

THE PROBATION OF OFFENDERS ACT
Regulations made by the Minister
under section 17 of the Probation of offenders Act
GN 6/1990

PART I

INTERPRETATION

1. Short title

These regulations may be cited as the Probation Hostel and Home Regulations 1989.

2. Interpretation.

In these regulations –

“committee” means the management committee referred to in regulation 3;

“home” means premises approved by the Minister for the reception of persons required to reside therein by a probation order or by order of a District Probation Committee.

“hostel” means premises approved by the Minister for the reception of persons required to reside therein by a probation order or by order of a District Probation Committee, where such persons are employed outside or awaiting employment;

“housemother” means the wife of the warden or of the steward;

“person under supervision” means a “person under supervision in pursuance of a probation order or by order of a District Probation Committee;

“resident” means a person residing in a hostel or home, as the case may be, in pursuance of a probation order or by order of a District Probation Committee;

“steward” means the person working under the supervision of the warden;

“warden” means the officer in charge of a hostel or home.

PART II

MANAGEMENT

3. Committee of management.

(1) Every hostel and home shall be managed by a Committee to be appointed by the Minister.

(2) The Committee shall be composed of 12 members 2 of whom at least shall be women.

(3) The Chairman shall be appointed by the Minister on the recommendation of the Commissioner of Probation and After Care and subject to such terms and conditions as the Minister may approve.

(4) The Chairman and other members shall hold office for one year and shall be eligible, for re-appointment.

(5) Seven members shall constitute a quorum.

(6) Subject to the provisions of these regulations, the Committee shall regulate its proceeding in such manner as it thinks fit.

(7) No member of the staff of a hostel or home shall be a member of the Committee.

(8) (a) The Commissioner of Probation and After Care shall designate a Principal Probation Officer to act as Secretary.

(b) The Secretary shall be a member of the Committee.

(9) (a) The Committee may, with the Minister's approval, co-opt members.

(b) A co-opted member shall not have the right to vote.

4. Sub-committees.

(1) The Committee shall appoint a finance sub committee and such other sub-committees as it thinks necessary for the- efficient management of the hostel or home.

(2) Any sub-committee so appointed shall have such powers and duties as the Committee may determine.

5. Meetings of Committee.

(1) The Committee shall meet at least once a month.

(2) The Committee or any sub-committee shall keep minutes of their proceedings and these minutes shall be open to inspection by the Commissioner of Probation and After Care, his representative, and by the auditor appointed under regulation 31.

6. Duties of Committee

(1) The Committee shall ensure that the condition of the hostel or home and the training and welfare of the residents are satisfactory and for that purpose the committee shall take into account any communication which may be made by the Commissioner of Probation and After Care or his representative.

(2) The Committee shall designate one of its members to visit the hostel or home at least once a month to satisfy himself regarding the care of the residents and the state of the hostel or home and shall enter his conclusions in the log book kept under regulation 13.

(3) The Committee shall exercise an effective control over all expenditure.

PART III

ADMISSIONS AND DISCHARGES

7. Number of residents and their age.

(1) The number of residents in a hostel or home at any time shall not exceed 20.

(2) The age limit of the residents on admission shall be under 17 years.

(3) Except for special reasons, the Committee shall not admit to the hostel or home any person who is not less than 17 years.

8. Condition of admission.

(1) Except with the written approval of the Commissioner of Probation and After Care, a person shall not be received in a hostel or home –

(a) if he is on remand;

(b) if he appears to be suffering from any illness requiring medical treatment in an appropriate institution;

(2) No person shall be received in a hostel or home unless his period of residence is intended to be of sufficient duration to enable him to complete the scheme of training provided in the hostel or home.

9. Refund of admission.

Subject to the other provisions of these regulations, no hostel or home shall, except with the consent of the Minister, refuse to accept a person who -

(a) is under supervision of a Probation Officer;

(b) is required by the probation order to reside in a hostel or home; and

(c) falls within the category of persons for which the hostel or home is approved.

10. Period of residence.

Except with the authority of the Commissioner of Probation and After Care-

(a) no person under supervision shall reside in a hostel or home for a period other than the period, if any, for which he is required so to reside by the order;

(b) no person shall reside in a hostel or home for a period exceeding the period specified in the order.

11. Emergency cases.

(1) The Committee shall not, except in a case of emergency, require a person under supervision to cease to reside in the hostel or home before the expiry of the term of residence specified in the order.

(2) The Committee shall in any such case of emergency, give reasonable notice to the Commissioner of Probation and After Care and other person, responsible for supervision of its intention to act under paragraph (1) of this regulation on together with its reasons therefor.

12. Absconding.

Where a person under supervision absconds from a hostel or home, the warden shall forthwith notify the Secretary and other person responsible for supervision.

PART IV

WARDEN AND STEWARD

13. Selection and duties of warden.

- (1) The warden shall be an officer selected by the Commissioner of Probation and After Care to be in charge of the hostel or home.
- (2) The warden may be required to be resident and shall, in addition to his normal responsibility to the Commissioner of Probation and After Care as warden, also be responsible to the Committee for the efficient conduct of the hostel or home.
- (3) The warden shall keep the following records, which shall at all times be available for inspection by any member of the Committee, the Commissioner of Probation and After Care or any person deputed by him –
 - (a) a register of admissions and discharges in which shall be recorded all admissions to and discharges from the hostel or home;
 - (b) a log book in which shall be entered any event of importance connected with the hostel and home;
 - (c) a daily register of the presence or absence of each resident;
 - (d) a record of the progress of every person under supervision residing in the hostel or home;
 - (e) all such other records as the Committee may approve for the management of the hostel and home.
- (4) The log book shall be laid before the Committee at each of its meetings and shall be signed by the Chairman.
- (5) at the request of the Commissioner of Probation and After Care, the Committee or the Chairman shall cause the warden or other person responsible for supervision to make a written report on the progress of a person under supervision residing in a hostel or home.

