

**Defence Act****DEFENCE (IMPRISONMENT AND DETENTION)  
REGULATIONS, 1984****ARRANGEMENT OF REGULATIONS***Citation*

## REGULATION

## REGULATION

1. Short title.

*Interpretation*

2. Interpretation.

**PART I***Control and Inspection of  
Military Establishments*

3. Inspectors of military establishments.
4. Inspection of military establishments.

**PART II***Provision, Classification and Use of  
Military Establishments*

5. Places in which persons may be required to serve military sentences of imprisonment or detention.
6. Classification of military establishments.

7. Provision of military establishments other than unit detention rooms.

8. Provision of unit detention rooms.

9. Places where officers and certain civilians may serve military sentences of imprisonment.

10. Soldiers sentenced in Barbados.

11. Soldiers sentenced out of Barbados.

12. Places in which sentences shall be served.

13. Places where military sentences of imprisonment may be served out of Barbados.

14. Places in which military sentences of detention may be served in Barbados.

**THE LAWS OF BARBADOS**

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

## REGULATION

15. Places in which military sentences of detention may be served out of Barbados.
16. Places in which women may serve military sentences of imprisonment or detention.
17. Removal from Barbados of persons serving sentences there.
18. Temporary custody of persons under sentence.
19. Committal to and removal from prisons and other establishments.
20. Release from military sentences of imprisonment or detention.
21. Authority for release from military establishment.
22. Temporary release.
23. Detention of soldier in safe custody.

## PART III

*Remission*

24. Remission of sentence.
25. Records of remission.
26. Automatic forfeiture of remission.
27. Restoration of forfeited remission.

## REGULATION

28. Effect on remission of subsequent sentences.

## PART IV

*Treatment, Employment, Discipline  
and Control of Soldiers under  
Sentence*

29. Application of Part IV of these Regulations.
30. Regulations to be brought to the notice of soldiers under sentence.
31. Purposes of training and treatment.
32. Corporal punishment and the use of force.
33. Admission to military establishments.
34. Accommodation of soldiers under sentence.
35. Provision of miscellaneous accommodation in military establishments.
36. Daily routine.
37. Work and training of soldiers under sentence.
38. Sundays and Public holidays.
39. Work in association.
40. Unauthorised work.
41. Earnings scheme.

## REGULATION

42. Rations for soldiers under sentence.
43. Smoking by soldiers under sentence.
44. Letters.
45. Parcels.
46. Censorship.
47. Visits by relatives and friends.
48. Visits by legal advisers.
49. Visits for the purpose of investigating offences.
50. Medical attention.
51. Functions of medical officer.
52. Attendance of medical officer.
53. Appeals.
54. Facilities for soldiers under sentence who wish to petition or appeal.
55. Complaints.
56. Searching soldiers under sentence.
57. Method of searching.
58. Persons of unsound mind.
59. Escapes.
60. Duration of sentences of persons who escape.
61. Deaths.

## REGULATION

62. Offences against discipline.
63. Jurisdiction of commandant and company commander.
64. Procedure for dealing with offences.
65. Punishments that may be awarded by a commandant.
66. Punishments that may be awarded by a company commander.
67. Boards of Visitors.
68. Corporal punishment prohibited.
69. Restricted Diets No. 1 and No. 2.
70. Conditions with reference to the award of restricted diet No. 1.
71. Conditions with reference to the award of restricted diet No. 2.
72. Conditions affecting restricted diet No. 1 and restricted diet No. 2.
73. Close confinement.
74. Mechanical restraint.
75. Authorisation of mechanical restraint.
76. Types of mechanical restraint.
77. The use of handcuffs.

## REGULATION

78. The use of the strait  
waistcoat

79. The use of the body belt

80. The use of the canvas suit

## PART V

*Religion, Education and Welfare*

81. Books of religious  
instruction

82. Chaplains

83. Duties of Chaplains

84. Divine Service

85. Education

86. Welfare

## PART VI

*Miscellaneous Regulations and  
Offences Relating to Military  
Establishments*

87. Unlawful conveyance of  
spirits or tobacco into  
military establishments.

88. Unlawful introduction of  
other articles.

89. Admission of visitors and  
others to military estab-  
lishments.

## REGULATION

## PART VII

*Unit Detention Rooms*

90. Application of these regu-  
lations to unit detention  
rooms.

91. Setting up unit detention  
rooms.

92. Segregation in unit deten-  
tion rooms.

## PART VIII

*Visiting Officers*

93. Appointment of visiting  
officers.

94. Duties of visiting officer.

95. Investigation of complaints  
by visiting officer.

96. Redress of complaints  
made to a visiting officer.

## PART IX.

*Staff of Military Establishments*

97. Duties of commandant.

98. Duties of members of the  
staff of military estab-  
lishment.

## FIRST SCHEDULE

## SECOND SCHEDULE

**Defence Act**

Cap. 159.

**DEFENCE (IMPRISONMENT AND DETENTION)  
REGULATIONS, 1984**

1984/160.

**Authority:** These regulations were made on 6th June, 1984 by the Defence Board under section 137 of the *Defence Act*.

**Commencement:** 6th June, 1984.

*Citation*

1. These Regulations may be cited as the *Defence (Imprisonment and Detention) Regulations, 1984*. Short title.

*Interpretation*

2. In these regulations,

Interpreta-  
tion.

(a) "commandant" means

- (i) in relation to a military establishment, being a military prison or military detention barracks, the officer appointed as commandant or superintendent thereof, and
- (ii) in relation to a military establishment, being unit detention rooms, the commanding officer of the unit providing the rooms in accordance with these regulations;

(b) "confirming authority" means in relation to a person under a sentence of imprisonment or detention passed by a court-martial, the authority by whom that sentence was confirmed;

(c) "legal adviser" means, in relation to a soldier under sentence,

- (i) an attorney-at-law who is entitled to practise in Barbados,
- (ii) with the approval of the commandant, any person who, in any country or territory outside Barbados,

**THE LAWS OF BARBADOS**

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

has rights and duties similar to those of an attorney-at-law in Barbados,

- (iii) a clerk in the full-time employment of any person referred to in paragraph (a) or (b) authorised by that person to interview a soldier under sentence, and
  - (iv) any naval, military, or air-force officer representing or assisting a prisoner for the purposes of his defence or in connection with a petition or an appeal;
- (d) "local commander" means, in relation to a military establishment, the Chief of Staff or any officer not below the rank of colonel or corresponding rank, superior in command to the commandant;
- (e) "overseas establishment" means an establishment under the control of the authorities of a country or territory outside Barbados in which military sentences of imprisonment or detention may be served wholly or partly in accordance with arrangements made by the Minister with those authorities pursuant to section 122 of the Act;
- (f) "reconsidering authority" means, in relation to a person under a military sentence of imprisonment or detention, an officer by whom the sentence may be reconsidered;
- (g) "reviewing authority" means, in relation to a person under a military sentence of imprisonment or detention, the authority responsible for reviewing the sentence under the Act;
- (h) "room" means, any cell or room and any other place of confinement within any premises and any premises comprised of huts or tents or any part of such premises;
- (i) "soldier" includes any man or woman who is subject to military law under the Act and is not an officer or a person subject to Part V of the Act by virtue of section 222 of the Act;
- (j) "superintendent" means any officer of field rank or corresponding rank appointed to superintend a military establishment in respect of which the senior full-time member of the staff is not an officer;

(k) "unit" includes a detachment of a unit.

## PART I

### *Control and Inspection of Military Establishments*

3. The Defence Board may appoint Inspectors of Military Establishments.

Inspectors  
of military  
establish-  
ments.

4. (1) An Inspector of Military Establishments shall inspect military establishments and report to the Defence Board on all Military Establishments at least once in every year.

Inspection  
of military  
establish-  
ments.

(2) Inspectors of Military Establishments are responsible to the Defence Board for the training of staff for employment in military establishments and for advising on the appointment and posting of officers for employment on the staff of military establishments.

(3) In the case of military establishments outside Barbados the local commander shall inspect, or arrange for the inspection on his behalf, of any military establishment in the area of his command in addition to the inspection of those establishments by Inspectors of Military Establishments.

## PART II

### *Provision, Classification and Use of Military Establishments*

5. (1) Subject to and in accordance with these regulations, a person may be required to serve the whole or any part of a military sentence of imprisonment or detention in a military establishment, civil prison or overseas establishment.

Places in  
which per-  
sons may be  
required to  
serve mili-  
tary sen-  
tences of  
imprison-  
ment or  
detention.

(2) Except for the purposes of temporary custody in accordance with regulation 18, a person on whom a military sentence of detention has been passed, shall not be required to serve any part of the sentence in a prison.

6. (1) Military Establishments comprise of the following classes

Classifi-  
cation of  
military  
establish-  
ments.

(a) military prisons,

- (b) military detention barracks, and
- (c) unit detention rooms.

(2) Combined military establishments may be provided comprising 2 or more military establishments of different classes.

(3) Notwithstanding paragraph (2), a combined military establishment shall not include unit detention rooms for women.

Provision  
of military  
establish-  
ments other  
than unit  
detention  
rooms.

7. Military prisons, military detention barracks and combined military establishments may be provided

- (a) in Barbados, only by the Defence Board; and
- (b) outside Barbados, by the Defence Board or by the Officer commanding an independent command.

Provision  
of unit  
detention  
rooms.

8. Unit detention rooms may be provided by the commanding officer of any unit being an officer not below the rank of lieutenant-colonel or corresponding rank, and shall be provided by the commanding officer of any unit, whatever his rank if he is required to do so by higher authority.

Places where  
officers and  
certain civil-  
ians may  
serve mili-  
tary sentences  
of imprison-  
ment.

9. (1) An officer, and a person to whom Part V of the Act applies by virtue of section 222 of the Act, upon whom a military sentence of imprisonment has been passed shall be required to serve that sentence in a civil prison in Barbados.

(2) Where a sentence referred to in paragraph (1) was for a term of more than 12 months and was passed outside Barbados, the officer or person referred to in that paragraph shall be required to serve, in a military establishment or an overseas establishment, that part of his sentence that he is required to serve outside Barbados in pursuance of a direction given by the confirming or reviewing authority under section 123 of the Act.

Soldiers  
sentenced  
in Barba-  
dos.

10. Subject to regulation 17, a soldier upon whom a military sentence of imprisonment or detention has been passed in Barbados shall be required to serve that sentence in Barbados.

Soldiers  
sentenced  
out of  
Barbados.

11. A soldier upon whom a military sentence of imprisonment or detention has been passed outside Barbados shall be required to serve that sentence,



- (a) where it exceeds 12 months, in Barbados, and he shall be required to serve outside Barbados that part of his sentence that he is required to serve in pursuance of a direction given by the confirming or reviewing authority under section 123 of the Act,
- (b) where it does not exceed 12 months, outside Barbados unless the confirming or reviewing authority otherwise directs.

12. A soldier shall serve the whole or any part of military sentence of imprisonment that he is required to serve in Barbados in a civil prison.

Places in which sentences shall be served.

13. A soldier shall serve the whole or any part of a military sentence of imprisonment that he is required to serve outside Barbados in a military establishment or overseas establishment.

Places where military sentences of imprisonment may be served out of Barbados. Places in which military sentences of detention may be served in Barbados.

14. A soldier shall serve the whole or any part of a military sentence of detention that he is required to serve in Barbados in a military establishment, not being a military prison.

15. A male soldier shall serve the whole or any part of a military sentence of detention that he is required to serve outside Barbados in a military establishment, not being a military prison or, if his sentence exceeds 12 months and no suitable military establishment is available, in an overseas establishment not being a prison.

Places in which military sentences of detention may be served out of Barbados.

16. (1) A woman shall serve the whole or any part of a military sentence of imprisonment in a civil prison, an overseas establishment or in unit detention rooms for women.

Places in which women may serve military sentences of imprisonment or detention.

