

**CHAPTER 90**

**THE PRISONS ACT**

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

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**PLACES DECLARED TO BE PRISONS FOR THE  
PURPOSES OF THE ACT UNDER SECTION 24**

ARRANGEMENT OF SECTIONS

*NAIROBI AREA*

*CENTRAL PROVINCE*

*Kiambu District*

*Muranga District*

*Kirinyaga District*

*Nyeri District*

*Nyandarua District*

*Thika District*

*EASTERN PROVINCE*

*Embu District*

*Meru District*

*Machakos District*

*Kitui District*

*Isiolo District*

*Marsabit District*

*NORTH-EASTERN PROVINCE*

*Garissa District*

*Wajir District*

*Mandera District*

*COAST PROVINCE*

*Mombasa District*

*Kwale District*

*Kilifi District*

*Lamu District*

*Tana River District*

*Taita/Taveta District*

*NYANZA PROVINCE*

*Kisumu District*

*South Nyanza District*

*Kisii District*

*WESTERN PROVINCE*

*Kakamega District*

*Bungoma District*

*Busia District*

*RIFT VALLEY PROVINCE*

*Nakuru District*

*Uasin Gishu District*

*Trans Nzoia District*

*West Pokot District*

*Narok District*

*Nandi District*

*Turkana District*

*Kericho District*

*Kajiado District*

*Samburu District*

*Laikipia District*

*SCHEDULE*

*SCHEDULE*

*DECLARATION—MALINDI PRISON, 1982*

*DECLARATION—LAMU AND HINDI PRISONS, 1983*

*SCHEDULE*

*DECLARATION—EMBU PRISONS, 1985*

*Prisons*

[Subsidiary]

*SCHEDULE*  
*DECLARATION—KILIFI PRISON, 1985*  
*SCHEDULE*  
*DECLARATION—RUMURUTI PRISON, 1985*  
*SCHEDULE*  
*DECLARATION—GARISSA MEDIUM PRISON, 1991*  
*SCHEDULE*  
*DECLARATION—MIGORI PRISON, 1993*  
*SCHEDULE*  
*DECLARATION—KWALE PRISON, 1993*  
*SCHEDULE*  
*DECLARATION—SIAYA PRISON, 1993*  
*SCHEDULE*  
*DECLARATION OF BUSIA PRISON, 1994*  
*SCHEDULE*  
*DECLARATION—KANGETA PRISON, 1996*  
*SCHEDULE*  
*DECLARATION—KAJIADO PRISON, 1999*  
*SCHEDULE*  
*DECLARATION—VOI PRISON, 1999*  
*SCHEDULE*  
*DECLARATION—NAIROBI SHORT SENTENCE PRISON, 1999*  
*SCHEDULE*  
*DECLARATION—ELDAMA RAVINE PRISON, 2001*  
*SCHEDULE*  
*DECLARATION—KABARNET PRISON, 2001*  
*SCHEDULE*  
*DECLARATION—KINGORANI PRISON, 2001*  
*SCHEDULE*  
*DECLARATION—TAMBACH PRISON, 2001*  
*SCHEDULE*  
*DECLARATION—MAKUENI PRISON, 2004*  
*SCHEDULE*  
*DECLARATION OF PRISON—NYANDARUA PRISON, 2010*  
*SCHEDULE*

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**PLACES DECLARED TO BE PRISONS FOR  
THE PURPOSES OF THE UNDER SECTION 24**

[Gazette Notice 8 of 1911, Gazette Notice 262 of 1927, Gazette Notice 397 of 1928, Gazette Notice 409 of 1931, Gazette Notice 633 of 1935, Gazette Notice 359 of 1943, Gazette Notice 1082 of 1945, Gazette Notice 1033 of 1946, Gazette Notice 77 of 1947, Gazette Notice 222 of 1947, Gazette Notice 1283 of 1951, Gazette Notice 1020 of 1952, Gazette Notice 1069 of 1952, Gazette Notice 1136 of 1952, Gazette Notice 834 of 1953, Gazette Notice 1990 of 1953, Gazette Notice 266 of 1954, Gazette Notice 1132 of 1954, Gazette Notice 1134 of 1954, Gazette Notice 1184 of 1954, Gazette Notice 1690 of 1954, Gazette Notice 355 of 1955, Gazette Notice 697 of 1955, Legal Notice 238 of 1958, Legal Notice 363 of 1958, Legal Notice 370 of 1958, Legal Notice 519 of 1959, Legal Notice 118 of 1961, Legal Notice 371 of 1961, Legal Notice 721 of 1961, Legal Notice 30 of 1962, Legal Notice 109 of 1962, Legal Notice 101 of 1963, Legal Notice 617 of 1963, Legal Notice 760 of 1963, Legal Notice 78 of 1964, Legal Notice 106 of 1964, Legal Notice 238 of 1964, Legal Notice 170 of 1965, Legal Notice 304 of 1965, Legal Notice 313 of 1965, Legal Notice 314 of 1965, Legal Notice 320 of 1965, Legal Notice 45 of 1966, Legal Notice 210 of 1966, Legal Notice 209 of 1966, Legal Notice 208 of 1966, Legal Notice 118 of 1967, Legal Notice 258 of 1968, Legal Notice 297 of 1968, Legal Notice 310 of 1968, Legal Notice 350 of 1968, Legal Notice 97 of 1969, Legal Notice 103 of 1969, Legal Notice 188 of 1969, Legal Notice 163 of 1970, Legal Notice 180 of 1970, Legal Notice 50 of 1971, Legal Notice 109 of 1971, Legal Notice 45 of 1972, Legal Notice 46 of 1972, Legal Notice 199 of 1973, Legal Notice 113 of 1975, Legal Notice 4 of 1977, Legal Notice 83 of 1978, Legal Notice 172 of 1980, Legal Notice 36 of 1982, Legal Notice 258 of 1983, Legal Notice 113 of 1985, Legal Notice 204 of 1985, Legal Notice 237 of 1985, Legal Notice 294 of 1991, Legal Notice 136 of 1993, Legal Notice 334 of 1993, Legal Notice 333 of 1993, Legal Notice 370 of 1994, Legal Notice 118 of 1966, Legal Notice 317 of 1996, Legal Notice 140 of 1999, Legal Notice 138 of 1999, Legal Notice 139 of 1999, Legal Notice 36 of 2001, Legal Notice 60 of 2001, Legal Notice 61 of 2001, Legal Notice 62 of 2001, Legal Notice 63 of 2001, Legal Notice 85 of 2004, Legal Notice 153 of 2010]

**NAIROBI AREA**

[G.N. 8/1911, G.N. 222/1947, G.N. 1132/1954, L.N. 118/1967.]

Nairobi Remand and Allocation.

Nairobi Short Sentence.

Nairobi West.

Langata Women's.

**CENTRAL PROVINCE**

**Kiambu District**

[G.N. 355/1955, L.N. 314/1965, L.N. 101/1963, L.N. 721/1961,  
G.N. 1134/1954, L.N. 163/1970, L.N. 760/1963, L.N. 113/1975.]

Kamiti Main.

Kamiti Medium Security.

Kamiti Short Sentence.

The detention camp at Nairobi Prison (Kamiti) Nairobi Area

Kiambu.

Thika.

Gatundu Remand.

Limuru Remand.

Ruiru.

**Muranga District**

[L.N. 721/1961, L.N. 208/1966, L.N. 304/1965, L.N. 199/1973.]

*Prisons*

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[Subsidiary]

Muranga Main.  
Muranga Short Sentence.  
Maranjau.

***Kirinyaga District***

[L.N. 238/1958, L.N. 180/1970]

Kerugoya.

***Nyeri District***

[G.N. 1990/1953, L.N. 760/1963.]

Nyeri Main.  
Nyeri Women's.  
Nyeri. Medium Security.

***Nyandarua District***

[G.N. 1069/1952.]

Thomson's Falls.

***Thika District***

[L.N. 106/1964.]

Waterfall Veterinary Camp

**EASTERN PROVINCE*****Embu District***

[L.N. 721/1961.]

Embu.

***Meru District***

[L.N. 721/1961, L.N. 170/1965, L.N. 310/1968.]

Meru.  
Meru Women's.  
Uruku.

***Machakos District***

[G.N. 397/1928.]

Machakos.

***Kitui District***

[G.N. 262/1927.]

Kitui.

***Isiolo District***

[G.N. 77/1947]

Isiolo.

***Marsabit District***

[G.N. 409/1931, G.N. 1033/1946.]

Marsabit.

Moyale.

**NORTH-EASTERN PROVINCE**

**Garissa District**

[G.N. 1082/1945.]

Garissa.

**Wajir District**

Wajir.

**Mandera District**

[G.N. 1082/1945.]

Mandera.

**COAST PROVINCE**

**Mombasa District**

[G.N. 834/1953, L.N. 109/1962, L.N. 320/1965.]

Shimo la Tewa Main.

Shimo la Tewa Women's.

Shimo la Tewa Annexe.

Shimo la Tewa Borstal Institution.

**Kwale District**

[G.N. 633/1935.]

