it is anticipated that the Ordinance can at once be applied to certain areas in which the problem of dealing with juvenile offenders is most likely to arise. In this connection the Governor has recently asked that facilities may be provided for an officer on leave to acquaint himself with the Borstal system.

Rule 25(5). It would be difficult to over-ride the Governor's opinion on the *question of* ~~rule~~ requiring imprisoned Civil Debtors to work.

? It seems unnecessary to invite the observations of the Prison Commissioners on this draft Bill, but a copy should be sent to the Home Office for their information, reference 15 in 16281/30.

? Subject to any legal observations, agree that the provisions of the draft Bill and the draft Rules now submitted are at present adequate, subject to the provision in the rules of reduced diet in the case of non-native prisoners.

I notice that the wording of Section 30 of the principal Ordinance, to which the Prison Commissioners objected, appears in the similar Gold Coast Ordinance. It may be considered desirable to circulate these papers to the General Department in case they may wish to take up this point and also ^{that} regarding the review of sentences of imprisonment for life or computed death sentences mentioned on p.4 of the Prison Commissioners' letter.

Handwritten notes:
3
4
X/16281/30

Handwritten notes:
but X/16281/30

Handwritten signature:
H.S. Prinslow
15/7/32

Handwritten note:
I have no observations to remark that the provision now section 5(2) proposed to be inserted by clause 9 should be worded as indicated by Mr. Parkin.

Handwritten signature:
C. G. ...

As regards X, Mr. Parkin is satisfied that ~~inserting~~ this is no case for invoking the Free Labour Convention!

Handwritten note:
Pl. dft. comm.

Handwritten signature:
A. ...

Handwritten notes:
3 To Gov 565 (1 Annual)
4 - Comp (2 - - -)
Reply to G.D. * above

2 AUG 1932

then. During + in their reports
(and in 6/8/32 on 16/32) they make
two criticisms. No. 1 is that
G.D. may wish to take up

(a) The criticism in the paper
as the life of p. 5 of the 4/3 regarding
persons blowing a friend of unusual
mind in any person.

(b) The criticism in pp. 4 + 5 in connection
with Section 41 regarding review
of ^{life} sentences etc.

Copies recd.
9/14/32 General
A copy of the relevant sections
of the Prison Act report have
been to reg. General

Stewart
10/8

Yes
10/10/32
above

11/10/32

5 Govt Notice No 679
Prisons Amdt. Ordinance 1952

approved in 3061/33

Publicly

at 5/2/58 in

8/3/33

at mee

(A)

5
5

Colony and Protectorate of Kenya

GOVERNMENT NOTICE No. 699

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

G. BERESFORD STOOKE,
Acting Clerk of the Legislative Council

A Bill to Amend the Prisons Ordinance, 1930.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Prisons Short title. (Amendment) Ordinance, 1932," and shall be read as one with the Prisons Ordinance, 1930, hereinafter referred to as No. 37 of 1930 "the Principal Ordinance."

2. Section 2 of the Principal Ordinance is hereby amended as follows—

(a) by the insertion of the word "assistant" between the words "no" and "superintendent" in the third line of the definition of the term "superintendent";

(b) by the addition of the following definitions after the definition of "prohibited article"—

" 'penal diet' means a punishment diet sufficient to sustain life for a limited period provided that it is not combined with hard labour;

'reduced diet' means a punishment diet not entailing exemption from hard labour."

Amendment of section 2 of the Principal Ordinance.

"prisoner" means any person, whether convicted or not, under detention in any prison;

"prohibited article" means any article the introduction or removal of which into or out of a prison is prohibited by this Ordinance;

"subordinate officer" means a prison officer below the rank of matron and includes any person temporarily employed under section 38 of this Ordinance;

"superintendent" means a superintendent of prisons, and includes an assistant superintendent, and in prisons where there is no superintendent includes a chief officer.

Section 14 of the Principal Ordinance which it is proposed to amend:—

14. It shall be lawful for any prison officer to use his weapons against any prisoner when such prisoner—

- (1) is escaping or attempting to escape;
- (2) is engaged in any combined outbreak or in any attempt to force or break open the outside door or gate or enclosure wall of the prison, an officer may continue to use such weapons so long as such combined outbreak or attempt is actually prosecuted;
- (3) is using violence to any prison officer or other person:

Provided that resort shall not be had to the use of any such weapons—

- (a) as authorized under paragraph (1) of this section unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape nor unless such officer shall give a warning to such prisoner that he is about to use the weapons against him;
- (b) authorized under paragraph (3) of this section unless such officer has reasonable ground to believe that the prison officer or other person is in danger of life or limb, or that other grievous bodily harm is likely to be caused to him:

Provided further that no prison officer shall, in the presence of his superior officer, use his weapons against a prisoner as authorized under paragraphs (1) and (3) of this section except under the orders of such superior officer:

Use of arms against any prisoner in case of an outbreak or attempt to escape.