(2) A woman shall serve the whole or any part of a military sentence of detention in unit detention rooms of a unit for women.

17. A person who is serving a military sentence of imprisonment or detention in Barbados may, by order of the confirming authority, reviewing authority or reconsidering authority, be removed to any place outside Barbados where the unit or any part thereof to which he belongs is serving or is under orders to serve, but not to any other place.

Removal from Barbados of persons serving sentences there.

Temporary  
custody of  
persons  
under  
sentence.

18. (1) Notwithstanding anything hereinbefore contained and subject to section 121 of the Act, a person on whom a military sentence of imprisonment or detention has been passed may be detained temporarily,

- (a) on the written order of his commanding officer, in civil custody for a period not exceeding 7 days in accordance with subsection (2) of section 124 of the Act; or
- (b) on the written order of his commanding officer or the commandant or other person in charge of the establishment or prison where he is
  - (i) in any military establishment, but a person on whom a military sentence of detention has been passed shall not be detained in a military prison for longer than 7 days on any one occasion, or
  - (ii) in such other form of military custody as may be determined by his commanding officer or the commandant or other person in charge of the establishment or prison.

(2) Paragraph (1) applies to any person who

- (a) is awaiting admission to any prison or other military establishment or is in transit from one prison or establishment to another;
- (b) is being removed from one country or place to another;
- (c) has appealed against his conviction to the Court of Appeal, and is entitled or ordered to be present at any place for the purposes of Part V;
- (d) is required or entitled to be present at any civil court, court-martial or inquiry; or
- (e) is, for any other reason connected with military duty, required to be removed temporarily from the prison or other establishment where he is for the time being serving his sentence to some other place.

Committal  
to and re-  
moval from  
prisons and  
other estab-  
lishments.

19. (1) Subject to section 121 of the Act, a person under military sentence of imprisonment or detention shall not be

- (a) committed to a civil prison or overseas establishment, or to a military establishment or form of custody, or

- (b) removed from one country or place to another, or from one prison or establishment or from one form of custody to another,

except in pursuance of an order made on the appropriate form specified in Part I of the *First Schedule*.

First  
Schedule.

(2) An order referred to in paragraph (1) must be duly completed in accordance with the instructions contained in that behalf in Part I of the *First Schedule* and signed by an officer of such rank and appointment as are specified therein.

20. (1) No person under military sentence of imprisonment or detention shall be released from a military or overseas establishment or form of custody except

Release from  
military sen-  
tences of im-  
prisonment or  
detention.

- (a) in accordance with an order of the Court of Appeal or other civil court of competent jurisdiction,
- (b) in accordance with an order made in the form specified in Part II of the *First Schedule* and signed by an officer of such rank and appointment as are specified therein, or
- (c) on the expiration of his sentence, less any remission allowed in accordance with these regulations.

First  
Schedule.

(2) Where a sentence expires on a Sunday, Christmas Day or Good Friday the person referred to in paragraph (1) shall be released on the day preceding the Sunday, Christmas Day or Good Friday, as the case may be, and the uncompleted day of his sentence shall be deemed to be remitted.

21. A soldier under sentence shall not be released from imprisonment or detention in a military establishment except

Authority  
for release  
from  
military  
establishment.

- (a) in accordance with regulation 20,
- (b) in accordance with any provision of these regulations under which a soldier may be removed from one place, establishment, or form of custody to another place, establishment or form of custody, or
- (c) for the purposes of medical examination, observation or treatment for such period and subject to such conditions as the commandant, acting on the advice of the medical officer, determines.

Temporary  
release.

22. (1) The commandant of a military establishment may, in the cases and subject to the conditions set out in this regulation authorise the temporary release of a soldier under sentence from a military establishment on compassionate grounds.

(2) The cases in which a soldier under sentence may be released temporarily under paragraph (1) are

- (a) where the death or dangerous illness of a near relative occurs and the commandant is satisfied that the presence of the soldier under sentence is desirable;
- (b) where damage has been suffered by any premises occupied by the soldier's family or near relatives, and the commandant is satisfied that the presence of the soldier under sentence is desirable;
- (c) where the soldier under sentence could not make arrangements preliminary to or consequent upon the birth of a child, and the commandant is satisfied that the presence of the soldier under sentence is desirable for that purpose;
- (d) where the soldier under sentence has requested facilities to enable him to marry a woman who is expecting a child; and
- (e) where there are domestic difficulties concerning the soldier under sentence or his family and the commandant is satisfied that the personal attendance of the soldier under sentence is desirable.

(3) The conditions subject to which the commandant of the military establishment may authorise the temporary release of a soldier under sentence are

- (a) that the soldier under sentence shall comply with any conditions laid down by the commandant and to be observed by or in relation to the soldier under sentence during the period of his temporary release, including any conditions as to custody during the period of temporary release and as to the place where the soldier may or may not go during that period; and
- (b) that if the soldier under sentence fails to comply with any conditions subject to which he was temporarily released the period of his temporary release shall thereby be

terminated, and the soldier under sentence shall return forthwith to the military establishment.

(4) The period of temporary release is not to be counted as part of the sentence served by the soldier.

23. Where the commandant of a military establishment receives an order in writing from the commanding officer of a soldier who has been remanded for trial by court-martial, or has been tried and is awaiting promulgation of the finding and sentence of a court-martial, or is awaiting investigation or disposal of a charge against him, the commandant may detain the soldier in safe custody in the military establishment if

*Detention  
of soldier  
in safe  
custody.*

- (a) there is accommodation available in the military establishment in which the soldier may be segregated from soldiers under sentence; and
- (b) the commandant can make arrangements for the soldier to be supplied with the ordinary rations of a soldier, not being a soldier under sentence.

### PART III

#### *Remission*

24. (1) Subject to the provisions of these regulations relating to the forfeiture of remission, a soldier under sentence in a military establishment or an overseas establishment is entitled to have part of his sentence remitted in accordance with the following provisions:

*Remission  
of sentence.*

- (a) where his sentence does not exceed 24 days, nil;
- (b) where his sentence exceeds 24 days but does not exceed 28 days, a period equal to the number of days by which the sentence exceeds 24 days;
- (c) where his sentence exceeds 28 days, one-third of the period of his sentence, except in a case where this would result in the soldier under sentence serving less than 24 days when the period of remission is such as would reduce, to 24 days, the period of the sentence he is required to serve.

(2) For the purpose of calculating remission in accordance with paragraph (1), fractions of a day shall be ignored.

Records of  
remission.

25. (1) The commandant of a military establishment shall maintain a record

- (a) of the remission to which a soldier is entitled in accordance with regulation 24, and
- (b) of any remission forfeited in accordance with these regulations.

(2) The commandant or an officer authorised by the commandant shall, at frequent intervals, verify the record referred to in paragraph (1).

(3) The record referred to in paragraph (1) shall be produced to a Board of Visitors, the commandant, and any company commander to whom the commandant has, under these regulations, delegated jurisdiction, on each occasion that a soldier under sentence has been brought before the Board of Visitors, commandant or company commander on a charge that the soldier under sentence has committed an offence against these regulations, but the record shall not be produced until

- (a) there has been a finding that the soldier under sentence is guilty of an offence with which he has been charged,
- (b) a decision has been reached that the alleged offence be reported to the local commander, or
- (c) the commanding officer of the soldier under sentence disposes of the charge otherwise than in accordance with any jurisdiction conferred by these regulations.

Automatic  
forfeiture  
of re-  
mission.

26. One day's remission of the sentence of a soldier under sentence in a military establishment or an overseas establishment shall be forfeited in respect of each period of 2 days and in respect of each odd day on which the soldier under sentence is unable to carry out the work or training that would otherwise be required of him by reason of

- (a) his sickness occasioned by his owned misconduct,
- (b) his undergoing a sentence of a civil court, or
- (c) his being in the lawful custody of any civil authority.

27. Remission forfeited under these regulations may be restored by order of

Restoration  
of for-  
feited re-  
mission.

- (a) the reviewing authority,
- (b) the reconsidering authority, or
- (c) the commandant with the approval of the reviewing authority or the reconsidering authority.

28. (1) Where a soldier under sentence is serving a military sentence of imprisonment or detention in a military establishment, in this regulation referred to as "the earlier sentence", and a further sentence of imprisonment or detention has been passed on or awarded to him, in this regulation referred to as "the later sentence", the remission to which he is entitled shall be calculated as follows:

Effect on  
remission  
of subse-  
quent  
sentences.

- (a) where the later sentence is to run consecutively with the earlier sentence, he shall serve the earlier sentence (less any remission to which he is entitled), and a new record of remission calculated in accordance with regulations 24 to 27 shall then be prepared in relation to the later sentence; and
- (b) where the later sentence is to run concurrently with the earlier sentence, a new record of remission calculated in accordance with regulations 24 to 27 shall be prepared, and the date of his release shall be the date on which he would be released on the earlier sentence, or the date on which he would be released on the later sentence, whichever is later.

(2) For the purpose of calculating the remission in respect of the earlier sentence under paragraph (1)(b) the date on which the soldier under sentence would be released shall be the date on which he would be released having regard to the period of remission to which he was entitled on the date of the passing or award of the later sentence less, in the case of a sentence passed by court-martial, a period equal to any period of remission forfeited between the date of the passing of the later sentence and the promulgation thereof.

(3) Any reference in this regulation to the date on which a sentence by court-martial is passed includes, in a case where the court directs pursuant to subsection (5) of section 141 of the Act

that a sentence shall begin to run from the day on which the court dismisses an application for leave to appeal, that day.

#### PART IV

##### *Treatment, Employment, Discipline and Control of Soldiers under Sentence*

Applica-  
tion of  
Part IV of  
these regula-  
tions.

29. This Part applies, except where otherwise stated or the context otherwise requires, to all soldiers under sentence in military establishments.

Regula-  
tions to be  
brought to  
the notice  
of soldiers  
under sen-  
tence.

30. A copy of this Part, or a sufficient abstract thereof in a form approved by the Defence Board, shall be displayed conspicuously in every military establishment in such places that it can be seen by every soldier under sentence.

Purposes  
of train-  
ing and  
treatment.

31. The purposes of the training and treatment of soldiers under sentence are to establish in them the will, and to fit them, to become better soldiers and citizens.

Corporal  
punish-  
ment and  
the use of  
force.

32. (1) Corporal punishment shall not be inflicted on soldiers under sentence.

(2) In the treatment of a soldier under sentence force shall not be used unnecessarily, but if the use of force is necessary no more force shall be used than is necessary.

Admission  
to military  
establissh-  
ments.

33. On admission to a military establishment the following procedure shall be observed:

- (a) the order or warrant of committal shall be examined and the attention of the commandant shall be directed to any omission or irregularity;
- (b) except for that amount of his clothing and other articles that a soldier under sentence is authorised to have in his possession, his equipment, and every other article or thing that accompanies the soldier on admission, whether it is his own property or not, shall be taken from him;
- (c) clothing, equipment, and any other public or service property shall be dealt with in accordance with the regulations or instructions of the Service to which the



- soldier under sentence belongs, and the remainder shall be retained by the commandant for safe custody;
- (d) a record of such property shall be kept and the record shall be signed by the soldier under sentence and by a member of the staff of the military establishment;
  - (e) the property, other than perishable articles, shall be returned to the soldier under sentence on his release if he is willing to acknowledge its return by signing a record that it has been delivered up to him;
  - (f) money shall be kept in safe custody or paid into an account at a bank and the equivalent amount paid to the soldier on release or disposed of at the discretion of the commandant by sending it to any person at the request of the soldier;
  - (g) perishable articles shall be disposed of at the discretion of the commandant who shall, so far as practicable, take account of the soldier's wishes in relation to them;
  - (h) at the discretion of the commandant, any property that he holds in safe custody on behalf of a soldier under sentence may be delivered or sent to a relative or friend of the soldier under sentence;
  - (i) the soldier under sentence shall be searched in accordance with these regulations to ensure that he has not in his possession any article or thing that he is not authorised to have;
  - (j) the soldier under sentence shall be weighed and his weight recorded;
  - (k) within 24 hours of admission, or within 48 hours in a case where the soldier under sentence has been medically examined and certified as fit to undergo his sentence either on the day of admission or the previous day, the soldier under sentence shall be medically examined by a medical officer;
  - (l) the religious denomination, if any, of a soldier under sentence shall be recorded and a chaplain of that denomination shall be informed of his admission;
  - (m) if the soldier under sentence has not declared his religious denomination, or if no chaplain of that denomination has been appointed in respect of the military

establishment, notification of the soldier's admission shall be given to the Anglican chaplain or, as the case may be, to a chaplain of a denomination other than that of the soldier under sentence;

- (n) within 24 hours of admission the commandant or a member of the staff of the military establishment shall satisfy himself that a soldier under sentence has read, or has had explained to him, the regulations governing his conduct, treatment, employment and discipline, and the means by which he may bring complaints to the notice of his commanding officer, the commandant and visiting officers, in accordance with the Act and these regulations.

