

Tanzania

Prisons Act

Prisons (Prison Offences) Regulations, 1968

Government Notice 13 of 1968

Legislation as at 31 July 2002

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Prisons (Prison Offences) Regulations, 1968 (Government Notice 13 of 1968)

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Commenced

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[section 105; G.N. No. 13 of 1968]

1. Citation

These Regulations may be cited as the Prisons (Prison Offences) Regulations.

2. Minor prison offences

The following acts and omissions by shall be deemed to be minor prison offences—

- (a) making unnecessary noise during working hours or at any time after having been ordered by a prison officer to desist;
- (b) quarrelling with any other prisoner;
- (c) making a groundless complaint;
- (d) cursing, swearing or using indecent, violent, threatening or insulting language;
- (e) showing disrespect to a prison officer or other employee of the prison or an official visitor;
- (f) answering untruthfully any question put to a prisoner by a prison officer or an employee of the prison or an official visitor;
- (g) holding any communication in writing, by word of mouth or otherwise with any person not employed within the prison, except with a visitor to such prisoner lawfully admitted into the prison;
- (h) doing any act or using any language calculated to wound or offend the feelings and susceptibilities of any other prisoner;
- (i) doing any act calculated to create unnecessary alarm in the mind of any prisoner or any prison officer or employee of the prison;
- (j) hiding any article whatsoever;
- (k) without the permission of a prison officer, leaving the ward, yard, place in file, seat or berth assigned to the prisoner;
- (l) visiting the latrines without the permission of a prison officer or remaining there longer than is necessary;
- (m) without the permission of a prison officer, leaving the gang to which the prisoner is attached, or the part of the prison in which the prisoner is confined;

- (n) omitting or refusing to march in file when moving about the prison or proceeding to or returning from work;
- (o) loitering in the yards or in the wards when these are open;
- (p) refusing to eat the food prescribed by the prison dietary scale;
- (q) appropriating, eating or having in his possession any food not assigned to the prisoner or taking from or adding to the portions assigned to other prisoners;
- (r) without the permission of a prison officer, removing 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;
- (s) wilfully destroying food or throwing it away without being ordered to do so;
- (t) giving, bartering or selling any portion of food to any other prisoner or person;
- (u) introducing into food anything likely to render it unpalatable or unwholesome;
- (v) omitting or refusing to wear the clothing issued, or exchanging any part of such clothing for the clothing of any other prisoner, or losing, discarding, damaging or altering any part of the clothing issued;
- (w) removing, defacing or altering any distinctive number, mark or badge attached to or worn on the clothing of the prisoner or any other person;
- (x) omitting or refusing to keep the person clean or disobeying any order regulating the cutting or shaving of hair;
- (y) omitting or refusing to keep clothing, blankets, bedding or utensils clean, or disobeying any order as to the arrangement or disposition of such articles;
- (z) taking the prison clothing or any part of the prison kit of any other prisoner;
- (aa) tampering in any way with prison locks, lamps or light, or other property with which the prisoner has no concern;
- (bb) committing a nuisance in any part of the prison;
- (cc) spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison;
- (dd) wilfully befouling the latrines, washing or bathing places;
- (ee) defacing or damaging the walls, furniture or other property of the prison;
- (ff) failing or refusing to take care of any prison property entrusted to the prisoner;
- (gg) failing or refusing to take care of, damaging, destroying or misappropriating any materials entrusted to the prisoner for work;
- (hh) omitting to report at once any loss, breakage or damage caused by the prisoner to prison property or equipment;
- (ii) manufacturing any article without the knowledge or permission of a prison officer;
- (jj) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;
- (kk) mixing any foreign substance with, or adding any foreign substance to, the materials issued for work;
- (ll) causing, or omitting to assist in the suppression of, violence or insubordination of any kind;
- (mm) immoral, indecent or disorderly behavior;

- (nn) omitting or refusing to help any prison officer or other employee of the prison in the case of an attempted escape or of an attack upon such officer or employee or prisoner;
- (oo) disobeying any lawful order of a prison officer, or omitting or refusing to perform duties in the manner prescribed;
- (pp) being idle, careless or negligent at work, or refusing to work;
- (qq) malingering;
- (rr) refusing to undergo medical treatment;
- (ss) having in his possession any article to which the prisoner is not entitled;
- (tt) attempting to commit any of the foregoing offences;
- (uu) aiding or abetting the commission of any of the foregoing offences;
- (vv) any other act, conduct, disorder or neglect to the prejudice of good order or discipline.

3. Major prison offence

The following acts and omission by prisoners shall be deemed to be major prison offences—

- (a) offering gross personal violence to a prison officer;
- (b) taking part in any assault or attack on a prison officer;
- (c) assaulting or taking part in an attack on an employee of the prison or on any other prisoner;
- (d) wilfully destroying any prison property;
- (e) using grossly abusive or offensive language to a prison officer or other employee of the prison;
- (f) escaping or conspiring to escape or assisting another prisoner to escape;
- (g) any act of gross misconduct or gross insubordination;
- (h) wilfully causing himself any illness, injury or disability;
- (i) making a false or groundless accusation or complaint against a prison officer or other employee of the prison;
- (j) when undergoing or about to undergo punishment, wilfully making a disturbance tending to interrupt the good order of the prison;
- (k) attempting to commit any of the foregoing offences;
- (l) aiding or abetting the commission of any of the foregoing offences;
- (m) committing a minor prison offence after having been twice previously found guilty of a similar minor prison offence.