Kwale.

**Kilifi District**

[L.N. 721/1961, L.N. 109/1971, L.N. 370/1958.]

Kilifi.

Malindi.

Malindi Annexe.

Kaloleni Remand.

**Lamu District**

[G.N. 1690/1954.]

Lamu.

**Tana River District**

[L.N. 519/1959, L.N. 45/1972, L.N. 350/1968.]

Hola.

Kipini.

**Taita/Taveta District**

[L.N. 363/1958, L.N. 30/1962, L.N. 209/1966, L.N. 210/1966,  
L.N. 46/1972, G.N. 1136/1952, G.N. 697/1955, L.N. 760/1963.]

Manyani.

Wundanyi.

Voi.

*Prisons*

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[Subsidiary]

Taveta.

The Tsavo River Camp.

**NYANZA PROVINCE*****Kisumu District***

[L.N. 721/1961, L.N. 297/1968.]

Kisumu Main.

Kisumu Women's.

Kibos.

***South Nyanza District***

[L.N. 118/1961.]

Homa Bay.

***Kisii District***

[L.N. 721/1961.]

Kisii.

**WESTERN PROVINCE*****Kakamega District***

[G.N. 564/1931, G.N. 1283/1951, L.N. 617/1963.]

Kakamega.

Kakamega Women.

Shikusa Short Sentence.

Shikusa Borstal Institution.

***Bungoma District***

[L.N. 78/1964, L.N. 118/1966.]

Bungoma.

Sangalo Livestock Improvement Centre Bungoma.

***Busia District***

Nil.

**RIFT VALLEY PROVINCE*****Nakuru District***

[L.N. 188/1969, L.N. 89/1969, L.N. 371/1961.]

Naivasha Maximum.

Naivasha Short Sentence.

Nakuru.

Nakuru Women.

***Uasin Gishu District***

[L.N. 371/1961, L.N. 50/1971.]

Eldoret.

Eldoret Women.



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[Subsidiary]

Ngeria.

***Trans Nzoia District***

[G.N. 359/1943, L.N. 721/1961.]

Kitale Farm.

Kitale Remand.

***West Pokot District***

[L.N. 103/1969, L.N. 760/1963.]

Kapenguria.

Sigor.

***Narok District***

[G.N. 1184/1954.]

Narok.

***Nandi District***

[L.N. 721/1961.]

Kapsabet.

***Turkana District***

[G.N. 1020/1952.]

Lodwar.

***Kericho District***

[L.N. 721/1961, L.N. 313/1965.]

Kericho.

Kericho Short Sentence.

***Kajiado District***

[L.N. 97/1970]

Kajiado Remand.

***Samburu District***

[L.N. 258/1968.]

Maralal.

***Laikipia District***

[G.N. 266/1954.]

Nanyuki.

[L.N. 238/1964.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a direction\* issued under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary for Home Affairs hereby declares the former Admiralty Radio Station at Shimo-la-Tewa to be a prison for the purposes of the Act.

[L.N. 45/1966.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary for Home Affairs hereby declares that those parts of the camp buildings at Athi Rivert in the Machakos District, Eastern Province, consisting of

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[Subsidiary]

the staff quarters, with the grounds and other buildings belonging or attached to such staff quarters shall be a part of the prison for the purposes of the Act.

[L.N. 118/1966.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary for Home Affairs hereby declares the detention camp at Bungomat in the Bungoma District, Western Province, to be a prison for the purposes of the Act with effect from 15th April 1966.

[L.N. 97/1969, Corr. No. 33/1969.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that part of the detention camp at Kajiado in the Kajiado District, Rift Valley Province, shall be a prison for the purposes of the Act with effect from the 1st day of April 1969.

[L.N. 103/1969.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares the camp buildings at Kapenguria in the West Pokot District, Rift Valley Province, to be a prison for the purposes of the Act.

[L.N. 188/1969.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that the area on the right hand side of Naivasha/Kinangop Road, situated within Naivasha Town in the Nakuru District of the Rift Valley Province, comprising of 154.5 acres approximately, being Land Registration No. 1144/339, the boundaries of which are fenced and delineated, edged red on the Survey Plan F/R. 112/127 which is deposited in the Survey Record Office, Survey of Kenya, Nairobi, to be a prison for the purposes of the Act.

[L.N. 4/1977.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs hereby declares that the land situated at Gathigiriri, Kirinyaga District, Central Province, being Land Reference Numbers GATH/679 and GATH/210, comprising 182.11 and 21.10 hectares respectively, the boundaries of which are fenced and delineated in Survey Plan, Kirinyaga/Gathigiriri, Sheet numbers 2, 3, 8, 9, 14 and 15 of the survey map series 135/2 which are deposited in the Survey Records Office, Survey of Kenya, Nairobi, to be a prison for the purpose of the Act.

Legal Notice 284 of 1969 is hereby revoked.

[L.N. 83/1978.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, and in pursuance of a delegation made under section 38(1) of the Interpretation and General Provisions Act, the Permanent Secretary, Vice-President's office and Ministry of Home Affairs hereby declares that the area of land described in the Schedule hereto shall be a prison for the purposes of the Act.

**SCHEDULE**

[L.N. 83/1978.]

An area of land measuring approximately 22.90 hectares comprising L.R. Nos. 714, 716, 717, 718, 719, 729, 721, 748, 1458, and 1459 respectively, situate four and a half kilometres south-east of Embu Town in Githimu Sublocation, Gaturi Location, Embu District, Eastern Province, the land certificates in respect of which have been surrendered to the Registrar of Titles, Nairobi, and the boundaries of which are fenced and more particularly delineated on the Survey Plan, Gaturi/Githimu Sheet Nos. 48, 49, 50 and 51 of the Survey of Kenya 162 cadastral overprint which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi.

[L.N. 172/1980.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Constitutional and Home Affairs declares that the area of land described in the Schedule shall be a prison for the purposes of the Act.

#### **SCHEDULE**

An area of land of approximately 357.75 hectares situated three kilometres south-west of Athi River Town in Kajiado District, Rift Valley Province, bearing Land Registration Number 11834 and the boundaries of which are fenced and more particularly delineated on survey plan, meridional district south A.37/911 d 9 (1.48/4) which is signed and deposited at the Survey Records Office, Survey of Kenya, Nairobi.

Legal Notice No. 264 of 1958 is revoked.

#### **DECLARATION—MALINDI PRISON, 1982**

[L.N. 36/1982.]

IN EXERCISE of the powers conferred by section 24(1) of the Prisons Act, the Vice-President and Minister for Home Affairs declare that the prison buildings at Malindi in Kilifi District shall cease to be a prison.

#### **DECLARATION—LAMU AND HINDI PRISONS, 1983**

[L.N. 258/1983.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purpose of the Act—

- (a) the Prison building at Lamu, in Lamu District, Coast Province shall cease to be a prison; and
- (b) the area of land described in the Schedule shall be a prison.

#### **SCHEDULE**

An area of land of measuring approximately eight hundred hectares situated five kilometres north of Mukowe in Lamu District, Coast Province, the boundaries of which are fenced and more particularly delineated on the approved Hindi Part Development Plan No. 62921/75A which is signed and deposited in the Records Office of the Commissioner of Lands, Nairobi.

#### **DECLARATION—EMBU PRISONS, 1985**

[L.N. 113/1985.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purpose of the Act—

- (a) the prison building at Embu known as the Embu Old Prison, Embu District, Eastern Province, shall cease to be a prison;
- (b) the area of land described in the Schedule hereto shall be a prison.

[Subsidiary]

**SCHEDULE**

An area of land of approximately 36.55 hectares situated four and half kilometres South East of Embu Town along Embu-Siakago Road in Githimu Sub-location, Gaturi Location, Embu District, Eastern Province, the boundaries of which are fenced and more particularly delineated on both Survey plan, Gaturi/Githimu Sheet Nos. 48, 49, 50 and 51 of Kenya, 1962 cadastral over print and Embu Physical Planning Drawing No. 21/78/1 and approved plan No. 76 deposited in the Survey Records Office of the Commissioner of Lands in Nairobi.

**DECLARATION—KILIFI PRISON, 1985**

[L.N. 204/1985.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and Minister for Home Affairs declares that for the purposes of the Act—

(a) the Prison building at Kilifi known as the Kilifi Prison, Kilifi District, Coast Province shall cease to be a prison; and

(b) the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land of approximately 37.25 hectares comprising LR 1510/4/R situated within Kilifi Municipality in Kilifi District, Coast Province, the land certificate of which has been surrendered to the Commissioner of Lands, Nairobi and the boundaries of which are fenced and more particularly delineated on both Survey Plans No. TP58/1/111/304, Kilifi Approved Plan No. 23, Zone 420 and Drawing No. 134-CT-1-81 of Kilifi Township, deposited in the Survey Records Office, Survey of Kenya, Ardhi House, Nairobi and Lands Office, Mombasa.