Accommo-  
dation of  
soldiers  
under  
sentence.

34. (1) No room shall be used for the confinement of a soldier under sentence unless a medical officer certifies

- (a) that its size, lighting, heating, ventilation and fittings are adequate for health, and
- (b) that it allows the soldier under sentence to communicate at any time with a member of the staff of the military establishment.

(2) The medical officer mentioned in paragraph (1) shall, in any certificate given by him in relation to a room in which more than 1 soldier may be accommodated, state the maximum number of soldiers under sentence who may be confined therein.

(3) The size of rooms intended for occupation by soldiers under sentence must be such as to provide at least 600 cubic feet capacity for each soldier under sentence accommodated therein unless in any particular case, having regard to the exigencies of the Service, the local commander authorises the temporary accommodation of soldiers under sentence in rooms of smaller capacity.

(4) In every military establishment special rooms shall be provided for the temporary confinement of soldiers under sentence who are refractory or violent.

(5) Every soldier under sentence shall be provided with separate bedding, and, where circumstances are such that beds can be provided, with a separate bed.

(6) Confinement must be solitary or at least 3 men may be confined to 1 room, but 2 soldiers shall never be confined in 1 room.

35. The commandant shall, within a military establishment, set aside the following accommodation:

Provision  
of mis-  
cellaneous  
accommoda-  
tion in  
military  
establish-  
ments.

- (a) a medical detention room where soldiers under sentence may be given medical examinations, observation, treatment and attention on the occasions when, in the opinion of the medical officer, any such examination, observation, treatment or attention is required and the soldier under sentence is not sufficiently ill to necessitate his admission to hospital, and
- (b) a room where soldiers under sentence may receive visits authorised by these regulations.

36. Subject to these regulations relating to the number of hours of work or training to be done by persons under sentence therein, the daily routine of a military establishment shall be determined by the commandant in accordance with any instructions issued by or under the authority of the Defence Board.

Daily  
routine.

37. (1) Subject to paragraph (3), and regulation 38, during the whole of his sentence a soldier under sentence shall be engaged in work or training for not more than nine, or less than 6 hours a day, excluding times for meals, but a soldier shall not be engaged in work or training until he has been examined by a medical officer and certified as fit for the type of work and training it is intended he should do.

Work and  
training of  
soldiers  
under  
sentence.

(2) Training in military prisons and detention barracks consists of periods of physical training for the preservation of health.

(3) Nothing in this regulation shall require that a soldier be engaged in work or training at any time when he is

- (a) in close confinement;
- (b) undergoing restricted diet as a punishment;
- (c) excused work or training on medical grounds on the advice of a medical officer; or

- (d) excused work by the commandant or engaged in some other activity authorised by or under these regulations.

Sundays  
and public  
holidays.

**38.** (1) On Sundays, Christmas Day and Good Friday a soldier shall not be engaged on any work or training except work that is necessary for the service of the military establishment.

(2) A soldier under sentence whose Sabbath is on a day other than a Sunday shall not be required to do more work or training on that day than other soldiers are required to do on a Sunday, but such a soldier may be required to do work or training on Sundays.

Work in  
association.

**39.** (1) Subject to this regulation, a soldier under sentence who is employed in productive work shall work in association with other soldiers under sentence.

(2) Where the commandant of a military establishment considers that it is desirable

(a) in the interest of the soldier under sentence, or

(b) for the maintenance of good order and discipline,

that during any period a soldier under sentence should not work in association with others, he may arrange for that soldier to work in a room or place apart from other soldiers under sentence.

(3) A soldier under sentence shall not be required to work apart from other soldiers under sentence for more than 7 days, or, if authorised by a Board of Visitors, 14 days.

(4) In deciding whether a soldier under sentence shall work apart from other soldiers under sentence, and whether such a soldier ought to resume work in association with others, the commandant shall take into consideration any advice given by a medical officer.

Unau-  
thorised  
work.

**40.** A soldier under sentence shall not be employed directly or indirectly for the private benefit or advantage of any person, nor in any way contrary to these regulations or the orders of the commandant.

Earnings  
scheme.  
Second  
Schedule.

**41.** (1) In military establishments where productive work is done a soldier under sentence shall, in accordance with the *Second*

*Schedule*, be credited with weekly or daily sums of money related to the length of sentence he has completed.

(2) The soldier mentioned in paragraph (1) is not entitled to payment in cash of the sums mentioned in that paragraph until his release; but during his sentence he may be provided from the canteen of the military establishment with tobacco, cigarettes, and other articles of a retail value equal to the credits earned by him.

(3) No soldier under sentence is entitled to be credited with earnings in accordance with this regulation unless he is of good conduct and does the work assigned to him to the satisfaction of the commandant.

(4) A soldier under sentence may, as a punishment, be deprived of earnings in accordance with these regulations.

(5) This regulation only applies to military establishments designated by the Defence Board as establishments to which the earnings scheme applies.

42. (1) The food provided for soldiers under sentence must be of a nutritional value adequate for health and strength and of wholesome quality, well prepared and served, and reasonably varied.

Rations for  
soldiers  
under  
sentence.

(2) The commandant and members of the staff of a military establishment shall endeavour to ensure that every soldier under sentence, other than a soldier undergoing restricted diet as a punishment, receives the rations to which he is entitled.

(3) A soldier under sentence may complain if he believes that he is not getting the rations to which he is entitled, but he has no right to have his ration or any part of it weighed.

43. (1) A soldier under sentence in a military establishment shall be asked as soon as practicable after his admission whether he is a smoker or a non-smoker.

Smoking by  
soldiers  
under  
sentence.

(2) Where a soldier referred to in paragraph (1) states

(a) that he is a non-smoker he will be required to sign a certificate to that effect; or

(b) that he is a smoker he may smoke tobacco and cigarettes to the extent authorised by this regulation.

(3) Soldiers under sentence shall be authorised to smoke any cigarettes issued to them free, or obtained by them from the canteen of the military establishment as a result of any credit to which they may be entitled from earnings authorised by these regulations.

(4) No soldier under sentence is entitled to smoke tobacco or cigarettes obtained otherwise than in accordance with paragraph (3).

(5) No soldier under sentence shall smoke or have in his possession any tobacco, cigarettes, matches or lighter, or any naked light for the purpose of igniting tobacco or cigarettes, except at such times as are authorised in accordance with the standing or other orders of the commandant.

(6) The scales of cigarettes which may be issued free to soldiers under sentence shall be laid down in ration scales or other instructions issued from time to time by the Defence Board, and the first day of issue shall be the day after the admission of the soldier to the military establishment.

(7) No soldier under sentence who has signed a certificate that he is a non-smoker is entitled either to a free issue of cigarettes, or to purchase tobacco or cigarettes with his earnings.

(8) No soldier under sentence is entitled to smoke cigarettes issued free on any day other than the day of issue.

(9) Forfeiture of tobacco or cigarettes, (whether free issue or by withdrawing the right to purchase them with earnings from a canteen), may not be ordered as a punishment, but it may be ordered on the advice of a medical officer during any period of sickness; and soldiers under sentence who are in close confinement or on restricted diet as a punishment are not entitled to smoke or have in their possession any tobacco or cigarettes.

**Letters.**

**44. (1)** A soldier under sentence shall be allowed to write letters as follows:

- (a) on admission to a military establishment, 1 letter, and
- (b) in every week of his sentence following the week in which he was admitted, 1 letter.

(2) Writing paper, envelopes, and other materials required to enable a soldier to write the letters authorised by these regulations

shall be provided, and, subject to regulation 46, the letters shall be posted free of expense to the soldier under sentence.

(3) A soldier under sentence may receive

(a) any number of letters, and

(b) newspapers, journals and periodicals at the discretion of the commandant.

45. (1) A parcel addressed to a soldier under sentence shall be opened and examined by or under the authority of the commandant in the presence of the soldier to whom it is addressed. Parcela.

(2) Any article that the soldier under sentence is prohibited from receiving or is not authorised to receive shall be retained in safe keeping by the commandant and handed to the soldier on release, except in the case of perishable articles, which may be disposed of in accordance with the directions of the commandant by returning them to the sender or otherwise.

(3) A soldier under sentence is prohibited from receiving any articles, but with the consent and at the discretion of the commandant the soldier may receive toilet requirements, books, newspapers and other articles.

46. (1) The commandant of a military establishment or any officer deputed by him may scrutinise letters written by or addressed to soldiers under sentence. Censor-  
ship.

(2) The commandant may withhold from a soldier under sentence the whole or any part of a letter addressed to the soldier, but the commandant shall communicate to the soldier any part of the letter that is unobjectionable.

(3) The commandant may withhold a letter written by a soldier under sentence but in that case the commandant shall give the soldier an opportunity of writing in its place another letter that does not contain the material to which the commandant objects.

(4) Where any letter contains a complaint relating to the military establishment or the treatment of the soldier under sentence the commandant shall draw the attention of the soldier to his rights as to complaints.

(5) Where the commandant withholds a letter written by or addressed to a soldier under sentence, the commandant shall, in a journal, record that fact and his reasons for withholding the letter.

Visits by  
relatives  
and friends.

47. (1) A soldier under sentence may receive visits from his relatives and friends at the discretion of the commandant, and any such visits shall take place within the military establishment at times and places determined by the commandant.

(2) Any visit authorised under this regulation shall be within the sight and hearing of the commandant or a member of the staff of the military establishment.

Visits by  
legal  
advisers.

48. (1) The commandant shall provide reasonable facilities for a soldier under sentence who is interested in legal proceedings, or proposed legal proceedings, to be visited by his legal adviser.

(2) At the discretion of the commandant a soldier under sentence may be visited by his legal adviser with reference to other legal business.

(3) Any visit authorised by or pursuant to this regulation shall be within the sight, but not the hearing of the commandant or any member of the staff of the military establishment.

Visits for  
the pur-  
pose of  
investigat-  
ing offences.

49. (1) The commandant may permit a soldier under sentence to be visited by a member of the Police Force, or, on the written order of a staff officer or a provost officer, by any officer or other person whose duty it is to investigate the commission or suspected commission of an offence.

(2) The commandant shall permit any person to visit a soldier under sentence if that person is authorised, by a warrant or an order of a court, to visit the soldier.

Medical  
attention.

50. (1) The commandant shall ensure that every soldier under sentence who is

- (a) in close confinement, or
- (b) subject to any form of mechanical restraint, or
- (c) undergoing restricted diet as a punishment, or
- (d) sick, or complains of sickness,

is seen by a medical officer at least once every day.



(2) The medical officer referred to in paragraph (1) shall see daily any soldier under sentence to whom the medical officer's attention is especially directed by the commandant.

51. The medical officer has the care of the mental and physical health of soldiers under sentence, and the commandant shall act in accordance with the medical officer's advice in relation to those matters unless to do so would be contrary to any enactment, or the officer in charge of the medical services of the command in which military establishment is situated otherwise directs.