4. Punishments which may be awarded by a subordinate prison officer

The punishments which may be awarded by an officer-in-charge, if he is a subordinate prison officer, in relation to a minor prison offence shall not exceed the following—

- (a) confinement in a separate cell with or without penal diet for a period of three days;
- (b) forfeiture of three days remission earned; or
- (c) forfeiture of some or all privileges for a period of three days.

5. Punishments which may awarded by a subordinate prison officer

The punishments which may be awarded by an officer-in-charge, if he is a senior prison officer, shall not exceed the following—

- (a) in relation to a minor prison offence—
 - (i) confinement in a separate cell with or without penal diet for a period of seven days;
 - (ii) forfeiture of fourteen days remission earned; or
 - (iii) forfeiture of some or all privileges for a period of fourteen days;
- (b) in relation to a major prison offence—
 - (i) six strokes with a cane in the case of prisoners of or under the apparent age of sixteen years and twelve strokes with a cane in all other cases;
 - (ii) confinement in a separate cell with or without penal diet for a period of fourteen days;
 - (iii) forfeiture of twenty-one days remission earned; or
 - (iv) forfeiture of some or all privileges for a period of twenty-one days.

6. Punishments which may be awarded by a senior prison officer

The punishments which may be awarded by the Commissioner in relation to a prison offence shall not exceed the following—

- (a) ten strokes with a cane in the case of prisoners of or under the apparent age of sixteen years and eighteen strokes with a cane in all other cases;
- (b) confinement in a separate cell with or without penal diet for a period of twenty-eight days;
- (c) forfeiture of twenty-eight days remission earned;
- (d) forfeiture of some or all privileges for a period of twenty-eight days.

7. Punishment diet

- (1) In any case where a punishment diet may be awarded, the diet shall be in accordance with one of the following scales as is appropriate to the normal dietary scale for the prisoner—
 - (a) Scale I: sixteen ounces of bread daily and water *ad libitum*;
 - (b) Scale II: eight ounces of rice daily and water *ad libitum*;
 - (c) Scale III: twelve ounces of maize meal daily, or twelve ounces of rice on Saturday or Sunday, and water *ad libitum*;
 - (d) Scale IV: sixteen ounces of bread or eight ounces of rice daily and water *ad libitum*.
- (2) Where a punishment diet is awarded for a period exceeding three days there shall be an interval of one day on full diet after each period of three days on punishment diet.

8. Confinement in a separate cell

- (1) No prisoner shall be awarded confinement in a separate cell for a total of more than ninety days in any period of twelve months.
- (2) Confinement in a separate cell shall not be continuous for more than seven days, and an interval of seven days shall elapse before a further period of such confinement.

- (3) Where a prisoner is awarded two periods of confinement in a separate cell the two periods shall be separated by a period of days not less than the longer of the two periods of confinement awarded.
- (4) A prisoner awarded confinement in a separate cell shall—
 - (a) be visited only by prison officers, the medical officer, ministers of religion and visiting justices;
 - (b) be visited once a day by the officer-in-charge and whenever practicable by the medical officer;
 - (c) be visited at intervals of not less than three hours during the day and night by a prison officer appointed to carry out such duty; and
 - (d) take physical exercise as the officer-in-charge shall direct but for a period of not less than one hour each day.

9. Corporal punishment

- (1) No award of corporal punishment shall be carried out by instalment.
- (2) Corporal punishment shall be inflicted upon prisoners of the age of sixteen years and over upon the bare buttocks with a light rattan cane without knots and the cane shall not be less than half an inch and not more than five-eighths of an inch in diameter and shall not exceed forty-two inches in length.
- (3) Corporal punishment shall be inflicted upon prisoners under the age of sixteen years upon the bare buttocks with a rattan cane without knots which is of a lighter type than that specified in paragraph (2) of this regulation and the cane shall not be less than one-quarter of an inch and not more than three-eighths of an inch in diameter and shall not exceed thirty-six inches in length.
- (4) During the infliction of corporal punishment the prisoner undergoing punishment shall be so placed that he cannot, by reason of the movement of his body, cause the strokes to fall upon any part of the body other than that upon which they are to be inflicted in accordance with this regulation.
- (5) During the infliction of corporal punishment suitable padding shall be kept in place over the small of the back of the prisoner undergoing the punishment in order to protect his kidneys and a piece of cotton cloth soaked in an antiseptic solution shall be kept spread over the buttocks of the prisoner.

10. Punishment in different prisons

Any punishment lawfully awarded, other than corporal punishment, may be carried out and undergone partly in one prison and partly in another prison.