**DECLARATION—RUMURUTI PRISON, 1985**

[L.N. 237/1985.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90), the Vice-President and Minister for Home Affairs declares that for the purposes of the Act the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land approximately 41 hectares situated within Rumuruti Township on the road to Maralal in Laikipia District, Rift Valley Province, the Land Certificate of which has been surrendered to the Commissioner of Lands, Nairobi and boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. 172/67/2 approved Development Plan No. 11 of 15th November, 1967.

**DECLARATION—GARISSA MEDIUM PRISON, 1991**

[L.N. 294/1991.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land approximately 51.6 hectares situated within 6 kilometres from Garissa Town on the road to Lamu via Hulughu Divisional Headquarters in Garissa District, North eastern Province, of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. PDP 326-9-06 and allotment letter No. 34826/IX/110 of 9th November, 1990.

**DECLARATION—MIGORI PRISON, 1993**

[L.N. 136/1993.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister of Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule hereto shall be a prison.

#### **SCHEDULE**

An area of land of approximately 20.75 hectares situated within Migori Township opposite the Police and Administration Headquarters in Migori District, Nyanza Province, of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. PDP 133-69-1 dated 11th June, 1969 and approved on the 30th January, 1970.

#### **DECLARATION—KWALE PRISON, 1993**

[L.N. 333/1993.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule hereto shall be a prison.

#### **SCHEDULE**

An area of land of approximately 57.47 hectares situated within 4 kilometres from Kwale Town in Kwale District, Coast Province of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. PDP 140-1-CT-2-76, dated 21st June, 1976.

#### **DECLARATION—SIAYA PRISON, 1993**

[L.N. 334/1993.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule hereto shall be a prison.

#### **SCHEDULE**

An area of land approximately 20.75 hectares situated within Siaya Township bordering Farmers Training Centre in Siaya District, Nyanza Province of which boundaries are fenced and more particularly delineated on Department of Physical Planning reference No. N2/71/1, Plan No. 8, dated 12th November, 1971.

#### **DECLARATION OF BUSIA PRISON, 1994**

[L.N. 370/1994.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister of Home Affairs and National Heritage declares the building at Busia known as Busia Prison, in the Busia District, Western Province and the area of land described in the Schedule to be a prison for the purposes of the Act.

#### **SCHEDULE**

An area of land measuring approximately 58.41 hectares situated within 5 kilometres from Busia Town along Kisumu-Busia tarmac road on the junction of Busia-Nambale road (north side of the road) in Busia District, Western Province, the boundaries of which are fenced and more particularly delineated on Department of Physical Planning Reference No. L.R. 2918.

#### **DECLARATION—KANGETA PRISON, 1996**

[L.N. 317/1996.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs and National Heritage declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

[Subsidiary]

**SCHEDULE**

An area of land measuring approximately 41.7 hectares situated at Kangeta Trading Center, ½ a kilometer off Maua Meru Road and 7 kilometres from Maua Township in Nyambene District, Eastern Province, the boundaries of which are fenced and particularly delineated on Department of Physical Planning reference No. 3424.

**DECLARATION—KAJIADO PRISON, 1999**

[L.N. 138/1999.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, National Heritage, Culture and Social Services declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 1.82 hectares situated within Kajiado Urban Council, 5 kilometres south of Kajiado Town Centre in Kajiado District, Rift Valley Province, boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. DPP/166/71/1.

**DECLARATION—VOI PRISON, 1999**

[L.N. 139/1999.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, National Heritage, Culture and Social Services declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 25 hectares situated within Voi Town, Taita/Taveta District, Coast Province, the boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. DPD/REF/ITTA p. 69/64.

An area of land measuring approximately 40.5 hectares situated 4 kilometres from Voi Town Centre, within Voi Township, Taita/Taveta District, Coast Province, the boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. DPD/REF/TTA/64/89/1.

**DECLARATION—NAIROBI SHORT SENTENCE PRISON, 1999**

[L.N. 140/1999.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, National Heritage, Culture and Social Services declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

The buildings attached to Nairobi Remand and Allocation Prison, which were earlier referred to as Nairobi Detention Camp within the compound of Nairobi Remand and Allocation Prison in Nairobi Province, boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. L.R./20655/2.

**DECLARATION—ELDAMA RAVINE PRISON, 2001**

[L.N. 36/2001, L.N. 60/2001.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 0.81 hectares situated within Eldama Ravine Town Council in Koibatek District, Rift Valley Province, the boundaries of which are fenced

and particularly delineated on the Department of the Physical Planning reference No. DPR.30/79/1A.

**DECLARATION—KABARNET PRISON, 2001**

[L.N. 61/2001.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 0.72 hectares situated within Kabarnet Municipal Council in Baringo District, Rift Valley Province, the boundaries of which are fenced and particularly delineated on the Department of Physical Planning reference PDPREF:r.b.3/28.17.

**DECLARATION—KINGORANI PRISON, 2001**

[L.N. 62/2001.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 1.140 hectares situated within Mombasa Municipal Council in Mombasa District, Coast Province, the boundaries of which are fenced and particularly delineated on the Department of Physical Planning reference No. Plot 53 XIV/MIN.

**DECLARATION—TAMBACH PRISON, 2001**

[L.N. 63/2001.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90), the Minister for Home Affairs, Heritage and Sports declares that for the purposes of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 0.405 hectares, 11 kilometres from Iten Town Centre, within Tambach Town Council in Keiyo District, Rift Valley Province, the boundaries of which are fenced and more particularly delineated on Department of Physical Planning reference No. ITN/524/98.

**DECLARATION—MAKUENI PRISON, 2004**

[L.N. 85/2004.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act, the Vice-President and the Minister for Home Affairs, declares that for the purpose of the Act, the area of land described in the Schedule shall be a prison.

**SCHEDULE**

An area of land measuring approximately 4.85 hectares situated within Makueni Town Council in Makueni District, Eastern Province, the boundaries of which are fenced and more particularly delineated on the Department of Physical Planning reference No. DPR. 4/89.

**DECLARATION OF PRISON—NYANDARUA PRISON, 2010**

[L.N. 153/2010.]

IN EXERCISE of the powers conferred by section 24 of the Prisons Act (Cap. 90), the Vice President and Minister for Home Affairs, declares the area described in the Schedule shall be a prison for the purposes of the Act.

[Subsidiary]

**SCHEDULE**

All that area of land measuring approximately one hundred and thirty five acres situated within Ol-Jorok Salient Scheme location in Nyandarua West District, Central Province, the boundaries of which are fenced and particularly delineated on the Department of Physical Planning reference parcel No. 1663.

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## THE PRISONS RULES

[Legal Notice 60 of 1963, Legal Notice 715 of 1963, Legal Notice 309 of 1964, Legal Notice 214 of 1966, Legal Notice 166 of 1968, Legal Notice 131 of 1969, Legal Notice 371 of 1991, Legal Notice 540 of 1997]

### PART I – PRELIMINARY

#### 1. Citation

These Rules may be cited as the Prisons Rules.

#### 2. Interpretation

In these Rules, except where the context otherwise requires—

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

“short-sentence prisoner” means a prisoner who is sentenced to imprisonment for a period of six months or to corrective training for a period of four months or less to a Youth Corrective Training Centre.

#### 3. Manner in which Rules shall be applied

These Rules shall be applied, due allowance being made for differences in character and amenability to discipline of various types of prisoners, in accordance with the following principles—

- (a) discipline and order shall be maintained with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well ordered community life;
- (b) in the control of prisoners, prison officers should seek to influence them, through their own example and leadership, so as to enlist their willing cooperation; and
- (c) at all times the treatment of convicted prisoners shall be such as to encourage their self-respect and sense of personal responsibility, so as to rebuild their morale, to inculcate in them the habit of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so.

### PART II – CLASSIFICATION OF PRISONS AND PRISONERS

#### 4. Classes of prisons

The Commissioner may set aside prisons or parts of prisons for the detention of particular classes of prisoners.

#### 5. Classification of prisoners

(1) With a view of facilitating the training of prisoners and of minimizing the danger of contamination, prisoners shall be classified having regard to their age, character and previous history in the following classes—

- (a) Young Prisoner Class, which shall consist of convicted prisoners under the apparent age of seventeen years, or young convicted criminal prisoners of whatever age who in the opinion of the officer in charge should not, having regard to their age and character, be classed with adult prisoners;
- (b) Star Class, which shall consist of convicted criminal prisoners not being in the Young Prisoner Class who are first offenders or well behaved prisoners and who the officer in charge is satisfied have no vicious tendencies or habits;
- (c) Ordinary Class, which shall consist of all convicted criminal prisoners who are not in the Young Prisoner Class or Star Class;

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[Subsidiary]

- (d) Unconvicted Class, which shall consist of all debtors, persons on remand or awaiting trial, vagrants, civil lunatics or persons detained for safe custody or for want of sureties, who have not been convicted.

(2) Arrangements shall be made at all prisons to provide, as far as practicable, for effectively segregating the various classes of prisoners from each other at all times.

### **6. Reception Boards**

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

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

### **7. Transfer of prisoners between classes**

(1) The officer in charge may in his discretion at any time remove from the Young Prisoners Class a prisoner of seventeen years of age or over whom he regards as unsuitable by character for that class, and may place him in the Star Class.