Functions  
of medical  
officer.

52. The medical officer shall attend at once, or as soon as the occasion requires, on receiving from the commandant information of the illness of a soldier under sentence.

Attendance  
of medical  
officer.

53. (1) The manner in which a soldier under sentence in a military establishment or an overseas establishment, who has appealed, or wishes to appeal, to the Court of Appeal against his conviction by court-martial may be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of Part VI of the Act, or any place to which the Court of Appeal or a Judge thereof may order him to be taken for the purposes of any proceedings of that court, are as follows:

Appeals.

- (a) he may be taken to, kept in custody at, and brought back from any such place in military, naval or air force custody; and
- (b) he may be kept in custody at any such place in any manner ordered by the Court of Appeal or a Judge thereof, or in a military, naval or air force establishment, in a civil prison or in a police station, but he shall not be kept in a civil prison or in a police station for periods exceeding 7 days at any one time.

54. (1) The commandant of a military establishment shall bring to the notice of soldiers under sentence therein their rights to petition or appeal.

Facilities  
for soldiers  
under sen-  
tence who  
wish to pe-  
tition or  
appeal.

(2) In addition to any other means chosen by the commandant for the purpose of paragraph (1), a notice shall be exhibited in every military establishment in a form prescribed by the Defence Board to notify a soldier of his rights to petition or appeal; and

any such notice shall be exhibited in places where it can be seen by all soldiers under sentence.

(3) The commandant of a military establishment shall, for the purposes of the petition or appeal, permit a soldier under sentence who intends to petition or appeal or whose appeal is pending

- (a) to receive visitors;
- (b) to be provided with reasonable quantities of writing materials;
- (c) to write and receive letters; and
- (d) to prepare and hand personally or to send by post to his legal adviser confidential written communications as instructions in connection with the petition or appeal.

(4) A confidential written communication is exempt from censorship unless the commandant has reason to believe that it contains material unrelated to the purposes of the petition or appeal, in which case it may be subject to censorship in accordance with these regulations.

(5) For the purposes of a petition or an appeal a soldier under sentence may receive a visit from a medical adviser, being a registered medical practitioner, selected by him or on his behalf by relatives or friends.

Com-  
plaints.

55. (1) A soldier under sentence who considers himself wronged in any matter may complain to the commandant of the military establishment in which the soldier is serving his sentence or to a visiting officer on the occasion of a visit by him.

(2) Where there is a company commander of a soldier under sentence the soldier shall forward any complaint he wishes to make to the commandant through the company commander.

(3) The commandant of a military establishment shall investigate any complaint made to him in accordance with this regulation and redress the matter complained of.

(4) A soldier under sentence may complain to his commanding officer as provided in section 173 of the Act and the company commander, if any, shall forward the complaint to the

commandant, and the commandant shall forward it to the commanding officer of the soldier under sentence.

(5) Where a soldier under sentence has not, in his opinion, received redress for any complaint made by him to the commandant or made in accordance with section 173 of the Act, he may, in addition to and without affecting his right to make a complaint in accordance with the Act and paragraphs (1) to (4), complain to the visiting officer, who shall deal with any such complaint in accordance with regulation 95.

(6) Without affecting the duties of a commandant or a company commander under this regulation, a commandant or company commander who believes that a soldier under sentence in making a complaint where he thinks himself wronged,

(a) has made a statement affecting the character of an officer, warrant officer, non-commissioned officer or soldier subject to service law, that the soldier under sentence knows to be false or does not believe to be true, or

(b) has wilfully suppressed any material facts,

may call the attention of the soldier under sentence to section 73 of the Act, so that the soldier under sentence may, if he so wishes, withdraw the complaint or the statement.

56. (1) On admission to a military establishment a soldier under sentence shall be searched in accordance with regulation 57.

Searching  
soldiers  
under sen-  
tence.

(2) The commandant of a military establishment may order that a soldier under sentence be searched at any time while he is serving his sentence.

57. The following provisions shall be observed in relation to the search of any person in a military establishment:

Method of  
searching.

(a) a search shall take place in the presence of at least 2 members of the staff;

(b) no person shall be present at any search except the commandant or members of the staff of the military establishment and, in particular, no soldier under sentence shall be present at the search of any other soldier under sentence;

- (c) no woman shall be searched except by a woman, and no woman shall be searched in the presence of any male person.

Persons of  
unsound  
mind.

**58.** Where a person serving a military sentence of imprisonment or detention, is a person of unsound mind, the commandant shall notify the Defence Board so that on discharge the person may be received into a mental hospital.

Escapes.

**59.** (1) Any member of the staff of a military establishment who discovers that a soldier under sentence has escaped shall immediately report the fact to the commandant.

(2) Where a soldier under sentence escapes from a military establishment, the commandant shall immediately inform the following persons:

- (a) the Commissioner of Police, if the establishment is situated in Barbados;
- (b) the local police of the area in which the military establishment is situated, if it is situated outside Barbados;
- (c) the nearest unit, detachment or other body of the Military Police;
- (d) the local commander;
- (e) the officer in charge of records;
- (f) the regimental paymaster; and
- (g) an Inspector of Military Establishments.

Duration of  
sentences  
of persons  
who escape.

**60.** The following are the prescribed authorities for the purposes of subsection (1) of section 119 of the Act:

- (a) in the case of a person upon whom a military sentence of imprisonment or detention was passed by court-martial, the reviewing authority or the reconsidering authority;
- (b) in the case of a person to whom a military sentence of detention has been awarded by his commanding officer, that officer.

Deaths.

**61.** (1) Where a soldier under sentence in a military establishment dies, the commandant shall,

- (a) if the death occurs in Barbados, immediately report the matter to the coroner having jurisdiction in the place where the military establishment is situated; or
- (b) if the death occurs outside Barbados, report the matter
  - (i) to any local civil authority authorised or required to inquire into the cause of death, or
  - (ii) to a higher military authority, requesting that a Board of Inquiry be convened with reference to the death, in accordance with the *Defence (Board of Inquiry) Rules, 1984* if there is no authority referred to in sub-paragraph (1). 1984/161.

(2) Nothing in this regulation affects the duty of the commandant or any other military authority to record or report the death in accordance with the requirements of any other law, or instructions.

**62.** A soldier under sentence commits an offence against these regulations if he Offences  
against  
discipline.

- (a) commits an offence of a nature that might be dealt with summarily by the commanding officer of a soldier of the regular force;
- (b) treats with disrespect, any member of the staff of a military establishment, any visitor thereto or any person employed thereat;
- (c) is idle, careless or negligent;
- (d) behaves irreverently at Divine Service;
- (e) uses any abusive, insolent, threatening or other improper language;
- (f) is indecent in any act or gesture;
- (g) communicates with any other soldier under sentence without authority;
- (h) leaves his room, place of work or other appointed place without permission;
- (i) commits any nuisance;
- (j) has in his room or possession any authorised article, or attempts to obtain such an article;

- (k) gives to or receives from any person any unauthorised articles;
- (l) makes repeated and groundless complaints;
- (m) fails to observe or comply with any condition relating to parole; or
- (n) attempts to commit any offence referred to in subparagraph (b) or paragraphs (g) to (h).

Jurisdiction  
of commandant  
and  
company  
commander.

**63.** (1) The commandant of a military establishment has jurisdiction to punish a soldier under sentence who commits an offence against these regulations.

(2) The commandant of a military establishment may delegate jurisdiction to a company commander under the command of the commandant to punish a soldier under sentence who commits an offence against these regulations.

Procedure  
for dealing  
with  
offences.

**64.** (1) A soldier under sentence who, while serving his sentence, commits any offence against the Act or these regulations shall be dealt with in accordance with this regulation.

(2) Where any member of the staff of a military establishment reports to the commandant that a soldier under sentence has committed an offence referred to in paragraph (1) the commandant shall, if the alleged offence is one over which he has no jurisdiction, or he has jurisdiction but the punishment he can award would be inadequate, report the alleged offence to the local commander with a request that the soldier be dealt with either under regulation 67 or under military law, as the case may be.

(3) The commandant shall ensure that a soldier under sentence who is alleged to have committed an offence against these regulations is informed of the alleged offence.

(4) A soldier referred to in paragraph (3) shall be brought before the commandant, and the evidence against the soldier shall be heard in his presence unless he agrees to the use of written evidence.

(5) Where written evidence is used punishment shall not be awarded to the soldier referred to in paragraph (3) unless he has been given an opportunity of questioning the accuracy of any written statement.

(6) The soldier under sentence shall be given a proper opportunity of hearing the facts against him and of presenting his case.

(7) The commandant shall inform the soldier under sentence whether the commandant finds the soldier guilty or not guilty of committing any offence that he is alleged to have committed.

65. (1) The commandant of a military establishment may award any of the punishments set out in paragraph (2) to a soldier under sentence found, by the commandant, to have committed any offence against these regulations.

Punish-  
ments that  
may be  
awarded by  
a comman-  
dant.

(2) The punishments referred to in paragraph (1) are:

- (a) close confinement for a period not exceeding 3 days;
- (b) restricted diet No. 1 for a period not exceeding 3 days;
- (c) restricted diet No. 2 for a period not exceeding 15 days;
- (d) deprivation of mattress for a period not exceeding 3 days;
- (e) forfeiture of remission of sentence for a period not exceeding 14 days;
- (f) deprivation of library books;
- (g) forfeiture or reduction of earnings;
- (h) extra military instruction; and
- (i) admonishment.

(3) Awards of restricted diet No. 1 and restricted diet No. 2 shall comply with the conditions contained in these regulations.

66. The commandant of a military establishment may delegate to a company commander under his command, being a member of the staff of a military establishment, jurisdiction to award the following maximum punishments to a soldier under sentence who is found by the company commander to have committed an offence against these regulations:

Punish-  
ments that  
may be  
awarded by  
a company  
commander.

- (a) restricted diet No. 2 for a period not exceeding 7 days;
- (b) deprivation of mattress for 1 day;
- (c) forfeiture of remission of sentence for a period not exceeding 3 days;

- (d) deprivation of library books for a period not exceeding 14 days;
- (e) extra military instruction, not exceeding 3 periods of 45 minutes each; and
- (f) admonishment.

Boards of  
Visitors.

67. (1) The local commander may appoint Boards of Visitors to exercise disciplinary powers at any military establishment within the area of his command.

(2) A Board of Visitors consists of 3 officers 1 of whom must not be below the rank of major, or corresponding rank, unless the exigencies of the Service make it impracticable, in which case the Board may consist of 2 officers only, 1 of whom must not be below the rank of major or corresponding rank.

(3) A Board of Visitors has the same jurisdiction as a commandant, and may award the punishments that may be awarded by a commandant subject to the following modifications:

- (a) the maximum period of close confinement that such a Board may award is 14 days;
- (b) the maximum period that such a Board may award on restricted diet No. 1 is 14 days, with the intervals prescribed by regulation 70;
- (c) the maximum period that such a Board may award on restricted diet No. 2 is 21 days;
- (d) the maximum period of forfeiture of remission that such a Board may award is the whole of the period of remission, but if the Board awards forfeiture of remission that exceeds 28 days the commandant shall report the matter to the reviewing authority who may mitigate or remit the award.

(4) A Board of Visitors shall investigate and deal with every charge brought against a soldier under sentence that the Board is required and has jurisdiction to hear and determine in accordance with these regulations.

(5) Where a Board of Visitors is satisfied

- (a) that a soldier under sentence has had the charges sufficiently explained to him,



- (b) that all the oral evidence has been heard in his presence,
- (c) that he has had an opportunity of reading and questioning the accuracy of any documentary evidence, and
- (d) that he has had proper opportunity of presenting his case and questioning any witnesses,

the Board of Visitors may dismiss any charge the Board finds not to have been proved or record a finding of guilty and award any punishment the Board is authorised by these regulations to award in respect of any charge the Board finds to have been proved.