3. Paragraph (2) of section 14 of the Principal Ordinance is hereby amended by the insertion of the word "and" between the words "prison" and "an" which occur in the third line thereof.

Amendment of section 14 (2) of the Principal Ordinance.

And provided further that the use of weapons under this section shall be as far as possible to disable and not to kill.

Sub-section (4) of section 22 of the Principal Ordinance which it is proposed to amend:—

(4) Any visiting justice may—

- (a) call for all books, papers, and records relating to the management and discipline of the prison;
 - (b) visit every ward, yard, cell and see every prisoner in confinement;
 - (c) inspect and test the quality and quantity of prisoners' food; and
 - (d) ascertain, so far as possible, that the rules and regulations are adhered to.
- (e) if a male, exercise any of the powers conferred by section 58 and 59 of this Ordinance.

Section 31 of the Principal Ordinance which it is proposed to amend:—

31. The Commissioner may by any general or special order direct that any person in prison under sentence of any court for an offence committed by him be removed to any other prison, and whenever any prisoner is removed to any other prison than that named in the warrant or order under which he may have been imprisoned, the said warrant or order, together with an order of removal, either endorsed on the warrant or order, or separate therefrom, shall be sufficient authority for the removal of such prisoner to the prison named in the order of removal, and his detention therein, and for carrying out the sentence described in the warrant or order of imprisonment, or any part thereof which may remain unexecuted.

Section 33 of the Principal Ordinance which it is proposed to amend:—

33. If any prisoner shall become or be found to be of unsound mind in any prison the superintendent shall forthwith report to the medical officer and the medical officer shall visit and inquire into the state of mind of such prisoner, and if the medical officer shall sign a certificate with respect to such prisoner according to the form in the schedule, the

Removal of
prisoners from
one prison
to another.

Removal of
lunatic
prisoners.

4. Sub-section (4) of section 22 of the Principal Ordinance is hereby amended as follows:—

- (a) by the deletion of the word "and" which occurs in the seventh line thereof
- (b) by the insertion of the word "and" at the end of paragraph (d) thereof

Amendment of
section 22 (4)
of the
Principal
Ordinance

5. Section 31 of the Principal Ordinance is hereby amended by the substitution of the words "prisoner" for the words "person in prison" under sentence of any court for an offence committed by him, which occur in the second and third lines thereof.

Amendment of
section 31
of the
Principal
Ordinance

6. Section 33 of the Principal Ordinance is hereby amended by the substitution of the word "appear" for the words "become or be found to be of unsound mind" in the first line thereof.

Amendment of
section 33 of
the Principal
Ordinance

superintendent shall forward a copy of such certificate to the Colonial Secretary and it shall be lawful for the Colonial Secretary, by order in writing under his hand directed to the superintendent of such prison, to order that such prisoner be forthwith removed to any fit place for the custody and treatment of lunatics, which may from time to time be appointed by the Governor for that purpose either within any prison or elsewhere. Any person so removed shall remain in such place until it shall be certified by a medical officer in the service of the Government that such prisoner has become of sound mind whereupon he shall by order of the Colonial Secretary be redelivered into the custody of the superintendent of such prison if still liable to be confined there and if not so liable released.

Section 40 of the Principal Ordinance which it is proposed to amend :-

Remission

40. (1) Every criminal prisoner under sentence of imprisonment for six months or more may after the completion of six months' imprisonment earn a remission of one-seventh of the remaining period of his sentence, by industry, accompanied by good conduct.

(2) For the purpose of giving effect to the provision of sub-section (1) each prisoner on admission shall be credited with the full amount of remission to which he would be entitled and shall only lose such remission as a punishment for idleness, lack of industry or other offence against prison discipline.

(3) On the recommendation of the Commissioner, the Governor may grant a further remission on special grounds, such as exceptional merit or permanent ill-health.