(2) The officer in charge may in his discretion at any time remove from the Star Class to the Ordinary Class a prisoner whose character has shown him to be unfit to associate with other prisoners of the Star Class.

(3) The Commissioner may require each class of convicted criminal prisoner to wear a distinguishing badge or uniform.

### **8. Institution of other classes**

The Commissioner may institute such other classes as may in his opinion be necessary for improving the method of classification, and he may in his discretion authorize in particular cases, or at particular prisons, departure from rule 7 of these Rules.

### **9. Progressive stage system**

(1) All convicted criminal prisoners shall serve their sentences in accordance with the progressive stage system prescribed by these Rules.

(2) For the purposes of the progressive stage system, the length of a prisoner's sentence shall be deemed to be the total of all consecutive or overlapping sentences.

### **10. First stage**

(1) All short sentence prisoners shall be and remain in the first stage for the whole of their sentence, and shall be employed at ordinary or light labour.

(2) If they are of good conduct and industry, prisoners in the first stage shall participate in the earnings scheme.

### **11. Second stage**

(1) On admission to prison, a long-sentence prisoner shall be placed in the second stage and shall remain therein for three months, and shall not be promoted to the third stage until he has served for not less than one month without being found guilty of a prison offence.

(2) Prisoners in the second stage shall be employed at ordinary or light labour and, if they are of good conduct and industry, shall participate in the earnings scheme.

### **12. Third stage**

(1) A long-sentence prisoner, after serving three months in the second stage or such longer period as he may be required to serve therein, shall enter the third stage and shall remain therein for fifteen months, and shall not be promoted to the fourth stage until he has served for not less than three months without being found guilty of a prison offence.

(2) Prisoners in the third stage shall be employed at ordinary or light labour or such other labour as the officer in charge may direct and, if they are of good conduct and industry to the satisfaction of the officer in charge, shall participate in the earnings scheme.

### **13. Fourth stage**

(1) A long-sentence prisoner, after serving fifteen months in the third stage or such longer period as he may be required to serve therein shall enter the fourth stage and shall remain therein for eighteen months, but shall not be promoted to the special stage until he has served for not less than six months without being found guilty of a prison offence.

(2) Prisoners in the fourth stage shall be employed at ordinary or light labour or such other labour as the officer in charge may direct and, if they are of good conduct and industry to the satisfaction of the officer in charge, shall participate in the earnings scheme.

### **14. Special stage**

(1) A long-sentence prisoner, after serving eighteen months in the fourth stage or such longer period as he may be required to serve therein, shall be eligible to enter the special stage.

(2) A prisoner in the special stage shall be known as an Honour Prisoner and shall be employed at such labour as the officer in charge may direct and if he is of good conduct and industry to the satisfaction of the officer in charge shall participate in the earnings scheme.

(3) A prisoner in the special stage whose conduct has been continuously excellent from the time of his entering the fourth stage shall, if he has been in the special stage for at least two years, be eligible for discharge seven days earlier, if the Commissioner so directs.

### **15. Reduction to lower stage**

(1) As a punishment or part of a punishment for a disciplinary offence the Commissioner or an officer in charge may reduce a prisoner from the stage he is in to a lower stage.

(2) A prisoner reduced to a lower stage shall not be entitled to re-enter his previous stage unless—

- (a) in the case of a reduction from stage three or stage four, he serves for three months without being found guilty of a disciplinary offence; or
- (b) in the case of a first reduction from the special stage, he serves for six months without being found guilty of a disciplinary offence; or
- (c) in the case of a second reduction from the special stage, he completes twelve months without being found guilty of a disciplinary offence.

(3) In addition to or in lieu of reducing a prisoner to a lower stage for a disciplinary offence, the Commissioner or the officer in charge, as the case may be, may forfeit a part, not exceeding three-quarters, of the earnings of the prisoner, or reduce the rate of his earnings, or remove him from the earnings scheme, and may combine two or more of such punishments.

### **16. Uniform for different stages**

The Commissioner may direct that prisoners in each stage shall wear a special uniform or badge.

### **17. Stage privileges**

(1) The Commissioner shall, in the interests of good conduct and training, establish at every prison such system or systems of privileges as may be appropriate for the different classes of prisoners.

(2) The other privileges of prisoners in the various stages shall be as follows—

- (a) first and second stages—a prisoner in these stages shall be eligible to be placed on the earnings scheme, shall be allowed to have library books and exchange them as often as may be practicable and shall be eligible to attend such concerts, cinema shows and lectures as the officer in charge may direct;

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[Subsidiary]

- (b) third stage—a prisoner in this stage shall be eligible to be placed on the earnings scheme and may attend concerts, cinema shows, lectures and handicraft and school classes; he shall be allowed to have library books and exchange them as often as may be practicable;
- (c) fourth and special stages—a prisoner in these stages shall be allowed to attend concerts, cinema shows, lectures and school and handicraft classes, and to partake in other evening activities which may be arranged; he may have approved means of recreation in his cell and may be permitted to leave the prison under escort to take part in competitive games approved by the officer in charge; he shall be allowed to have library books and exchange them during the hours when the library is open;
- (d) a prisoner in the special stage shall, whenever possible, be permitted to occupy dormitory accommodation, and where this is not possible his cell may be provided with special furniture; extra bedding may be issued to him; he shall not be locked in his cell or dormitory at midday nor until one hour after the normal hour of lockup; similar facilities may be provided at weekends; a special stage prisoner may be permitted to move about within the prison without escort.

(3) Prisoners in all stages shall be eligible to receive suitable books or periodicals of an educational nature, subject to such directions as the Commissioner may from time to time give.

### **18. Further privileges**

The Commissioner may direct that prisoners in any stage shall be eligible to receive other privileges but they shall be liable to forfeit them as a punishment or part of the punishment for disciplinary offences.

### **19. Earnings scheme**

(1) Prisoners eligible under these Rules to participate in the earnings scheme shall be classified in the following grades— Grade A—prisoners who in the opinion of the Commissioner are of exemplary conduct and are skilled in their trade, and all special stage prisoners; Grade B—prisoners who in the opinion of the officer in charge are of good conduct and are semi-skilled in their trade; Grade C—all prisoners eligible to participate in the earnings scheme who are not Grade A or Grade B.

(2) Promotions to Grade A shall be made by the Commissioner and promotions to Grade B shall be made by the officer in charge.

(3) Prisoners engaged in collective work shall be graded in Grade C but may receive additional payment for work completed in excess of a fixed task:

Provided that no such prisoner shall earn more than a Grade A prisoner.

### **20. Rate of earnings**

The rate of earnings in each grade shall be fixed by the Cabinet Secretary.

### **21. Use of earnings**

(1) A prisoner on the earnings scheme, other than a prisoner in the first or second stage, may spend up to two-thirds of the total of his monthly earnings upon the purchase of tobacco and such other goods as may be allowed by the officer in charge on the instructions of the Commissioner; and the balance of the earnings shall be placed to the credit of the prisoner and the total credit shall be paid to him on release.

(2) A prisoner in the first or second stage may not spend any of his earnings, and the whole of his earnings shall be paid to him on release.



## PART III – MEDICAL OFFICERS AND THE HEALTH OF PRISONERS

**22. Prison infirmaries**

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

**23. Power of medical officer to delegate**

Subject to the directions of the Director of Medical Services, a medical officer may depute any of his functions or duties under this Part to any person whom he considers is suitably qualified to carry out such functions or duties.

**24. Medical officer to attend regularly**

The medical officer shall attend at the prison for which he is responsible either daily or at regular intervals.

**25. Examination of prisoners**

(1) The medical officer shall examine a prisoner on each of the following occasions—

- (a) on the prisoner's admission to prison;
- (b) before the prisoner is required to undergo any class of labour of a more strenuous nature than labour that he has been certified fit to undertake, and shall certify whether the prisoner is to undergo the labour;
- (c) before the prisoner undergoes corporal punishment or any other punishment likely to affect his health, and shall certify whether the prisoner is fit to undergo the punishment;
- (d) during the course of infliction of corporal punishment;
- (e) before the prisoner is discharged from prison;
- (f) before the prisoner is transferred to another prison.

(2) A prisoner due for discharge who is suffering from any acute or dangerous illness or who is so recommended by the medical officer shall be transferred to a hospital.

(3) If a prisoner is found to be suffering from any infectious or contagious disease, or to be in a verminous condition, steps shall at once be taken to treat the condition and to prevent it from spreading to other prisoners.

**26. Frequency of medical examination and inspections**

(1) The medical officer shall—

- (a) see every prisoner at least once every month; and
- (b) see every prisoner held on a capital charge or sentenced to death or in close confinement every day; and
- (c) inspect the prisoners at work from time to time; and
- (d) at least once every month inspect the whole prison, paying particular attention to the cooking and sanitary equipment in the prison.

(2) As a result of his examinations and inspections, a medical officer may recommend modifications in labour, diet or punishment, either generally or in relation to a class of prisoner or in relation to a particular prisoner.