68. The commandant and members of the staff of a military establishment shall not inflict or cause or permit to be inflicted, corporal punishment on any soldier under sentence.

Corporal  
punishment  
prohibited.

69. (1) Restricted diet No. 1 comprises 1 lb. of bread per day with unrestricted water.

Restricted  
diets No. 1  
and No. 2.

(2) Restricted diet No. 2 comprises

(a) Breakfast:

- (i) porridge, 1 pint, containing 3 ozs. oatmeal,
- (ii) bread, 8 ozs.,
- (iii) margarine, 1/2 oz.,
- (iv) cocoa, 1 pint, containing 3/4 oz. cocoa, 1 fluid oz. milk (or 4/5ths oz. tinned milk) and 1/2 oz. sugar;

(b) Lunch:

Bread, 4 ozs., Soup, 1 1/2 pints, containing 3 ozs. split peas, 3 ozs. dried beans, 4 ozs. potatoes 4 ozs. carrots, salt, and on Wednesdays and Saturdays only, 4 ozs. meat (bone in);

(c) Supper:

Bread, 8 oz., margarine 1/2 oz., cocoa, 1 pint containing 3/4 oz. cocoa, 1 fluid oz. milk (or 4/5ths oz. tinned milk), and 1/2 oz. sugar.

70. (1) A soldier under sentence shall not undergo restricted diet No. 1 for any consecutive period exceeding 3 days at any one time, and if he is awarded restricted diet No. 1 for a period exceeding 3 days his diet shall consist for alternate and equal periods not exceeding 3 days of

Conditions  
with refer-  
ence to the  
award of  
restricted  
diet No. 1.

- (a) 1 lb. of bread per day with unrestricted water, and
- (b) the ordinary ration for soldiers under sentence.

(2) On the days on which a soldier is undergoing restricted diet No. 1 he shall not attend parades, nor shall he be required to undertake any task of labour, but he may be permitted to carry out very light work in his room.

(3) A soldier under sentence who has undergone restricted diet No. 1 shall not be required to undergo any further period on that diet in respect of any other offence until an interval has elapsed equal to the period of restricted diet No. 1 already undergone.

(4) Every soldier under sentence undergoing restricted diet No. 1 shall be visited every day by the commandant or his deputy and by the medical officer.

Conditions  
with refer-  
ence to the  
award of  
restricted  
diet No. 2.

71. (1) A soldier under sentence undergoing restricted diet No. 2 shall attend parades and carry out work and training at the discretion of the commandant, but he shall not be required to do any heavy work.

(2) If a soldier under sentence who is undergoing restricted diet No. 2 is found guilty of an offence against these regulations, he may, notwithstanding the provisions of regulation 70, be required to undergo restricted diet No. 1 for a period not exceeding 3 days, and on the expiration of that period he may be required to undergo the remainder of the period on restricted diet No. 2; but the period spent on restricted diet No. 1 shall count as part of the period originally ordered on restricted diet No. 2.

Conditions  
affecting  
restricted  
diet No. 1  
and re-  
stricted diet  
No. 2.

72. (1) A soldier who has undergone restricted diet for a consecutive period of 21 days shall resume the ordinary ration for soldiers under sentence for a period of at least 7 days before any further period of restricted diet may be commenced.

(2) A soldier under sentence who is undergoing restricted diet shall not be issued with or permitted to have in his possession tobacco or cigarettes.

(3) No soldier under sentence shall be required to undergo restricted diet No. 1 or restricted diet No. 2 unless the medical officer has certified that he is fit to do so.

**73.** (1) No soldier under sentence shall be placed in close confinement unless he has been certified by the medical officer as fit to undergo that punishment. Close confinement.

(2) A soldier in close confinement shall not be permitted to attend Divine Service and, except on the recommendation of the medical officer, shall not be permitted any exercise.

(3) A soldier under sentence in close confinement shall not be deprived of his room furniture or books, nor be subjected to any form of discipline that has not been lawfully ordered in accordance with these regulations.

(4) A soldier under sentence undergoing close confinement shall be visited at least once every day by the commandant or his deputy and the medical officer and in addition at least once every 3 hours, by a member of the staff of the military establishment who shall be detailed to do so.

**74.** (1) No soldier under sentence shall be subjected to any form of mechanical restraint as a punishment. Mechanical restraint.

(2) Mechanical restraint may be used for the purposes of safe custody during the removal of a soldier under sentence from one place or establishment to another in the circumstances and under the conditions authorised by these regulations.

**75.** (1) Where it appears to the commandant of a military establishment that a soldier under sentence ought to be placed under mechanical restraint to prevent him from injuring himself or others, damaging property or creating a disturbance, the commandant may issue a written order that mechanical restraint be applied to the soldier under sentence, specifying the date and hour when restraint is to be applied, and the period, not exceeding 24 hours, during which it shall be applied. Authorisation of mechanical restraint.

(2) Immediately after making the order referred to in paragraph (1) the commandant shall notify the local commander and the medical officer that the commandant has made the order and of the terms of the order.

(3) On receiving the notification referred to in paragraph (2) the medical officer shall examine the soldier under sentence and inform the commandant if, in the opinion of the medical officer there is any objection on medical grounds to application of the mechanical restraint ordered.

(4) Where the medical officer makes any objection mentioned in paragraph (3) the commandant shall revoke or modify his order in accordance with the recommendation of the medical officer.

(5) The commandant of a military establishment shall ensure that no soldier is kept under mechanical restraint for any period longer than is necessary nor for any period exceeding 24 hours unless the local commander orders in writing that the mechanical restraint shall continue for a longer period not exceeding 48 hours.

(6) Only a type of mechanical restraint authorised by these regulations may be used.

(7) Whenever mechanical restraint is applied or removed an officer or senior member of the staff of a military establishment shall be present, and the name of the officer and any other member of the staff present on every such occasion shall be recorded.

Types of  
mechanical  
restraint.

76. (1) The following articles, which shall conform with patterns approved by the Defence Board, may be used as instruments of restraints:

- (a) handcuffs (figure of-8, swivel or curb chain) not exceeding for the pair 22 ounces in weight;
- (b) strait waistcoat (stout white duck lined with swansdown) fastened at the back by lacing with strong webbing tapes through 11 eyelets on each side, the sleeves covering the entire arms and hands, and being secured by strong webbing tapes laced through the 3 eyelets on each side of the cuffs, the upper parts of the arms being tied round with 3 sets of strong webbing tapes sewn to the back of the sleeves;
- (c) body-belt (double leather sewn together) fastened by a lock at the waist, with steel wristlets at equal distances at the side in which the wrist may be locked, the whole not exceeding 4 pounds in weight.

(2) Nothing in this regulation precludes the use of a canvas suit in any case where its use is authorised by regulation 80.

The use of  
handcuffs.

77. (1) The commandant of a military establishment who orders the use of handcuffs on a soldier under sentence shall state in his written order authorising the use of handcuffs whether they

are to be placed with the hands to the front or to the rear of the body.

(2) Where handcuffs are placed to the rear of the body they shall be moved to the front during meals and for sleeping.

78. (1) A strait waistcoat shall not be used except under the direction of a medical officer.

*The use of  
the strait  
waistcoat.*

(2) A strait waistcoat may be used only when restraint is necessary to prevent a soldier under sentence from injuring himself or others, or to prevent him from destroying clothing or other articles.

(3) A medical officer shall

(a) visit every soldier restrained in a strait waistcoat at least once in every 24 hours, and more often if he thinks it necessary, and

(b) record in his journal all such visits, the periods of restraint and the reasons for the application of the strait waistcoat.

(4) A strait waistcoat shall never be applied for more than 24 hours consecutively.

(5) Where at the end of the period referred to in paragraph (4) the medical officer considers it necessary that the use of a strait waistcoat be continued he shall so order; but the restraint shall not be applied until the soldier under sentence has been free of any form of mechanical restraint for a least 1 hour.

(6) The medical officer shall inform the commandant in writing when the restraint is discontinued.

79. (1) The body belt may be used only for restraining a soldier under sentence who is of violent conduct and for whom no other means of restraint is appropriate.

*The use of  
the body  
belt.*

(2) Subject to paragraph (1), the provisions of regulation 78 relating to the use of a strait waistcoat apply in relation to the use of a body belt.

80. (1) The commandant of a military establishment may, where a soldier under sentence destroys or attempts to destroy his clothing or refuses to wear uniform, order the soldier to wear a canvas suit, consisting of frock and trousers made of canvas sail cloth, not exceeding 12 pounds in weight.

*The use of  
the canvas  
suit.*

(2) The commandant shall report to the Visiting Officer on the occasion of every visit any subsisting orders made by the commandant under paragraph (1), and shall arrange for the Visiting Officer to see every soldier under sentence who is wearing a canvas suit.

(3) The commandant shall record every order made under this regulation, the date from which any soldier under sentence is required to wear a canvas suit and the date when the commandant authorises its removal.

## PART V

### *Religion, Education and Welfare*

Books of  
religious  
instruction.

81. The commandant shall, so far as practicable, make available for the use of every soldier under sentence such books of religious observance or instruction as are recognised for the use of his denomination and approved by the Chief of Staff.

Chaplains.

82. (1) Chaplains when present in a military establishment for the purposes of their duties shall

- (a) abide by these regulations and the standing or other orders for the regulation of the military establishment; and
- (b) consult the commandant concerning the discharge of their duties.

(2) The commandant shall provide a book in which chaplains may record any matters that they wish to bring to the notice of the commandant.

(3) The commandant shall afford facilities to chaplains to have access to soldiers under sentence for the purpose of giving them religious instruction at times approved by him.

Duties of  
Chaplains.

83. (1) A chaplain of the same denomination as a soldier under sentence shall visit him on admission, and thereafter at proper and reasonable times, and shortly before his release.

(2) Where there is no chaplain of the same denomination as a soldier, the commandant shall arrange for the soldier to be visited by a minister of his own denomination, if the soldier under sentence so wishes and it is practicable to make the arrangements.

(3) A soldier under sentence to whom paragraph (2) applies shall be informed of this regulation as soon as possible after his admission.

(4) The commandant shall daily make available to chaplains a list of soldiers under sentence who are undergoing punishment in pursuance of these regulations or are sick and shall afford facilities for them to be visited if requested by a chaplain or by the soldier under sentence.

(5) In appropriate cases a chaplain shall officiate at the burial of a soldier under sentence who dies in a military establishment.

**84.** (1) Chaplains shall, whenever possible, conduct Divine Service in military establishments on Sundays and on other customary days and on such other convenient occasions approved by the commandant as they may decide.

Divine  
service.

(2) A soldier under sentence shall be allowed to attend the Divine Service of his denomination as often as he wishes; and any soldier undergoing punishment under these regulations may attend Divine Service unless he is in close confinement or excluded therefrom because of his disorderly conduct, or because it is considered that his conduct would be disorderly.

**85.** (1) The commandant of a military establishment shall

Education.

- (a) provide educational training at such times as are available, and in accordance with a syllabus laid down by the Chief of Staff;
- (b) provide, where there is accommodation available, an information room in which soldiers under sentence, other than those in close confinement may study current world affairs, read books, pamphlets and newspapers and consult maps and books of reference;
- (c) make, where wireless sets and loudspeakers are provided, full use of them for broadcasting news and educational matters to soldiers under sentence;
- (d) encourage soldiers under sentence to assist in the education of other soldiers under sentence;
- (e) take a special interest in providing the rudiments of education to any illiterate soldiers under sentence;

(f) encourage other educational activities when circumstances permit; and

(g) encourage soldiers under sentence to study any special subject in which they are interested and, at his discretion, allow them to be provided with the text-books and reference books which will enable them to do so.

(2) Notwithstanding paragraph (1)(b) the commandant may permit soldiers in close confinement to use the information room at such times and subject to such conditions, as he thinks fit.

86. (1) The commandant of a military establishment shall appoint an officer to act as welfare officer, and afford facilities for soldiers under sentence to consult the welfare officer when occasion requires.