Section 42 of the Principal Ordinance which it is proposed to amend :-

Licence to prisoners to be at large

42. The Commissioner may grant to any prisoner under sentence of imprisonment for a term of three years or upwards who has completed two-thirds of any such sentence and has been of good behaviour while undergoing his sentence a licence to be at large in the Colony or in such part thereof, as in such licence shall be specified and it shall be lawful for the Commissioner to revoke or alter such licence at his pleasure :

7. Section 40 of the Principal Ordinance is hereby amended by the substitution of the words "more than six months" for the words "six months or more" which occur in the second line thereof. Amendment of section 40 of the Principal Ordinance.

8. Section 42 of the Principal Ordinance is hereby amended by the addition at the end thereof of the following :- Amendment of section 42 of the Principal Ordinance.

"Any licence granted under this section shall, unless revoked or altered by the Commissioner, continue in force for the unexpired portion of the sentence, less any period of remission earned under section 40 of this Ordinance."

Provided that no such licence shall be granted—

- (a) to any prisoner sentenced to imprisonment for life; or
- (b) to any prisoner who previously to the sentence he is undergoing, has been sentenced to imprisonment for any period exceeding six months.

Section 52 of the Principal Ordinance which it is proposed to amend:—

52. Any person who—

- (a) save as is provided by section 49, brings, throws, or attempts by any means whatever to introduce into any prison, or to give to any prisoner, any spirituous liquor, tobacco or any intoxicating or poisonous drug or any article whatsoever;
- (b) contrary to any rule or regulation communicates with any prisoner,

is guilty of an offence and is liable to imprisonment for a period not exceeding six months, or to a fine not exceeding thirty pounds, or to both.

Paragraph (21) of section 57 of the Principal Ordinance which it is proposed to amend:—

57. The following acts are declared to be prison offences when committed by a prisoner—

- (21) wilfully befouling the walls, latrines, washing or bathing places.

Sub-section (2) of section 61 of the Principal Ordinance which it is proposed to replace:—

(2) A sentence of corporal punishment shall be to be whipped once only. Such whipping shall be with a rod or cane to be approved by the Governor or with such other instrument as the Governor may approve. The sentence shall specify the number of strokes which shall not exceed twenty-four. A sentence of corporal punishment imposed on a non-native or where the number of strokes exceeds twelve shall be subject to confirmation by the Governor and shall not be carried into effect until such confirmation shall have been received.

Prison
offences.

9. Section 52 of the Principal Ordinance is hereby amended by inserting after the figures "49" in the second line of the section the words "or by any rules made under this Ordinance".

10. Paragraph (21) of section 57 of the Principal Ordinance is hereby amended by the substitution of the word "walls" for the word "wall" which occurs in the first line thereof.

Amendment of
section 57 (21)
of the
Principal
Ordinance

11. Sub-section (2) of section 61 of the Principal Ordinance is hereby repealed and the following substituted therefor:—

Amendment of
section 61 (2)
of the
Principal
Ordinance

(2) A sentence of corporal punishment shall be to be whipped once only. Such whipping shall be with a rod or cane to be approved by the Governor or with such other instrument as the Governor may approve. The sentence shall specify the number of strokes which shall not exceed twenty-four, and in the case of a person under the age of sixteen years shall not exceed twelve strokes with a light cane. Every sentence of corporal punishment exceeding twelve strokes shall be subject to confirmation by the Governor and shall not be carried into effect until such confirmation shall have been received."

Trial before
jury for
prison offence.

Section 62 of the Principal Ordinance which it is proposed to amend :—

62. Any prisoner may be charged before any court of competent jurisdiction with any offence against prison discipline, and such court may sentence the offender to imprisonment for a period not exceeding six months. Such sentence shall run from the expiration of any previous sentence.

12. Section 62 of the Principal Ordinance is hereby amended by the addition thereto of the following proviso :—

Amendment of
section 62 of
the Principal
Ordinance.

Provided that nothing in this Ordinance shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, and provided that no prisoner shall be punished twice for the same offence."

OBJECTS AND REASONS.

The object of this Bill is to amend the Principal Ordinance in the following respects :—

Clause 2.—This clause defines the terms " penal diet " and " reduced diet." Both these terms appear in the Principal Ordinance and they are so similar that it is desirable to distinguish them by means of definitions in the Ordinance.

Clauses 3, 4 and 6 make verbal alterations in the Principal Ordinance.