**27. Medical officer to advise on removal of prisoners**

(1) The medical officer shall advise the officer in charge as to any prisoners that should be transferred from the prison which they are in to a hospital, mental hospital or leper settlement.

(2) The medical officer shall advise the officer in charge as to any prisoner who should be released by reason of his health being likely to be endangered by his remaining in prison, or his being unlikely to survive his sentence or being permanently unfit for prison discipline.

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[Subsidiary]

### **28. Mental condition of prisoners**

(1) The medical officer shall keep observation on the mental health of all prisoners held on a capital charge or sentenced to death and on all convicted criminal prisoners serving a period of imprisonment for three years or more.

(2) The medical officer shall report to the officer in charge any case where he considers a prisoner is mentally disordered.

(3) The medical officer shall submit to the officer in charge in respect of every prisoner held on a capital charge a full report on the mental state of the prisoner as soon after admission as possible, and again after conviction, and again after the result of any appeal against sentence is made known.

(4) All reports made under paragraph (3) of this rule shall be in such form and shall be forwarded to such authorities as may be from time to time directed by the Commissioner.

### **29. Spread of disease**

The medical officer shall take all measures necessary to prevent the spread of infectious or contagious diseases.

### **30. Books to be kept**

The medical officer shall keep the following books and records—

- (a) a case book showing the name, disease and treatment of every sick prisoner;
- (b) a journal containing his comments and the state of the prison and prisoners;
- (c) a case book giving full details of the medical history, cause of death and treatment of every prisoner who dies in the prison otherwise than by judicial execution; and
- (d) report from time to time on the nature and quality of the food of the prisoners both before and after cooking.

### **31. Vaccination**

If the medical officer considers it necessary for the health of any particular prisoner or prisoners, or for the health of other prisoners or members of the public he may arrange for the vaccination or inoculation of any prisoner or prisoners.

#### **PART IV – ACCOMMODATION IN AND GENERAL MANAGEMENT OF PRISONS**

### **32. Sleeping accommodation**

(1) Prisoners shall sleep in communal wards or in separate cells, as the officer in charge directs in the case of each prisoner.

- (a) Male and female prisoners shall be kept absolutely separate from each other and shall be confined in different buildings.
- (b) The wards, cells and yards where women prisoners are confined shall be secured by locks different from those securing the wards, cells and yards allotted to male prisoners.
- (c) Women prisoners shall in all cases be attended by women officers.
- (d) A male prisoner shall not enter a prison or part of a prison appropriated to women prisoners, except on duty, accompanied by a woman prison officer.

(2) Prisoners appearing to be under seventeen years of age, whether male or female, shall be kept apart as far as practicable from adults, and confined in separate buildings or a separate part of the prison.

(3) The medical officer shall certify the number of prisoners that may sleep in one ward or cell.

**33. Cleanliness of prisons**

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

**34. Punishment cells**

In every prison, cells shall from time to time be set aside for the confinement of prisoners undergoing punishment for prison offences; every such cell shall be certified as fit to be used for such purpose by the medical officer.

**35. Search on admission**

Every prisoner shall be searched when taken into custody by a prison officer, on admission into prison and at such subsequent times as the officer in charge directs, and all unauthorized articles shall be taken from him.

**36. Manner of search**

(1) The searching of a prisoner shall be conducted in as seemly a manner as is consistent with the necessity for discovering concealed articles.

(2) A prisoner shall be searched only by officers of the same sex as the prisoner.

**37. Prisoner's property**

(1) Subject to the provisions of paragraph (2) of this rule, all money, clothing or other effects belonging to a prisoner which he is not allowed to retain shall be placed in the custody of the officer in charge, who shall keep an inventory thereof, which shall be signed by the prisoner.

(2) All articles of a perishable nature and all articles infested with vermin or otherwise likely to spread disease in a prison, which are in the possession of a prisoner on admission into prison shall be destroyed.

(3) In any case where the clothes of a prisoner are so old, worn out or dirty as to be useless, the officer in charge shall order them to be destroyed, and, in such case, on the release of the prisoner the officer in charge shall give the prisoner clothing of a suitable kind.

(4) Articles which in the opinion of the officer in charge are too bulky for storage shall not be accepted into the prison.

(5) On the discharge of a prisoner, all articles of clothing and property shall be returned to him unless they have been destroyed in accordance with this rule.

(6) If any prisoner is discharged or escapes from prison and fails to claim his property within six months from his discharge or escape or if any prisoner dies in prison and his personal representatives or relatives do not claim his property within six months of his death, the officer in charge may, if in his opinion such property is of no value, destroy it, or if he considers it possible to sell it he shall sell it and devote the proceeds to the welfare of the prisoners in the prison generally.

(7) The provisions as to unclaimed prisoners' property contained in paragraph (6) of this rule shall apply to any unclaimed property within a prison at the commencement of these Rules and such property may be destroyed or sold, as the case may be, at the end of six months after the commencement of these Rules if by such time it has not been claimed.

[L.N. 166/1968.]

**38. Recording of particulars**

The name, race and tribe, age, weight, and particular marks, and such other measurements and particulars as may be required in regard to a prisoner, shall upon his admission, and from time to time, be recorded in such manner as the Commissioner directs.

[Subsidiary]

**39. Fingerprints**

On admission into prison, every prisoner shall have his fingerprints taken.

**40. Photographs**

A long-sentence prisoner shall be photographed on admission and subsequently, as required by the officer in charge, but no copy of the photograph shall be given to a person who is not authorized to receive it.

**41. Baths**

Every prisoner shall, unless exempted by the officer in charge or the medical officer, take a bath or shower on admission and thereafter as ordered by the officer in charge.

**42. Medical examination on admission**

Every prisoner shall, on the day of his admission or as soon as possible after his admission, be separately examined by the medical officer, who shall record the state of health of the prisoner and such other particulars as may be directed:

Provided that when a prisoner is received too late to be examined on the same day he shall be examined as soon as possible on the next day, and in any case within twenty-four hours of his admission.

**43. Information for prisoners to be provided in cells or wards**

Every prisoner on admission to prison shall be provided in his cell or ward with such information as to the rules concerning the disciplinary requirements of the prison, to earnings and privileges and to the proper methods of submitting petitions to the Governor-General and of making complaints as to food, clothing, bedding and other necessities.

**44. Officer in charge to ensure that information is understood**

(1) The officer in charge shall, personally or through such officer as he may appoint, ensure as soon as possible after admission into prison, and in any case within twenty-four hours, that every prisoner who can read has read the information so provided.

(2) Where a prisoner cannot read or has difficulty in understanding the information so provided, it shall be so explained to him that he may understand his rights and obligations.

(3) A prisoner committed to prison in default of paying a sum of money or for want of surety shall on admission be informed of the means whereby he may obtain his release.

**PART V – TREATMENT OF PRISONERS****45. Use of force**

(1) No prison officer shall punish any prisoner unless authorized to do so under the Act or these Rules.

(2) No prison officer shall deliberately act in a manner calculated to provoke a prisoner.

(3) If a prison officer strikes or uses force against a prisoner, he shall have the prisoner as soon as possible examined by the medical officer, and shall immediately report the incident to the officer in charge.

**46. Clothing**

(1) Subject to section 35 of the Act, every prisoner, shall be supplied with and shall wear such prison clothing as may be directed.

(2) Additional or alternative clothing may be supplied to a prisoner on the recommendation of the medical officer, or by order of the officer in charge.

**47. Bedding**

(1) Every prisoner shall be supplied with bedding adequate for warmth and health.

(2) Additional or alternative bedding may be supplied to a prisoner on the recommendation of the medical officer.

#### **48. Cleanliness of clothes and bedding**

(1) The clothes of a prisoner shall be changed and washed at least weekly, and bedclothes shall be washed and aired as often as the officer in charge may direct.

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

#### **49. Food**

(1) Subject to the provisions of section 35 of the Act, every prisoner shall be entitled to a sufficient quantity of plain wholesome food, in accordance with the prisoners' diet in the First Schedule.

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

(3) The diet of a prisoner who persistently wastes his food may be reduced by the officer in charge after obtaining the written advice of the medical officer.

(4) A prisoner ordered penal diet shall have substituted for his ordinary diet the penal diet set out in the First Schedule to these Rules unless the medical officer otherwise recommends.

[L.N. 540/1997, s. 2.]

#### **50. Restrictions on alcohol and tobacco**

(1) No prisoner shall under any pretence whatever be allowed any spirits, wine, beer or other intoxicating or stupefying drink, drug or matter, except such, and in such quantities, as may be directed in particular cases by the medical officer by order in writing.

(2) Subject to these Rules, no prisoner shall be allowed to smoke or have in his possession any tobacco except in accordance with rule 21 of these and such orders as may be given by the officer in charge with the approval of the Commissioner.

#### **51. Prisoners' hair**

(1) Subject to the provisions of paragraphs (2), (3), (4) and (5) of this rule, all convicted criminal prisoners sentenced to imprisonment for any period exceeding one month shall have their hair cut short and their beards, whiskers and moustaches, if worn, trimmed close, and those who wear no hair on their faces, or a moustache only, shall be shaved as often as may be necessary to preserve a clean and decent appearance.