(2) The welfare officer referred to in paragraph (1) shall keep written records of the matters on which he is consulted by soldiers under sentence and where he has not completed any correspondence or other dealings in connection with those matters when a soldier under sentence who is returning to his unit is released from military establishment, the welfare officer shall send to the commanding officer of the soldier a report on those matters accompanied by any relevant papers and correspondence.

## PART VI

### *Miscellaneous Regulations and Offences Relating to Military Establishments*

Unlawful conveyance of spirits or tobacco into military establishments.

87. No person shall, without the authority of the commandant of a military establishment, bring or attempt to bring into a military establishment or to a soldier under sentence any spirituous or fermented liquor or tobacco, or place any such liquor or tobacco outside a military establishment with intent that it should come into the possession of a soldier under sentence; and no member of the staff of a military establishment shall allow any such liquor or tobacco to be sold or used in the military establishment.

Unlawful introduction of other articles.

88. No person shall without lawful authority convey or attempt to convey any letter or any other thing into or out of a military establishment or to a soldier under sentence, or place it



anywhere outside a military establishment with intent that it should come into the possession of a soldier under sentence.

**89. (1) No unauthorised person shall**

(a) enter a military establishment or make any sketch or take any photograph or communicate with any person under sentence therein; or

(b) remain therein after being requested to leave by the commandant or any person acting under his authority.

(2) In deciding whether to grant without, or subject to conditions, or to refuse permission to enter a military establishment the commandant shall have regard to

(a) the orders of any court of competent jurisdiction,

(b) these regulations, and

(c) the directions or instructions of any higher military authority.

(3) The commandant of a military establishment may, subject to conditions, grant permission to any person to enter a military establishment.

(4) For the purposes of paragraph (3), the commandant may make it a condition of granting permission to any person to enter or do anything within a military establishment that the person agrees to being examined and searched if requested.

(5) The commandant may order the removal from a military establishment of any person who, without authority,

(a) enters a military establishment,

(b) makes any sketch or takes any photograph therein,

(c) refuses to be examined or searched, or

(d) fails to comply with any conditions imposed by the commandant under this regulation.

(6) Any member of the staff of a military establishment who suspects that a visitor or any other person

(a) has committed any offence against these regulations, or

(b) is in improper possession of any property used or intended for use in the military establishment,

Admission  
of visitors  
and others  
to military  
establish-  
ments.

shall stop the visitor or other person and inform the commandant immediately so that the commandant may, if he thinks fit, order the visitor or other person to be examined and searched.

## PART VII

### *Unit Detention Rooms*

Application  
of these  
regulations  
to unit  
detention  
rooms.

90. (1) This Part applies in relation to unit detention rooms, and, subject to paragraphs (2) and (3), these regulations apply in relation to unit detention rooms.

(2) The following do not apply in relation to unit detention rooms

- (a) regulation 35 relating to the provision of miscellaneous accommodation in military establishments;
- (b) regulations 51 and 52 relating to the functions of a medical officer, his attendance and consultations;
- (c) paragraph (2) of regulation 63, and regulation 66 relating to the jurisdiction and powers of punishment of a company commander;
- (d) regulation 67 relating to Boards of Visitors;
- (e) regulation 85 relating to education;
- (f) regulation 86 relating to welfare; and
- (g) regulations 97 and 98 relating to the commandant and members of the staff of military establishments.

(3) The following, subject to the modification specified therein, apply in relation to unit detention rooms:

- (a) the reference in paragraph (1) of regulation 37, to work or training for a period of not more than 9, or less than 6 hours, applies in relation to unit detention rooms for women as if it were a reference to work or training for a period of not more than 8, or less than 6 hours;
- (b) the reference in regulation 55 to complaints to a company commander and a visiting officer shall not apply in relation to unit detention rooms;
- (c) the reference in regulation 42 to the rations of soldiers under sentence does not authorise a ration scale for women

in unit detention rooms inferior to the usual ration scale for women generally;

- (d) the punishments in sub-paragraphs (b), (c), (d) and (g) of regulation 65(2) and the provisions of regulations 69 to 72 respecting restricted diets No. 1 and No. 2 do not apply in relation to unit detention rooms for women; and
- (e) the references in regulations 74 to 80 to mechanical restraint
  - (i) do not apply to unit detention rooms for women,
  - (ii) apply in relation to unit detention rooms, other than unit detention rooms for women, only in so far as they relate to mechanical restraint by means of handcuffs.

91. Unit detention rooms are under the control of the commanding officer of the unit under whose authority they were set up, or of the commanding officer of another unit to which they are appropriated by order of the local commander.

Setting up  
unit deten-  
tion rooms.

92. Soldiers under sentence in unit detention rooms shall be segregated from any soldier confined therein awaiting trial by court-martial or disposal by a commanding officer or appropriate superior authority, or awaiting promulgation of sentence.

Segrega-  
tion in  
unit deten-  
tion rooms.

## PART VIII

### *Visiting Officers*

93. (1) The local commander shall ensure that an officer, in these regulations referred to as a "visiting officer", visits each military establishment within his command once each week.

Appointment  
of visiting  
officers.

(2) A written order appointing him shall be given to each visiting officer.

94. (1) A visiting officer ordered to visit a military establishment shall duly attend in accordance with the instructions contained in the order appointing him.

Duties of  
visiting  
officers.

(2) On arrival at a military establishment a visiting officer shall, if required, produce the order appointing him to the commandant or any officer or other person acting on the commandant's behalf.

(3) The visiting officer shall not inspect the staff, buildings or premises of a military establishment.

(4) Subject to paragraph (5), the following apply to visits by visiting officers to military establishments:

- (a) a visiting officer shall, on the occasion of every visit, see all the soldiers under sentence in the military establishment either on parade or in their rooms;
- (b) soldiers under sentence in close confinement or in a medical detention room shall be seen in their rooms or in the medical room, as the case may be;
- (c) a visiting officer shall ask all soldiers under sentence if they have any complaints to bring to the notice of the visiting officer;
- (d) the question mentioned in paragraph (c) shall be asked by the visiting officer and not by any member of the staff on behalf of the visiting officer, and the question shall not be qualified in any way, nor shall a soldier's right to complain be made subject to any condition;
- (e) a soldier under sentence who wishes to complain shall be asked by the visiting officer if the soldier wishes to make his complaint there and then or whether he wishes to see the visiting officer privately;
- (f) where a soldier under sentence wishes to make his complaint privately the commandant shall arrange for a room to be placed at the disposal of the visiting officer in which he may hear any complaint made by the soldier under sentence, and where the commandant thinks fit a member of the staff may be present to ensure that there is no breach of discipline by the soldier under sentence, but at the discretion of the visiting officer that member of the staff shall remain within sight but out of hearing.

(5) A visiting officer shall satisfy himself that he has seen all soldiers under sentence in the military establishment, except any whom he is requested not to see on the advice of the medical officer on medical grounds.

**95.** (1) A visiting officer shall inquire fully into every complaint made to him, and the commandant shall place at the

disposal of the visiting officer any witness or evidence the visiting officer requires.

(2) The visiting officer shall ascertain

(a) whether any complaint made to him had previously been made to the commandant or other officer of the staff of the military establishment; and

(b) the nature of any action taken in relation to the complaint.

(3) On completion of the investigation of any complaint made to him, the visiting officer shall deal with it in the following manner:

(a) if, in his opinion, the complaint was not justified, he shall so inform the soldier under sentence who made the complaint; or

(b) if, in his opinion, the complaint was justified, he shall inform the soldier under sentence who made the complaint that the visiting officer will report the matter to the local commander.

(4) A visiting officer shall not in any circumstances offer any redress to a soldier under sentence.

(5) On completion of each visit a visiting officer shall make a report to the local commander, including a full report of every complaint made to the visiting officer and of the result of his investigation thereof.

96. On receipt of a complaint reported to him by a visiting officer the local commander shall investigate and take any steps for redressing the matter complained of that seem to him to be necessary.

Redress of  
complaints  
made to  
a visiting  
officer.

## PART IX

### *Staff of Military Establishments*

97. (1) The commandant of a military establishment shall

(a) exercise a close and constant supervision of the military establishment, and, if practicable, visit and inspect daily all parts of the establishment in which soldiers under sentence are working or training;

Duties of  
commandant

- (b) visit the military establishment during the night at least once a week;
- (c) make frequent inspections of rooms occupied or used by soldiers under sentence and satisfy himself that food intended for their consumption is properly stored, cooked and served;
- (d) supervise and control the duties of the officers and other members of the staff of the military establishment, and satisfy himself that the details and rosters of duties are prepared and maintained in accordance with any directions of the Defence Board and in a manner to ensure the efficiency of the establishment;
- (e) maintain discipline among the officers and other ranks who are appointed to serve under his command as members of the staff of the military establishment;
- (f) issue standing orders for the staff and for particular sections and members of the staff, and examine any orders so issued so that they may be revised and maintained in accordance with current requirements;
- (g) call the attention of all members of the staff to the provisions of the *Official Secrets Act, 1920*;
- (h) instruct the officers and staff of the military establishment to maintain discipline with firmness, but without more repression or restriction than is required for the safe custody of the soldiers under sentence in a well-ordered community life;
- (i) encourage members of the staff to enlist, by their own example and leadership, the willing co-operation of soldiers under sentence;
- (j) interview every soldier under sentence as soon as possible after his admission to a military establishment and shortly before his release therefrom;
- (k) provide a soldier under sentence who is discharged from the Defence Force on release from a military establishment in Barbados with
  - (i) a cash payment in respect of subsistence not exceeding \$10,

- (ii) travel at the public expense to a place of residence in Barbados selected by the soldier under sentence, in any case where the commandant is satisfied that the soldier under sentence is without available means for the purpose;
- (iii) civilian clothing, on condition that the soldier under sentence shall pay the cost of the clothing, except in those cases where provision is made for the free issue of civilian clothing or the soldier under sentence can arrange for civilian clothing to be sent to him.

**98. Members of the staff of military establishments**

- (a) shall carry out their duties in accordance with these regulations, the standing orders of the military establishment, and the orders of the commandant;
- (b) shall, in relation to soldiers under sentence
  - (i) preserve an attitude of firmness tempered with understanding,
  - (ii) avoid any form of harsh treatment,
  - (iii) set an example of integrity and fairness,
  - (iv) endeavour to create a feeling of respect and confidence among the soldiers in their charge, studying the characteristics of the soldiers under sentence and endeavouring to bring out the best in them;
- (c) shall direct the attention of the commandant to any soldier under sentence who seems not to be in good health, though he does not complain, or whose state of mind seems to require special notice or care, so that arrangements can be made for the soldier under sentence to be seen by the medical officer;
- (d) shall watch the soldiers under sentence in their various movements and employments throughout the day and use vigilance to prevent unauthorised communication between soldiers under sentence;
- (e) shall prevent prohibited articles from being secreted for the purpose of being conveyed to soldiers under sentence, and immediately report any such occurrence;

Duties of  
members of  
the staff  
of military  
establish-  
ments.

- 
- (f) shall take care that no ladders, planks, wheel-barrows, ropes, chains, implements, clothing, or materials of any kind likely to facilitate escape, are left in any place where they might be accessible to soldiers under sentence;
  - (g) shall take the utmost care to guard against accidents by fire, report any apparent danger of such an accident, and not carry about any naked light within the military establishment;
  - (h) shall report any defect in the sanitation or ventilation;
  - (i) shall, when on night duty, satisfy themselves as to the correctness of the number of soldiers in their charge, and that the rooms are securely locked for the night;
  - (j) shall examine the state of the rooms, bedding, locks and bolts under their charge and report thereon as required;
  - (k) shall seize all prohibited articles and deliver them forthwith to the commandant;
  - (l) shall, when on night-watch, patrol the military establishment during the period of their duty and record their patrols in the manner required; and
  - (m) shall, when on gate duty,
    - (i) record the name of every person passing through the gate and keep a record of all stores taken through the gate,
    - (ii) examine all articles brought in or taken out of the military establishment, and
    - (iii) stop any person suspected of bringing in or attempting to bring in any prohibited article, or of carrying out or attempting to carry out any property intended to be kept in the military establishment for the purposes thereof.