11. Expenditure

- (1) The warden shall not incur any expenditure, other than petty expenditure within a limit approved by the Committee, without the previous written approval of either the Committee or a member thereof authorized to act on behalf of the Committee.
- (2) The warden shall keep-
 - (a) books of accounts wherein shall be entered all receipts and expenditure;
 - (b) records of Stores taken on charge, in such form and manner as the Commissioner of Probation and After Care may determine.

15. Duties of staff

The Committee shall, subject to the approval of the Commissioner of Probation and After Care, determine the duties of all members of the staff.

16. Selection of steward.

- (1) The steward shall be a person selected by the Committee with the approval of the Commissioner of Probation and After Care to help the warden in the performance of his duties.

(2) The steward may be required to be resident.

17. Housemother.

The housemother shall assist the warden or steward in the performance of his duties.

PART V

RESIDENTS

18. Supervision, food and clothing.

(1) Residents shall be under the direct supervision of the warden.

(2) Each resident shall be provided with the separate bed and shall be kept supplied with suitable clothing of a type worn in everyday life as may be necessary.

(3) (a) Residents shall be supplied with sufficient and varied food.

(b) Residents shall be kept of the dishes that have been served and the weekly quantities of the main foodstuffs used.

19. Scheme of training

Every hostel or home shall provide a scheme of training drawn up by the warden in conjunction with the Committee and approved by the Commissioner of Probation and After Care.

20. Occupation.

Residents shall as soon as practicable, and in any case not later than two weeks of admission, be assisted in finding suitable employment outside the hostel, or sent back to school in the case the Committee considers it to be in the interest of the resident.

21. Visit in private.

(1) Subject to paragraph 2, the Commissioner of Probation and After Care or other person responsible for supervision shall be allowed to see any resident in private at any reasonable time,

(2) A female resident shall only be visited in private in the presence of the housemother or a female probation officer.

22. Practice of Religion.

Residents shall be given reasonable facilities for the practice of their religion.

23. Free time and recreation.

(1) Adequate provision shall be made for free time and recreation which may include activities outside the grounds of the hostel or home.

(2) Arrangements shall be made for resident in a hostel or home to spend at least one hour daily in the open air.

24. Pocket money and earnings.

(1) Residents may receive pocket money and amenities as may be determined by the Committee subject

to the approval of the Commissioner of Probation and After Care.

(2) Residents may participate in such earnings schemes as may be established by the Committee.

PART VI

DISCIPLINE

25. Personal influence.

The discipline of the hostel or home shall be maintained by personal influence of the warden and staff.

26. Disciplinary action

(1) The warden shall be responsible for the immediate recording of any disciplinary action in the log book.

(2) No resident shall be allowed to administer any form of punishment on a resident.

27. Corporal punishment.

(1) No corporal punishment of any kind shall be inflicted on a resident.

(1) For the purposes of this regulation the term “corporal punishment” includes striking, cuffing or shaking or the intentional infliction of physical pain as a means of punishment.

28. Duties of Committee.

The Committee shall arrange –

(a) for each resident to be medically examined as soon as practicable after admission;

(b) for the periodic sanitary inspection of the hostel or home;

(c) to have advice as to dietary and general hygiene;

(d) for medical records to be kept by the warden in which shall be entered particulars of every medical examination carried out under this regulation and case notes relating to any resident receiving medical attention.

29. Medical and dental treatment.

The Committee shall ensure that arrangements are made for the provision of any necessary medical and dental treatment.

30. Accident causing serious injury.

The warden shall at once notify the Commissioner of probation and After Care of the death of any resident or of any resident or of any accident which results in serious injury to an accident.

PART VIII

GENERAL

31. Audit and other duties.

The Committee shall arrange –

- (a) For the keeping by the warden of all registers and records required by the Commissioner of Probation and After Care, and shall cause to be sent to the Commissioner of Probation and After Care such returns, statements and other, information as may be required by him from time to time;
- (b) subject to the approval of the Commissioner of Probation and After Care, for the appointment of the staff and of an auditor, and for the audit of the accounts of the hostel or home;
- (c) for a copy of these regulations to be given on appointment to each member of the staff;
- (d) for the hostel or home to be open at all times to inspection by or on behalf of the Commissioner of Probation and After Care, and shall in connection with any such inspection give such facilities for the examination of the books and records of the hostel or home.

PART IX

SUPERVISION AND VISITS

32. Visits of Commissioner of Probation and After Care.

- (1) The Commissioner of Probation and After Care or his representative shall visit each hostel or home at least once a month for the purpose of –
 - (a) satisfying himself that the hostel or home is being run in accordance with these regulations; and
 - (b) advising the staff as to the best way of dealing with each resident in order to give him an incentive to better living.

33. Commencement.

These regulations shall come into operation on 1 January 1990.

Made by the Minister on 22 December 1989.