Clause 5 enables a remand prisoner to be transferred by direction of the Commissioner to any prison in which he may most conveniently be detained.

Clause 7.—Under section 40 (1) of the Principal Ordinance the right to earn a remission of sentence is given to every criminal prisoner under sentence of imprisonment for six months or more; but no remission can be earned until six months have been served. The proposed amendment is designed to give the same benefit of earning a remission to a prisoner serving a sentence of six months.

Clause 8.—Section 42 of the Principal Ordinance provides that the Commissioner of Prisons may grant to any prisoner under sentence of imprisonment for a term of three years or upwards who has completed two-thirds of any such sentence, and has been of good behaviour while undergoing his sentence, a licence to be at large. As the section now stands it is not clear if the grant of absolute remission in section 40 of the Principal Ordinance should apply to prisoners to whom licences to be at large are granted under section 42. The proposed amendment is designed to make it clear that the grant of ordinary remission, as is provided under section 40 of the Principal Ordinance, will also apply to prisoners to whom licences to be at large are granted.

Clause 9 enables rules to be made permitting prisoners of excellent character to have a specified quantity of tobacco.

Clause 10 corrects a printer's error in the Principal Ordinance.

Clause 11.—Under section 61 (2) of the Principal Ordinance a sentence of corporal punishment not exceeding twelve strokes requires the confirmation of the Governor only in the case of a non-native. This clause amends that sub-section so as to make the application of such section common both to natives and non-natives.

Clause 12 amends section 62 of the Principal Ordinance so as to provide that nothing in the Principal Ordinance contained shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary course of law.

No expenditure of public moneys will be involved if the provisions of this Bill become law.

4 p.c.
H

C. O.

Mr. Priestman 26/7

Mr. ~~Bottomley~~ 26/7

Mr. ~~Tomlinson~~

Mr. Parkinson

Mr. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

2 August
July 1932

S 4

Sir,

DRAFT.

KENYA

CONF. (2)

GOVERNOR

(2)

I have etc. to acknowledge the receipt of your confidential despatch No. 69 of the 20th May on the subject of the discriminatory provision contained in section 61 (2) of the Prisons Ordinance 1930.

(Draft below)

In my despatch No. 575 of the 2nd August I have approved the amendment of the Prisons Ordinance in the sense indicated in your despatch under reply.

I have etc.

(for the Secretary of State)

(Signed) R. W. HAMILTON

2 drafts

12
[Handwritten mark]

C. D.
R 27 JUL
D 30

Mr. Priestman 16/7
Mr. Abraham 26/7
Mr. *[Handwritten name]*

Mr. Parkinson.
Mr. Tomlinson.
Sir C. Bottomley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

[Handwritten signature]
2 August
1932

DRAFT.

KENYA
NO. 565
GOVERNOR

Sir,

I have etc. to acknowledge the receipt of your despatch No. 227 of the 19th May, with enclosures on the subject of the proposed amendment of the Prisons Ordinance 1930 and the ^RRules issued thereunder. I agree that the provisions of the draft bill and the draft rules submitted with your despatch under reply are at present adequate subject to ~~the~~ ^{being made} provision ⁱⁿ the rules for reduced diet in the case of non-native prisoners. I suggest, however, that the wording of the proposed new sub-section 2 of section 61 would be improved by the omission of the word "to" in the 7th line and possibly

(1)

"shall not exceed" in that place.

I have etc.

(for the Secretary of State)

(Signed) R. W. HAMILTON,

2



KENYA.

No. 69

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
20 JUN 1932
COL. OFFICE

20th May, 1932.

CONFIDENTIAL.

Sir,

I have the honour to acknowledge the receipt of your Confidential despatch of the 12th December, 1931, regarding the discriminatory provision contained in Section 61(2) of the Prisons Ordinance, 1930.

No 14
16281/30

2. That measure was still in draft at the time when the memorandum which accompanied my despatch No. 36 of the 11th March, 1931, was originally compiled, and I regret that the need for adding the relative provision was overlooked when the memorandum was forwarded to Lord Passfield. The corresponding provision in Chapter 37 of the Laws of Kenya, to which you refer, was also not included, as the whole Prisons legislation was under discussion and it was not clear in what form this particular provision would ultimately be placed on the statute book.

No 3
17210/51

2 AUG 1932

Answered Conf (2)

3. In the circumstances I am advised that, subject to your concurrence, the latter part of Section

THE RIGHT HONOURABLE

MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.1

2.