## FIRST SCHEDULE

(regulation 19)

## PART I

## FORM I

*Order for the committal of a soldier to a military establishment  
on an award of detention by his Commanding Officer*

To the commandant or other person in charge of ..... (a)

Whereas No. .... Rank .....

Name ..... of the ..... (Unit)  
was on the ..... day of .....  
19..... awarded detention for a period of ..... days by his/her  
Commanding Officer for the offence(s) of .....  
.....  
..... (b)

Now, therefore, in pursuance of the *Defence Act*, and of all other powers me  
enabling, I hereby order you to receive the said person into your custody and to  
retain him/her to undergo his/her sentence according to law and for so doing  
this shall be your warrant.

Signed at ..... this ..... day of ..... 19  
.....

(Signature) ..... (c)

Rank and Appointment .....

(a) Insert the name of the establishment.

(b) Set out the statement (not the particulars) of the offence and the  
relevant sections of the *Defence Act*. Where there is more than one  
offence, the statement of each must be set out.

(c) This form must be signed by the Commanding Officer of the person  
concerned.

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

## FORM 2

*Order for the committal of a person sentenced to imprisonment  
or detention by a Court-Martial to a civil prison, an  
overseas establishment or a military establishment*

To the Superintendent, Director, Commandant or other person in charge of  
..... (a)

Whereas No. .... Rank .....  
Name ..... of the ..... (Unit) was by a  
..... (b) Court-Martial held at .....  
..... convicted of the offence(s) of  
.....  
..... (c)

and, by a sentence passed on the ..... day of .....  
19 ..... sentenced to [imprisonment/detention for a term of  
..... (e) commencing on the said day, which sentence has  
been duly confirmed in accordance with the provisions of the *Defence Act*  
..... (d);] (e)

Now, therefore, in pursuance of the *Defence Act*, and of all other powers me  
enabling, I hereby order you to receive the said person into your custody and to  
retain him/her to undergo his/her sentence according to law and for so doing  
this shall be your warrant.

Signed at ..... this ..... day of  
..... 19 .....

(Signature) ..... (f)

Rank and Appointment .....

- (a) Insert the name and address of the prison or other establishment. A  
person sentenced to detention must not be committed to a prison.
- (b) Insert "Ordinary" or "Field" as the case may be.
- (c) Here set out the statement (not the particulars) of the offence and the  
relevant sections of the *Defence Act*. Where there is more than one  
offence the statement of each must be set out.

- (d) If any part of the sentence has been remitted on confirmation insert  
"with a remission of ....." "
- (e) Where the original sentence was death and has been commuted to imprisonment or detention, for the words in brackets substitute the words "to suffer death which sentence has been duly confirmed in accordance with the provisions of the *Defence Act*, but has been commuted into imprisonment/detention for a term of .....", or, where the original sentence was imprisonment and it has been commuted to one of detention substitute "to imprisonment for a term of. ...." which sentence has been duly confirmed in accordance with the provisions of the *Defence Act*, but has been commuted into a sentence of detention for ..... "
- (f) The committal form must be signed by the Commanding Officer of the person concerned, any officer under whose command that person is for the time being, or by an administrative staff officer not below the rank of major or corresponding rank.

## FORM 3

*Order for the committal of a person sentenced to imprisonment  
or detention by a Court-Martial held out of Barbados  
where all or part of the sentence is to be  
served in a civil prison or a military  
establishment in Barbados*

Whereas No.....Rank.....Name .....  
of the ..... (Unit) was by a ..... (a)  
Court-Martial held at ..... convicted of the  
offence(s) of .....  
.....  
..... (b)

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

and by a sentence passed on the ..... day of .....19 .....  
sentenced [to imprisonment (c) for a term of ..... com-  
detention

encing on the said day, which sentence has been duly confirmed in  
accordance with the provisions of the *Defence Act* ..... (d);] (e)

(f) { And Whereas the confirming authority (c) has [under section  
reviewing authority  
123 of the *Defence Act*, directed that the said person shall not  
be removed to Barbados until he has served .....  
years and.....and..... days of  
his sentence] [, under the *Defence (Imprisonment and Deten-  
tion)*  
*Regulations, 1984*, directed that the said person shall serve  
.....days of his sentence in Barbados;] (c)

{ Now, therefore, in pursuance of the *Defence Act*, and of all  
other powers me enabling, I do hereby order the Superintendent,  
Director, Commandant or other person in charge of .....(g)  
to receive the said person into his custody and to retain him/  
her  
to undergo ..... years, and .....  
days of his/her sentence according to law;

(f) { And I further order that the said person shall after completion  
of the said part of his/her sentence or at such earlier date as  
may be ordered be transferred to Barbados to undergo the  
remainder of his/her sentence according to law in such civil

- { prison or military establishment as may be appointed on  
his/her arrival in Barbados.
- (h) { And whereas in accordance with the provisions of section 123  
of the *Defence Act*, the said person is required to be removed  
to Barbados as soon as practicable after the confirmation of  
the sentence.
- { And whereas the confirming authority (c) has, under the  
reviewing authority
- (i) { *Defence (Imprisonment and Detention) Regulations, 1984*,  
directed that the sentence shall be served in Barbados.
- (j) { Now, therefore, in pursuance of the *Defence Act*, and all other  
powers me enabling, I do hereby order that the said person  
shall be transferred to Barbados in military custody to  
undergo his/her sentence according to law in such civil prison  
or military establishment as may be appointed on his/her  
arrival in Barbados.

And I do further order that the Superintendent, Director, Commandant or other person in charge of any prison or military establishment to which the said person may be brought in Barbados shall receive him/her into his custody and retain him/her to undergo his/her sentence according to law and for so doing this shall be sufficient warrant;

And I do further order that the said person shall be conveyed in military custody and detained in military or civil custody so far as appears necessary or proper for effecting his/her transfer to the said civil prison or military establishment in Barbados.

THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

Signed at .....this ..... day of  
.....19 .....

(Signature) ..... (k)

Rank and Appointment .....

*In the case of a Committal to any Intermediate Prison or Military  
Establishment being necessary*

For the purpose of carrying the above order into effect and in pursuance of the *Defence Act*, and of all other powers me enabling, I do hereby order the Superintendent, Director, Commandant or other person in charge of..... (l)

at ..... (l) to receive the abovenamed person into his custody and to detain him/her until he/she can be transferred in pursuance of the above order and to produce him/her when required for the purposes of transfer, and for so doing this shall be sufficient warrant.

Signed at .....this .....day of  
.....19 .....

(Signature) ..... (k)

Rank and Appointment .....

*Order on arrival in Barbados*

In pursuance of the *Defence Act*, and of all other powers me enabling, I do hereby order the abovenamed person to be transferred to .....at ..... (m)  
to undergo [the remainder of] (n) his/her sentence according to law;

And I do further order the Superintendent, Director, Commandant or other person in charge of the said .....

to receive the said person into his custody and to detain him/her accordingly and for so doing this shall be sufficient warrant.

Signed at .....this .....day of.....  
19 .....

(Signature) ..... (k)

Rank and Appointment .....

- (a) Insert "Ordinary", "Field" as the case may be.
- (b) Here set out the statement (not the particulars) of the offence and the relevant sections of the *Defence Act*. Where there is more than one offence the statement of each must be set out.
- (c) Delete as necessary.
- (d) If any part of the sentence has been remitted on confirmation insert  
"with a remission ....."
- (e) Where the original sentence was for death and has been commuted to imprisonment or detention, for the words in brackets substitute the words "to suffer death, which sentence has been duly confirmed in accordance with the provisions of the *Defence Act*, but has been commuted to imprisonment/ detention for a term of .....";  
or, where the original sentence was imprisonment and it has been commuted to one of detention substitute "to imprisonment for a term of .....", which sentence has been duly confirmed in accordance with the provisions of the *Defence Act*, but has been commuted to a sentence of detention for ....."
- (f) These paragraphs must be used only where a part of the sentence is to be served overseas before return to Barbados.

**THE LAWS OF BARBADOS**

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

- (g) Insert the name and location of the prison or other establishment where part of the sentence is to be served overseas.
- (h) This paragraph must be used where the sentence exceeds 12 months and no direction has been given for any part of it to be served out of Barbados.
- (i) This paragraph must be used where the sentence does not exceed 12 months but a direction has been given under the *Defence (Imprisonment and Detention) Regulations, 1984*, that it shall be served wholly in Barbados.
- (j) This paragraph is to be used in conjunction with 1 or other of the 2 preceding paragraphs, where the sentence is to be served wholly in Barbados.
- (k) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he/she is for the time being serving or by an administrative staff officer not below the rank of major or corresponding rank.
- (l) Insert the name and location of the prison or other establishment where the person concerned is to be detained temporarily while awaiting transfer to Barbados.
- (m) Insert the name and location of the prison or other establishment where the person concerned is to serve his/her sentence on arrival in Barbados.
- (n) Omit these words where the whole sentence is to be served in Barbados.



## FORM 4

*Order for the removal out of Barbados of a person serving a military  
sentence of imprisonment or detention in Barbados*

To the Superintendent, Director, Commandant or other person in charge  
of ..... (a).

Whereas No. .... Rank .....  
Name..... of the..... (Unit)

is now in your custody undergoing a military sentence of imprisonment (b);  
detention

confirming authority

And whereas the reviewing authority (b) has ordered that the said  
reconsidering authority

person be removed out of Barbados to ..... (c)  
being [the place where the [part of the] (d); unit to which he for the time being  
belongs is serving ] (b);  
under orders to serve ]

Now, therefore, in pursuance of the *Defence Act*, and of all other powers me  
enabling, I hereby order you to deliver up the said person to the officer, warrant  
officer or non-commissioned officer producing this Order;

And I do further order that the said person shall be transferred to  
.....(c) in military custody to undergo  
[the remainder of] (e) his/her sentence according to law in such military or  
overseas establishment as may be appointed on his/her arrival.

And I do further order that the Superintendent, Director, Commandant or  
other person in charge of the establishment to which the said person is  
brought on his/her arrival in .....

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

(c) shall receive him/her into his custody and retain him/her to undergo [the remainder of] (e) his/her sentence according to law and for so doing this shall be sufficient warrant.

And I do further order that the said person shall be conveyed in military custody and detained in military or civil custody so far as appears necessary or proper for effecting his/her transfer.

Signed at..... this .....  
day of..... 19 .....

(Signature) ..... (f)

Rank and Appointment .....

(a) Insert the name and address of the prison or other establishment.

(b) Delete as necessary.

(c) Insert the name of the place to which the person is to be removed.

(d) Delete if not applicable.

(e) Delete if no part of the sentence has yet been served.

(f) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he/she is for the time being serving or by an administrative staff officer not below the rank of major or corresponding rank.

## FORM 5

*Order for the transfer of a person undergoing a military sentence  
of imprisonment or detention from one prison or other  
establishment to another*

To the Superintendent, Director, Commandant or other person in  
charge of ..... (a).

Whereas No ..... Rank ..... Name .....  
..... of the ..... (Unit) is now in  
your custody undergoing a military sentence of imprisonment (b);  
detention

Now, therefore in pursuance of the *Defence Act*, and of all other powers me  
enabling, I hereby order you to deliver up the said person to the officer, warrant  
officer or non-commissioned officer producing this Order;

And I do further order that the said person shall be transferred in military  
custody to ..... (c)  
and that the Superintendent, Director, Commandant or other person in charge  
thereof shall receive him/her into his custody and retain him/her to undergo  
his/her sentence according to law, and for so doing this shall be sufficient  
warrant;

And I do further order that the said person shall be conveyed in military  
custody and detained in military or civil custody so far as appears necessary or  
proper for effecting his/her transfer.