(2) The hair of female prisoners shall not be cut on admission or afterwards unless the medical officer considers it to be necessary for health and cleanliness or the prisoner expresses a desire to have her hair cut.

(3) The hair of prisoners awaiting trial and prisoners awaiting the hearing of an appeal shall be kept, as far as cleanliness permits, in the same state as it was on admission.

(4) The hair of a Sikh prisoner shall not be cut without an order in writing from the officer in charge, which order shall not be made except on the ground of necessity certified by the medical officer.

(5) During the last month of imprisonment, the hair of a prisoner shall be allowed to grow if the prisoner so desires and it is consistent with cleanliness and health.

#### **52. Exercise**

All prisoners, other than those in close confinement, shall take regular physical exercise in accordance with instructions issued by the officer in charge.

#### **53. Visits and letters**

(1) Communications, other than communications with legal advisers, between prisoners and other persons shall be allowed only in accordance with this rule, and the officer in charge

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may restrict such communication still further if he thinks it necessary for the maintenance of discipline and order in the prison and the prevention of crime.

(2) Save as provided in paragraphs (3), (4) and (5) of this rule and the following provisions in this Part, visits and letters shall be granted by the following rules—

- (a) first stage prisoners shall be entitled to write and receive one letter every four weeks, and to receive one visit of twenty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (b) second stage prisoners shall be entitled to write and receive one letter every four weeks, and to receive a visit of twenty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (c) third stage prisoners shall be entitled to write and receive one letter every three weeks, and to receive a visit of twenty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (d) fourth stage prisoners shall be entitled to write and receive one letter every two weeks and to receive a visit of thirty minutes' duration every four weeks or to write and to receive one letter in lieu;
- (e) a special stage prisoner shall be entitled to receive letters without restriction, and to write one letter every week, and to receive a visit of thirty minutes' duration every two weeks or to write one letter in lieu.

(3) On admission, a prisoner shall be entitled to write and receive a "reception letter" and to receive a visit of fifteen minutes' duration, and on transfer to another prison a prisoner shall be entitled to write and receive a "transfer letter".

(4) The Commissioner may, as a privilege for any prisoner or class of prisoner, allow such additional letters and visits as he may determine.

(5) The officer in charge may allow a prisoner to write a special letter and to receive a reply or to receive a special visit in any of the following circumstances—

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

#### **54. Transfer of prisoner to enable him to be visited**

Where a prisoner has served for a period of three years and, owing to the distance from his home, has not received any visits from relatives or friends during such imprisonment, the Commissioner may in his discretion order the temporary transfer of such long-sentence prisoner to the prison nearest his home and permit such prisoner to be visited by friends or relatives, not exceeding three in number at any one time, for such period as the Commissioner may direct, provided the work, conduct and progress of the prisoner merit such privilege.

#### **55. Postponement of privileges of letters and visits**

(1) The privilege of writing and receiving letters and receiving visits may, at the discretion of the officer in charge, be postponed at any time in case of misconduct, but shall not be subject to forfeiture.

(2) When a prisoner who becomes entitled to a letter or visit is at the time undergoing punishment, the officer in charge shall defer the privilege to a suitable time.

#### **56. Visits to sick prisoners**

If a prisoner dangerously ill desires to be visited by a near relative or friend, the officer in charge may give an order in writing for the admission of that relative or friend.

#### **57. Conditions relating to visits**

- (1) Not more than three persons shall be allowed to visit a prisoner at one time.

(2) All visits to prisoners shall take place during the normal working hours of the prison and between such hours as the officer in charge may direct.

(3) A prison officer of a rank detailed by the officer in charge, together with an interpreter in the case where the prison officer does not understand the language spoken, shall be within sight and bearing during the whole of every visit, unless the officer in charge by an order in writing otherwise directs.

(4) The prison officer detailed to supervise visits shall demand the name and address of every visitor to a prisoner and, when he has any grounds for suspicion, he may search or cause to be searched male visitors and may direct a female officer to search female visitors, but such search shall not be in the presence of any prisoner or of another visitor; and, in case of any visitor refusing to be searched, such visitor shall be ordered to leave the prison.

(5) Any prison officer ordering a visitor to leave a prison shall make a record thereof in writing.

(6) No ex-prisoner shall be allowed to visit a prisoner, except with the written permission of the officer in charge.

### **58. Letters to be read**

(1) Every letter to or from a prisoner shall be read by the officer in charge or by a responsible officer deputed by him and it shall be within the discretion of the officer in charge or the deputed officer to stop any letter on the grounds that its contents are objectionable or that it is of inordinate length; and in the case of an outgoing letter, the prisoner shall be informed and given the opportunity to rewrite the letter.

(2) No prisoner shall be permitted to write a letter to or receive a letter from a prisoner or an ex-prisoner without the permission in writing of the officer in charge.

### **59. Visits by advocates and diplomatic representatives**

(1) A prisoner who, after conviction, has given notice of appeal shall be given reasonable facilities to see his advocate concerning the appeal in the sight, but not in the hearing, of a prison officer.

(2) A prisoner who has been ordered to be repatriated to a place outside Kenya shall be given all reasonable facilities to see his advocate and a representative of his country concerning the order for repatriation in the sight, but not in the hearing, of a prison officer.

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

(4) The advocate of any prisoner may, with the permission of the officer in charge, see a prisoner concerning any other legal business, but shall see him in the sight and hearing of a prison officer.

(5) The advocate of a prisoner may be accompanied by another person under his direct and immediate control, for the purpose of interpretation or the making of a note.

(6) For the purpose of this rule, "advocate of a prisoner" means either the prisoner's advocate himself or the advocate's clerk.

### **60. Visits and letters of debtors**

The provisions of these Rules relating to visits and letters shall apply to all classes and categories of prisoners:

Provided that—

- (i) an officer in charge may in his discretion allow an unconvicted prisoner to see relatives and friends and to receive and read letters as often as he considers desirable; and
- (ii) a prisoner committed to prison in default of the payment of a sum in pursuance of any conviction order he is required to pay, shall be allowed to have an interview with his friends on any weekday during working hours of the

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prison, or to communicate by letter with them for the purpose of providing for a payment which would procure his release from prison, and every such prisoner shall on his admission be informed of this rule.

### **61. Visits by police officers and process servers**

(1) On production of an order from a magistrate, the Commissioner of Police, or a *gazetted* officer as defined in the National Police Service Act (Cap. 84), a police officer may, at any reasonable time, visit a prison and interview any prisoner for any of the following purposes—

- (a) identifying offenders;
- (b) taking statements considered necessary for any investigation;
- (c) any other purpose authorized in writing by the Commissioner.

(2) The officer in charge shall direct whether a visit by a police officer to a prisoner shall take place in or out of the hearing or sight of a prison officer.

(3) Any person duly authorized by a court shall be permitted to enter a prison during working hours in order to serve any legal process of a prisoner.

### **62. Religion and religious instruction**

(1) Every prisoner on admission shall be required to state his religion and religious denomination, and he shall be treated as a member of such religion and denomination until such time as a Minister of religion at the request of a prisoner certifies in writing that he belongs to another religious denomination.

(2) The Minister of religion shall be permitted to visit prisoners at such times as the officer in charge considers desirable.

(3) The officer in charge shall make such arrangements as he considers practicable for the holding of religious services in the prison and for the religious instruction of prisoners.

### **63. Education**

(1) The officer in charge shall take all steps that he considers practicable to arrange evening educational classes for the prisoners in his charge, and shall permit prisoners in their leisure time to study by means of courses approved and arranged by him and to practise handicrafts; and special attention shall be paid to the education of illiterate persons.

(2) Whenever possible there shall be a library in each prison, and prisoners shall be permitted to draw books from the library in accordance with such directions as the Commissioner may from time to time make.

(3) The officer in charge may arrange for lectures, concerts and debates for prisoners to take place outside the hours of labour.

(4) At each prison facilities shall be provided for physical training, games and recreation, both physical and mental, particularly in the case of the young prisoners and prisoners serving long-sentences.

### **64. Prison visitors**

The Commissioner may, on the recommendation of the officer in charge, appoint a sufficient number of prison visitors of either sex for the purpose of visiting prisoners regularly during their imprisonment and for conducting such classes as may be approved.

### **65. Petitions and complaints**

(1) Every prisoner may petition the Governor-General through the Commissioner, and such petition shall be written in such form as the Commissioner may direct.

(2) A prisoner may make a complaint to a visiting justice, the Commissioner, the officer in charge or such other class or classes of prison officer as the Commissioner designates to hear complaints.



(3) Any request by a prisoner to see a person to whom he is entitled to make a complaint shall be recorded by the officer to whom the request is made, and arrangements shall be made for the prisoner to see the person concerned at the first convenient opportunity.

(4) The officer in charge shall at a convenient hour every day, other than Sundays and public holidays, see all prisoners who have requested to see him.