Section 61(2) of the present Prisons Ordinance should be amended to read:-

"Every sentence of corporal punishment exceeding twelve strokes shall be subject to confirmation by the Governor and shall not be carried into effect until such confirmation shall have been received."

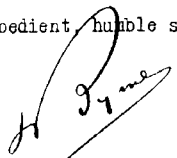
(This amendment has been incorporated in the draft amending Bill enclosed with my despatch no. 227 of the 19th May.)

No. 1

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General,
GOVERNOR.

KENYA.

No. 227



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
20 JUN 1932
COL. OFFIC -

19th May, 1932.

Sir,

No 13
16281/30

I have the honour to acknowledge the receipt of your despatch No. 824 of the 12th December, 1931, regarding the Prisons Ordinance, 1930, and to submit the following observations on the points raised by yourself and the Prison Commissioners:-

Section 21. Duties of Medical Officers.

I am advised that the omission in the 1930 Ordinance of the provision that the Medical Officer or his subordinate shall visit the prison daily is due to the impracticability of always securing this in practice. No prison has a whole-time Medical Officer, and in the case of some of the smaller prisons there are no medical facilities. In practice, however, I am informed that Medical Officers at first and second class prisons make very frequent visits and always do so when specially requested by the Superintendents.

Unrecord 565 2 AUG 1932

In view of the limited local facilities I suggest that it would be superfluous to include general statutory provision on the lines contemplated by the Prison Commissioners, though I am assured that the requirements with regard to medical examination and inspection are enforced at the three first class prisons at Nairobi, Mombasa and Kisumu.

/Section 28.

THE RIGHT HONOURABLE
SIR PHILIP CULLIFER-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

- 2 -

Section 28. Juvenile Prisoners.

You have been informed of the position in regard to the Juvenile Offenders Bill in my despatch No. 83 of the 26th February. The Commissioner of Prisons is being asked to obtain statistics in regard to the enquiry by the Prison Commissioners regarding the ages of young persons committed to adult prisons.

17269/31
Duplicate
attached

Section 33. Lunatic Prisoners.

I agree that the suggested amendment is desirable.

Sections 40 to 42. Remissions of Sentences.

I agree to an amendment on the lines suggested.

It would appear also that an amendment of Section 42 so as to include the ordinary remission of sentence provided for in Section 40 will be necessary.

In regard to the observations of the Prison Commissioners on the administration of Section 41, I have recently issued instructions that in future all sentences of ten years' imprisonment or more, including commuted death sentences, shall be brought up for periodical review by me at intervals of five years during the currency of the sentences.

Section 59. Diet.

I agree that the insertion in the Ordinance of definitions of penal and reduced diets is desirable. The opportunity will also be taken to provide in the Rules for a reduced diet in the case of non-native prisoners.

Where has
this been done?

Section 61. Corporal Punishment.

This Section substantially follows Section 27 of the Penal Code and there would appear to be

sufficient safeguard in that under sub-section 2 no sentence of corporal punishment exceeding twelve strokes can be given effect to without the sanction of the Governor.

I have, however, no objection to the re-enactment of the limitation provided in Section 89 of the repealed Ordinance.

The further amendment of this Section which appears in the accompanying draft amending Bill is dealt with in other correspondence.

2. The printing errors referred to in paragraph 4 of your despatch will be duly rectified.

3. In regard to the Rules of the 28th December, 1930, referred to in paragraph 5:-
Rule 11.

In practice a prison officer sentenced to imprisonment would automatically be discharged and it is proposed to repeal the provision in question.

Rule 25(5).

The provision whereby Civil Debtors can be required to work was introduced by an amendment to the repealed Ordinance effected by Section 4 of Ordinance No. IX of 1925. It has been found in practice that exemption from all obligation to work is subversive to discipline and I should deprecate a repeal of this provision.

4. I agree that the provision in regard to solitary confinement referred to in paragraph 5 should be re-enacted, and the necessary addition will be made to the Rules.

See draft rule 2 at

See draft rule 3

But see
Section 104
Bill

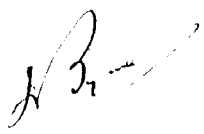
5. In regard to paragraph 6 of your despatch I am advised that the question is covered by Section 20 of the Penal Code and Section 22 of the Interpretation and General Clauses Ordinance, Chapter 1 of the Revised Edition, and no amendment to the Ordinance would appear therefore to be necessary in this respect.