Signed at ..... this ..... day of  
..... 19 .....

(Signature) ..... (d)

Rank and Appointment.....

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

- (a) Insert the name and address of the prison or other establishment where the person concerned is undergoing sentence.
- (b) Delete as necessary.
- (c) Insert the name and address of the prison or other establishment to which the person is to be transferred.
- (d) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he/she is for the time being serving, or by an administrative staff officer not below the rank of major or corresponding rank.

## FORM 6

*Order for the temporary removal in custody of a person undergoing a military sentence of imprisonment or detention*

To the Superintendent, Director, Commandant or other person in charge of ..... (a).

Whereas No. .... Rank ..... Name .....  
..... of the ..... (Unit) who  
is now in your custody undergoing a military sentence of  
imprisonment (b) is required to be present at ..... (c)  
detention  
on ..... (d) for the purpose of .....  
..... (e);

Now, therefore, in pursuance of the *Defence Act*, and of all other powers me enabling, I hereby order you to deliver up the said person to the officer, warrant officer or non-commissioned officer producing this Order;

And I do further order the said officer, warrant officer or non-commissioned officer, and all other officers, warrant officers or non-commissioned officers into whose custody the said person may be delivered to keep him/her in military custody and bring him/her to ..... (c) on .....(d) for the said purpose, and thereafter, unless he/she is released in due course of law, to return him/her to the abovenamed establishment or to such other establishment as may be appointed by proper military authority and for so doing this shall be sufficient warrant.

Signed at .....this ..... day  
of .....19 .....

(Signature) ..... (f)

Rank and Appointment .....

*If the establishment to which the person is to be returned  
is altered*

In pursuance of the *Defence Act*, and of all other powers me enabling, I hereby order that the abovenamed person shall be returned in military custody to ..... (g) there to undergo the remainder of his/her sentence according to law;

And I do further order the Superintendent, Director, Commandant or other person in charge of the said ..... (h) to receive the said person into his custody and to detain him/her accordingly and for so doing this shall be sufficient warrant.

Signed at .....this .....  
day of ..... 19 .....

**THE LAWS OF BARBADOS**

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

(Signature) ..... (i)

Rank and Appointment .....

- (a) Insert name and address of the prison or other establishment where the person concerned is serving his/her sentence.
- (b) Delete as necessary.
- (c) Insert the place where the person concerned is required to attend.
- (d) Insert the date or dates when attendance is required.
- (e) Insert the purpose for which the person concerned is required to attend, e.g., "to give evidence before a Board of Inquiry into....", or "to be present at the hearing by the Court of Appeal of his/her appeal to that Court" or as the case may require.
- (f) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he is for the time being or by an administrative staff officer not below the rank of major or corresponding rank. This form must not be used by the Superintendent, Director, Commandant or other person in charge of the establishment where the person concerned is serving his/her sentence.
- (g) Insert the name and location of the prison or other establishment to which the person is to be sent.
- (h) Insert the name of the prison or other establishment.
- (i) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he is for the time being, or by an administrative staff officer not below the rank of major or corresponding rank.

## FORM 7

*Order for the temporary removal in custody of a person undergoing a military sentence of imprisonment or detention. (Form for use by Superintendent, Director, Commandant or other person in charge of the establishment where the person concerned is serving his/her sentence.)*

To .....

Whereas No. .... Rank ..... Name .....  
..... of the ..... (Unit) is  
now in my custody undergoing a sentence of imprisonment (a) and is  
detention

required to be present at ..... (b) on .....  
..... (c) for the purpose of ..... (d);

Now, therefore, in pursuance of the *Defence Act*, and of all other powers me enabling, I hereby order you and every other officer, warrant officer and non-commissioned officer into whose custody the said person may be delivered, to keep him/her in military custody and bring him/her to ..... (b) on ..... (c) for the said purpose, and thereafter, unless he/she is released in due course of law, to return him/her to my custody or to such other establishment as may be appointed by proper military authority and for so doing this shall be sufficient warrant.

Signed at ..... this ..... day of  
..... 19 .....

(Signature) ..... (e)

Rank and Appointment .....

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

*If the establishment to which the person is to be returned is altered.*

In pursuance of the *Defence Act* and of all other powers me enabling,  
I hereby order that the abovenamed person shall be returned in military  
custody to ..... (f) there  
to undergo the remainder of his/her sentence according to law;

And I do further order the Superintendent, Director, Commandant or other  
person in charge of the said ..... (g)  
to receive the said person into his custody and to detain him/her accordingly  
and for so doing this shall be sufficient warrant.

Signed at ..... this ..... day of .....  
..... 19 .....

(Signature) ..... (h)

Rank and Appointment .....

(a) Delete as necessary.

(b) Insert the place where the person concerned is required to attend.

(c) Insert the date or dates when attendance is required.

(d) Insert the purpose for which the person concerned is required to  
attend, e.g., "to give evidence at a Board of Inquiry into

.....",  
or to "be present at the hearing by the Court of Appeal of his/her appeal  
to that Court", or as the case may require.

(e) This form is for use only by the Superintendent, Director, Commandant  
or other person in charge of the establishment where the person



concerned is serving his/her sentence and must be signed by him or his deputy.

- (f) Insert the name and location of the prison or other establishment to which the person is to be returned.
- (g) Insert the name of the prison or other establishment.
- (h) This form must be signed by the Commanding Officer of the person concerned, any officer in or under whose command he is for the time being serving or by an administrative staff officer not below the rank of major or corresponding rank.

### FORM 8

*Order for the temporary committal to civil custody of a person  
under military sentence of imprisonment or detention*

To ..... (a)

Whereas No. .... Rank ..... Name .....  
..... of the ..... (Unit) is a  
person in military custody in pursuance of a military sentence of  
imprisonment (b);  
detention

Now, therefore, in pursuance of subsection (2) of section 124 of the *Defence Act*, and of all other powers me enabling, I hereby order you to keep the said person in custody for a period not exceeding 7 days unless the said person is earlier discharged or delivered over in due course of law, and for so doing this shall be your warrant.

Signed at ..... this ..... day of  
.....19 .....

#### THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

(Signature) ..... (c)

Rank and Appointment .....

(a) Insert "the Superintendent, H.M. Prison ..... "  
"the Superintendent ..... Prison",  
"the officer in charge of ..... Police Station"  
or as the case may require.

(b) Delete as necessary.

(c) This form must be signed by the Commanding Officer of the person  
concerned.

#### FORM 9

*Order for the return to military custody of a person under military  
sentence of imprisonment or detention who is temporarily  
detained in civil custody*

To ..... (a)

Whereas No. .... Rank ..... Name .....  
.....of the ..... (Unit) is now  
in your custody in pursuance of subsection (2) of section 124 of the *Defence  
Act*;

Now, therefore, in pursuance of the said Act and of all other powers me  
enabling, I hereby order you to deliver over the said person into military  
custody to the officer

          warrant officer           (b)  
non-commissioned officer

producing this Order.

Signed at .....this .....  
day of ..... 19 .....

(Signature) ..... (c)

Rank and Appointment .....

(a) Insert "the Superintendent, H.M. Prison ..... "

"the Superintendent ..... Prison",  
"the officer in charge of ..... Police Station"  
or as the case may require.

(b) Delete as necessary.

(c) This form must be signed by the Commanding Officer of the person concerned.

#### FORM 10

*Order for the Committal of a person ordered to undergo imprisonment  
or detention under section 64(2) of the Defence Act for  
contempt of a Court-Martial*

To the Superintendent, Commandant or other person in charge of  
..... (a)

Whereas a ..... (b) Court-Martial for the trial  
of ..... (c) of which I am the President, was on this  
day sitting at ..... (d);

And whereas No. .... Rank ..... Name .....  
of the ..... (Unit) was guilty of  
..... (e);

#### THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

And whereas the said Court-Martial did order the said person to be imprisoned (f) for a period of ..... days; detained

Now, therefore, in pursuance of subsection (2) of section 64 of the *Defence Act*, and of all other powers it enabling, the Court hereby orders you to receive the said person into your custody to undergo imprisonment  
detention

(f) accordingly and for so doing this shall be your warrant.

Signed at ..... this ..... day of  
..... 19 .....

(Signature) ..... (g)

Rank and Appointment .....

(a) Insert the name and address of the prison or other establishment.

(b) Insert "Ordinary", or "Field" as the case may be.

(c) Insert the rank and name of the person being tried.

(d) Insert the place where the Court-Martial was sitting.

(e) Insert the statement of the offence under section 64(1)(e) or (f) of the *Defence Act*.

(f) Delete as necessary.

(g) This form must be signed by the President of the Court-Martial.

## PART II

(Regulation 20)

## FORM A

*Order for the release of a person undergoing a military sentence  
of imprisonment or detention*

To the Superintendent, Commandant or other person in charge of  
..... (a)

Whereas No. .... Rank .....  
Name ..... of the ..... (Unit)  
is now in your custody undergoing a sentence of imprisonment (b)  
detention

awarded by his/her Commanding Officer (b)  
passed by Court-Martial

Now, therefore, in pursuance of the *Defence Act*, and of all other powers me  
enabling, I do hereby order you to release the said person from custody.

Signed at ..... this ..... day of  
..... 19 .....

(Signature) ..... (c)

Rank and Appointment .....

(a) Insert the name and address of the establishment.

(b) Delete as necessary.

(c) This form must be signed by the reviewing or reconsidering authority or  
an officer authorized to do so by the Defence Board, and in the case of a  
soldier serving a sentence of detention awarded by his Commanding  
Officer, only by his Commanding Officer.

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

## SECOND SCHEDULE

(Regulation 41)

## EARNINGS OF SOLDIERS UNDER SENTENCE

| <i>Soldiers under sentences</i>  | <i>Rates per week</i> |
|--|-----------------------|
| 1. (a) During the first week of sentence following the usual pay day, and during each of the following seven weeks .. .. .   | 40 cents*             |
| (b) During the ninth week of sentence .. ..  | 60 "                  |
| (c) During the tenth and subsequent weeks, at least .. .. .  | 60 "                  |
| (d) During the said tenth week and subsequent weeks of his sentence a soldier under sentence who shows skill, diligence, and a sense of responsibility in carrying out the work required of him may, at the discretion of the commandant, be granted maximum weekly increments of 10 cents per week until he is earning a maximum of .. .. . | \$1.30                |

2. In respect of any part of a week before the first week of a sentence following a usual pay day a soldier under sentence may earn 5 cents a day, and during the last days of his sentence before release, following a usual pay day, he may earn for each day one-fifth of the rate of pay which he was earning in the week preceding the last usual pay day.

3. For the purposes of calculating a soldier's earnings in accordance with this Schedule, Sundays shall be included, and days during which a soldier is undergoing restricted diet as a punishment shall be excluded.

4. If the commandant considers that the skill, diligence and sense of responsibility shown by a soldier under sentence are less than they should be, the rate of earnings to which he is from time to time entitled in excess of 60 cents per week may be reduced by such amount as the commandant thinks fit, but the rate of earnings shall not be reduced below 60 cents per week.

5. A soldier under sentence who is in a medical detention room of a military establishment or in a hospital shall not be entitled to be credited with earnings greater than 60 cents per week, or for any period less than a week, 10 cents a day.

6. When a soldier under sentence is admitted to hospital the commandant shall endeavour to arrange with his Commanding Officer for goods to be issued each week to the soldier from the canteen to a maximum retail value of 60 cents per week or such lower value equal to the rate of the weekly earnings of the soldier under sentence immediately before he was admitted to hospital and any sum standing to his credit, and the commandant shall pay to the Commanding Officer of the soldier from time to time sums equal to the value of the goods issued.

7. On the release of a soldier under sentence on completion of his sentence he shall be entitled to be paid in cash the balance of any earnings standing to his credit.