#### PART VI – DISCIPLINE OF PRISONERS

### 66. Minor prison offences

Any prisoner who—

- (a) disobeys any order of the officer in charge or of any other prison officer or any prison rule; or
- (b) treats with disrespect any officer or any person authorized to visit the prison; or
- (c) is idle, careless, or negligent at work, or refuses to work; or
- (d) uses any abusive, insolent, threatening or other improper language; or
- (e) is indecent in language, act or gesture; or
- (f) commits any assault; or
- (g) communicates with another prisoner, or any other person, without authority; or
- (h) leaves his cell or ward or place of work or other appointed place without permission; or
- (i) wilfully disfigures or damages any part of the prison or any property which is not his own; or
- (j) commits any nuisance; or
- (k) has in his cell, ward, or in his possession, any unauthorized article, or attempts to obtain such an article; or
- (l) gives to or receives from any person any unauthorized article; or
- (m) makes repeated and groundless complaints; or
- (n) in any way offends against good order and discipline; or
- (o) attempts to do any of the foregoing things; or
- (p) aids or abets the doing of any of the foregoing things, shall be guilty of a minor prison offence.

### 67. Aggravated prison offences

Any prisoner who—

- (a) mutinies or incites to mutiny; or
- (b) commits or takes part in an aggravated or repeated assault on another prisoner; or
- (c) takes part in an assault or attack on a prison officer; or
- (d) commits any act of gross misconduct or insubordination, shall be guilty of an aggravated prison offence.

### 68. Inquiry into prison offences

(1) The officer in charge may order any prisoner charged with a prison offence to be kept apart from other prisoners.

(2) Every prisoner charged with a prison offence shall be informed of the offence with which he is charged, and shall be entitled to defend himself by—

- (a) hearing and questioning any witnesses giving evidence against him;
- (b) making a statement himself; and

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- (c) calling any witness whom he thinks necessary and whom the person trying the charge is satisfied will materially assist in determining whether or not the prisoner is guilty of the offence with which he is charged.

(3) Every charge against a prisoner shall be heard without delay.

#### **69. Punishment of minor prison offence by subordinate prison officer**

(1) An officer in charge, if a subordinate prison officer, may punish any prisoner who has been found after due inquiry by him to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments—

- (a) confinement in a separate cell for a period not exceeding three days upon the penal diet prescribed in the First Schedule to these Rules;
- (b) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges for a period not exceeding one month;
- (c) forfeiture of earnings not exceeding one-quarter; removal from the earnings scheme for a period not exceeding one month, and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade:

Provided that no prisoner shall be reduced from Grade A in the earnings scheme without the approval of the Commissioner.

(2) A subordinate prison officer shall not inquire into an aggravated prison offence.

#### **70. Transfer of case to senior prison officer**

Whenever a prisoner is charged before a prison officer below the rank of Assistant Superintendent with an aggravated prison offence, or with a minor prison offence which owing to the circumstances of the case the prison officer considers the powers of punishment he possesses are inadequate to deal with, he shall transfer the case for inquiry to a senior prison officer.

#### **71. Punishment of minor prison offence by senior prison officer**

An officer in charge, if a senior prison officer or an administrative officer acting as officer in charge may punish any prisoner found after due inquiry by him to be guilty of a minor prison offence, by ordering him to undergo one or more of the following punishments—

- (a) confinement in a separate cell for a term not exceeding seven days upon the penal diet prescribed in the First Schedule to these Rules;
- (b) forfeiture of remission not exceeding fourteen days;
- (c) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges;
- (d) forfeiture of earnings not exceeding one-half; removal from the earnings scheme for a period not exceeding three months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade:

Provided that no prisoner shall be reduced from Grade A in the earnings scheme without the approval of the Commissioner.

#### **72. Punishment of aggravated prison offence by senior prison officer**

An officer in charge, if a senior prison officer or an administrative officer acting as officer in charge, may punish a prisoner found after due inquiry by him to be guilty of an aggravated prison offence by ordering him to undergo one or more of the following punishments—

- (a) in the case of an adult male prisoner not over the age of forty-five years and not being under sentence of death or of a civil prisoner or a vagrant, corporal punishment not exceeding twelve strokes or in the case of a person under the apparent age of sixteen years six strokes:

Provided that no corporal punishment shall be inflicted until the punishment has been approved by the Commissioner;

- (b) confinement in a separate cell for a term not exceeding seven days upon the penal diet prescribed in the First Schedule to these Rules;
- (c) forfeiture of remission not exceeding thirty days;
- (d) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges;
- (e) forfeiture of earnings not exceeding three-quarters, removal from the earnings scheme for a period not exceeding six months and reduction in earnings grade until such time as the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade:

Provided that no prisoner shall be reduced from Grade A in the earnings scheme without the approval of the Commissioner.

### **73. Transfer of case to Commissioner**

An officer in charge, if a senior prison officer, or an administrative officer acting as officer in charge, where a prisoner is charged before him with an aggravated prison offence, may transfer the case to the Commissioner under section 52(2) of the Act.

### **74. Punishment by Commissioner**

The Commissioner may punish any prisoner found guilty of any prison offence with one or more of the following punishments—

- (a) corporal punishment subject to the provisions of section 55 of the Act;
- (b) confinement in a separate cell for a period not exceeding thirty days upon the penal diet prescribed in the First Schedule to these Rules;
- (c) forfeiture of remission not exceeding three months;
- (d) forfeiture of earnings not exceeding three-quarters, removal from the earnings scheme for a period not exceeding six months and reduction in earnings grade until the prisoner is considered fit for restoration to his original grade by virtue of his good conduct and skill at his trade;
- (e) reduction in stage, or postponement of promotion in stage, or forfeiture of privileges.

### **75. Clothing and bedding during punishment**

A prisoner undergoing punishment in a separate cell shall be supplied with such clothing and bedding as the Commissioner shall from time to time direct.

### **76. Confinement in punishment cell**

(1) No prisoner shall be sentenced to be confined in a punishment cell for an aggregate of more than ninety days in one year.

(2) In any case where a prisoner is sentenced to two periods of confinement in a separate cell, the two sentences shall be separated by a period not less than the longer of the two sentences.

(3) Whenever a prisoner is sentenced to undergo close confinement in a separate cell for a period exceeding three days upon a penal diet, he shall be given full diet on every fourth day.

(4) A prisoner sentenced to confinement in a separate cell shall—

- (a) see only prison officers, the medical officer, ministers of religion and visiting justices;
- (b) have only such physical exercise as the medical officer shall certify as necessary;
- (c) be visited once a day by the officer in charge and medical officer; and

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- (d) be visited at intervals of not greater than three hours during the day and night by a prison officer appointed to carry out such duty.

### **77. Corporal punishment**

(1) Where under these Rules a prisoner is awarded on one occasion a number of punishments for a number of offences, not more than one of such punishments shall be of corporal punishment.

(2) *Deleted by L.N. 166/1968.*

(3) Corporal punishment shall be inflicted on the buttocks of the offender, in the case of adults with a cane which is not more than half an inch in diameter, and in the case of juveniles with a light cane.

### **78.**

[Repealed by L.N. 166/1968.]

### **79. Forfeiture of remission**

No prisoner shall be ordered to forfeit as a punishment more remission than he has earned.

### **80. Punishment book to be kept**

(1) In every prison a punishment book and a corporal punishment book shall be kept.

(2) The officer in charge shall enter in the corporal punishment book the hour at which the punishment was inflicted, the number of strokes inflicted and any order which the medical officer may have given as to remission.

(3) The officer in charge shall enter or cause to be entered in the punishment book a record of every prisoner punished under these Rules, showing the date and nature of the offence and punishment, the name of the prisoner and the name of the authority dealing with the case, and directions given by the medical officer shall be entered also in the prisoner's personal record.

(4) A return of all corporal punishment inflicted by order of an officer in charge or by order of the Commissioner shall be submitted to the Commissioner by the officer in charge monthly.

### **81. Ordinary law not affected**

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

### **82. Mechanical restraint of prisoners**

(1) No prisoner shall be placed in handcuffs or other mechanical restraint as a punishment, and a prisoner shall be so restrained only if it is necessary to prevent his escape or to prevent him doing injury to himself or to another person.

(2) No means of mechanical restraint shall be used which have not been approved by the Commissioner.

(3) No prisoner shall be kept under mechanical restraint unless the medical officer has certified that such restraint will not injure his health.

(4) An order to place a prisoner under mechanical restraint shall—

- (a) be made only in case of urgent necessity;
- (b) be made by the most senior prison officer present;
- (c) not be continued for longer than forty-eight hours without the permission of the Commissioner;
- (d) be notified immediately to the medical officer; and
- (e) be entered in such journals and books as the Commissioner directs.

(5) The officer in charge may order any refractory or violent prisoner to be temporarily confined in a separate cell or special cell.

### **83. Prevention of escapes**

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

### **84. Action on report of escape**

On receiving the report of the escape of a prisoner, the officer in charge shall—

- (a) order the prison and its neighbourhood to be searched at once;
- (b) circulate notification of the escape and the prisoner's description to the police in such a manner as the Commissioner may prescribe; and
- (c) notify the Commissioner.