6. I enclose a draft amending Bill and ~~rules~~ embodying the amendments dealt with in this correspondence, and I shall be glad to learn whether you agree that their provisions adequately cover the issues raised.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General,
GOVERNOR.

A BILL TO AMEND THE PRISONS ORDINANCE, 1930.

BE IT ENACTED by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof, as follows:-

Short title.

1. This Ordinance may be cited as "the Prisons (Amendment) Ordinance, 1932," and shall be read as one with the Prisons Ordinance, 1930, hereinafter referred to as "the Principal Ordinance".

Amendment of Section 2 of the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended as follows:-

- (a) by the insertion of the word "assistant" between the words "no" and "superintendent" in the third line of the definition of the term "superintendent";
- (b) by the addition of the following definitions after the definition of "prohibited article" -

'penal diet' means a punishment diet sufficient to sustain life for a limited period provided that it is not combined with hard labour;

'reduced diet' means a punishment diet not entailing exemption from hard labour."

Amendment of Section 14 (2) of the Principal Ordinance.

3. Paragraph (2) of section 14 of the Principal Ordinance is hereby amended by the insertion of the word "and" between the words "prison" and "an" which occur in the third line thereof.

Amendment of Section 22 (4) of the Principal Ordinance.

4. Sub-section (4) of section 22 of the Principal Ordinance is hereby amended as follows:-

- (a) by the deletion of the word "and" which occurs in the seventh line thereof.

(b) by the insertion of the word "and" at the end of paragraph (d) thereof.

Amendment of Section 33 of the Principal Ordinance.

5. Section 33 of the Principal Ordinance is hereby amended by the substitution of the word "appear" for the words "become or be found" which occur in the first line thereof.

Amendment of Section 40 of the Principal Ordinance.

6. Section 40 of the Principal Ordinance is hereby amended by the substitution of the words "more than six months" for the words "six months or more" which occur in the second line thereof.

Amendment of Section 42 of the Principal Ordinance.

7. Section 42 of the Principal Ordinance is hereby amended by the addition at the end thereof of the following:-

"Any licence granted under this section shall, unless revoked or altered by the Commissioner, continue in force for the unexpired portion of the sentence, less any period of remission earned under section 40 of this Ordinance."

Amendment of Section 57 (21) of the Principal Ordinance.

8. Paragraph (21) of section 57 of the Principal Ordinance is hereby amended by the substitution of the word "wells" for the word "walls" which occurs in the first line thereof.

Amendment of Section 61 (2) of the Principal Ordinance.

9. Sub-section (2) of section 61 of the Principal Ordinance is hereby repealed and the following substituted therefor:-

"(2) A sentence of corporal punishment shall be to be whipped once only. Such whipping shall be with a rod or cane to be approved by the Governor or with such other instrument as the Governor may approve. The sentence shall specify the number of strokes which shall not exceed twenty-four, and in the case of a person under the age of sixteen years (to) twelve strokes with a light cane. Every sentence of

be subject to confirmation by the Governor and shall not be carried into effect until such confirmation shall have been received."

Amendment of Section 62 of the Principal Ordinance.

10. Section 62 of the Principal Ordinance is hereby amended by the addition thereto of the following proviso:-

"Provided that nothing in this Ordinance shall be construed to exempt any prisoner from being proceeded against for any offence by the ordinary course of law, and provided that no prisoner shall be punished twice for the same offence."

THE PRISONS ORDINANCE, 1930.

R U L E S

IN EXERCISE of the powers conferred upon him by section 69 of the Prisons Ordinance, 1930, and all other powers thereunto enabling him, His Excellency the Governor in Council has been pleased to make the following Rules:

1. These Rules may be cited as "the Prisons (Amendment) Rules, 1932," and shall be read as one with the Prisons Rules, 1930, hereinafter referred to as "the Principal Rules".

2. Rule 11 of the Principal Rules is hereby amended by the deletion of paragraph (a) thereof, and by renumbering paragraphs (b) and (c) as paragraphs (a) and (b).

3. Rule 22 of the Principal Rules is hereby amended by the addition of the following as paragraph 20 thereof:-

"(20) No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with a prison officer."

BY Command of His Excellency the Governor in Council:

Nairobi,

the

day of

, 1932. CLERK TO THE EXECUTIVE COUNCIL.