### **85. Treatment of escapees**

(1) Male prisoners who during a previous detention in lawful custody have escaped or attempted to escape will be considered and treated as potential prison breakers, unless exempted personally by the officer in charge for any special reason.

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

### **86. Employment of prisoners**

(1) Every convicted criminal prisoner shall be required to engage in useful work, all of which so far as is practicable shall be performed either in association with other prisoners or by himself outside the cells, and no prisoner shall be employed on any work not authorized by the Commissioner or the officer in charge:

Provided that the medical officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to any work unless he has been certified as fit for that type of work by the medical officer.

(2) The officer in charge, or an officer detailed by him, shall allot to each prisoner the labour for which he is best suited, the first consideration being to give each prisoner the best training which his sentence, his capacity and the resources of the prison will permit.

(3) If at any time it appears to the Commissioner or to the officer in charge that it is desirable for the maintenance of good order or discipline, or in the interests of the convicted

prisoner, that he should not be employed in association with others, the officer in charge may arrange for him to work temporarily in a cell, and not in association.

(4) It shall be within the discretion of the officer in charge to arrange for a convicted criminal prisoner ordered to work alone to be employed in association again whenever he considers this desirable, and he shall do so if the medical officer so advises on medical grounds, or at the expiration of one month unless further authority for him to be kept separate is given from month to month by the Commissioner.

### **87. Work of unfit prisoners**

A prisoner certified not to be fit for ordinary labour by the medical officer may be employed on light labour—

Sewing, gardening, laundry work, cleaning and whitewashing the prison, conservancy, and any such similar services as the officer in charge may from time to time direct.

### **88. Work of female prisoners**

Female prisoners shall be employed only in association with female prisoners and on work suitable for them.

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**89. Hours of work**

The hours of labour for prisoners shall be those directed by the Commissioner.

**90. Record of work**

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

**91. Holidays**

(1) Except where the Commissioner otherwise directs, prisoners shall not be required to do any work, other than keeping the prison clean and preparing food, on Sundays and public holidays.

(2) The officer in charge may, in his discretion, make special arrangements for the observation by any class of prisoner of religious and national festivals peculiar to such class of prisoner.

PART VII – PERIOD AND REMISSION OF SENTENCE,  
INCLUDING RELEASE UNDER SUPERVISION

**92. Length of imprisonment where prisoner sentenced to more than one term of imprisonment**

(1) Subject to the provisions of any Act, when a person has been convicted of an offence and is convicted of another offence, either before or after sentence has been passed upon him for the first offence but before the expiration of such sentence, then any sentence passed upon him in respect of the second offence shall be served after the completion of the sentence for the first sentence, unless the court otherwise orders.

(2) Where a prisoner on the same occasion is sentenced to several terms of imprisonment on different counts, such sentences shall be consecutive unless the court otherwise orders.

(3) Where a prisoner is serving two or more sentences and is further convicted and sentenced to imprisonment, and the court orders the sentence it is then passing “to commence at the expiration of the sentence the prisoner is now serving”, then the sentence shall be consecutive to that sentence but concurrent with any other sentences which the prisoner has not then commenced to serve; if the court orders that the sentence shall commence “after the sentence” or “after the imprisonment that the prisoner is now serving” the sentence shall begin to run after the completion of all the sentences the prisoner is then serving.

**93. Calculation of dates in relation to imprisonment**

(1) A term of imprisonment shall commence on and include the day he is sentenced, unless the sentence is consecutive to another sentence.

(2) A prisoner may be imprisoned until the end of the last day of his sentence.

(3) Prison sentences expressed in months and years shall be deemed to be calendar months and years.

(4) Whenever a capital sentence is commuted to a sentence of imprisonment for a term of years, the sentence shall be deemed to have been commenced on the date the sentence of death was passed.

**94. Officer in charge responsible for due release of prisoners**

The officer in charge shall be responsible for the due release of all prisoners immediately on their becoming entitled to release, whether from expiration of the period of their sentences or by pardon or commutation or remission of sentence earned under the Act, and, to ensure accuracy in regard to such remissions, he shall, at least one month before the date of release of a prisoner, check the remission earned by each prisoner.

**95. Calculation of remission**

(1) A prisoner shall be entitled to release on the day after he has completed the period of his sentence less any remission which he has earned.

(2) Where a prisoner is serving consecutive terms of imprisonment, the aggregate of all the terms shall be treated as one term for the purposes of remission.

(3) Where a prisoner is serving terms of imprisonment which overlap, then for the purposes of remission the total period of his imprisonment shall be treated as one term.

(4) Whenever a capital sentence is commuted to a sentence of imprisonment for a term of years, the sentence so commuted shall, for the purposes of the remission system, be deemed to be, and shall be treated as, a sentence passed by court.

(5) Whenever a capital sentence is commuted to a sentence of imprisonment for a term of years, the sentence of imprisonment shall, for the purpose of remission, be deemed to have commenced at the date the sentence of death was passed.

(6) When a prisoner has been sentenced to a fine and imprisonment or to imprisonment in default of the payment of a monetary penalty, he shall earn remission on that part of his sentence which he serves in prison:

Provided that he shall earn no remission if he serves no more than a month in prison.

(7) A prisoner transferred to a mental hospital or leper settlement shall earn the same remission as if he were in prison.

**96. Remission system to be explained to prisoners**

The officer in charge shall ensure that the remission system is explained to all prisoners on admission, and, when for any reason remission is forfeited, the officer in charge shall ensure that a prisoner is made fully aware of such forfeiture.

**97. Records of remission to be kept**

A record shall be kept for each prisoner earning remission showing the sentence, the remission allowed and any forfeiture of remission. The earliest possible date of release shall be recorded as well as the latest possible date of discharge.

**98. Review of sentences**

(1) The officer in charge shall, every month, prepare a report on every prisoner who has during the previous month—

- (a) in the case of prisoners sentenced to be detained during the President's pleasure and those sentenced to imprisonment for life, completed two years' imprisonment from the date of admission, and thereafter at intervals of one year from the date of sentence;
- (b) in the case of all other prisoners sentenced to imprisonment of or exceeding seven years, completed four years' imprisonment from the date of sentence, and at intervals of two years thereafter;
- (c) completed serving seven or more years of his sentence and has attained, or is believed to have attained, the age of sixty years.

(2) Each report shall include—

- (a) a statement by the officer in charge on the work and conduct of each prisoner; and
- (b) a statement by the medical officer on the mental and bodily condition of each prisoner, with particular reference to the effect of imprisonment on his health.

(3) The officer in charge shall forward every such report to the Commissioner, who shall enter thereon any recommendations he may desire to make and forward it to the Board of Review, and the Board of Review shall advise the President concerning remission of the residue or part of the residue of the prisoner's sentence, and shall advise the President at what time or times the case shall again be submitted for consideration.

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**99. Form of compulsory supervision order**

A compulsory supervision order shall—

- (a) in the case specified in section 47(1)(a) of the Act, be in Form 1 in the Second Schedule to these Rules; and
- (b) in the case specified in section 47(1)(b) of the Act, be in Form 2 in the Second Schedule to these Rules, and in Form 1 in the Second Schedule to these Rules there shall be impressed thereon the holder's photograph and fingerprints.

**100. Parole licence**

Where the Commissioner allows a prisoner to be absent from prison on parole, he shall issue to the prisoner on parole licence in Form 3 in the Second Schedule to these Rules.

**PART VIII – TREATMENT OF SPECIAL CLASSES OF PRISONERS****101. Appellant prisoners**

(1) An appellant prisoner shall be kept, so far as the officer in charge considers practicable, apart from other classes of prisoners, but otherwise he shall be subject to these Rules.

- (a) Paper and other writing materials to such extent as may appear reasonable to the officer in charge shall be furnished to an appellant prisoner for the purpose of communicating with friends on preparing his appeal.
- (b) Any confidential written communication prepared for his advocate may be delivered personally to the advocate or his clerk, without being previously examined by a prison officer.
- (c) All other written communications shall be dealt with as letters.

(2) An appellant when appearing in court shall wear his own clothing, and if his own clothing cannot be used the officer in charge shall supply him with clothing different from prison clothes.

(3) On the release of an appellant prisoner by order of a court on an appeal, he shall be paid in accordance with a scale to be fixed by the Commissioner for any work he has done while in prison, other than work he has been required to do in order to keep his cell, the precincts of his cell, his furniture, his clothing and his utensils clean.

**102. Unconvicted prisoners**

(1) Unconvicted prisoners may be permitted during their periods of exercise to associate together in an orderly manner under, such conditions as the Commissioner may direct, but they shall be kept apart from other classes of prisoners.

(2) When in the opinion of the officer in charge it is practicable and safe, employment may be provided for unconvicted prisoners, in case they desire it, and they shall be paid in accordance with a scale to be fixed by the Commissioner; but in case of misconduct during employment further employment may be refused to any such prisoner.

(3) An unconvicted prisoner on remand or awaiting trial shall be allowed to see a registered medical practitioner appointed by himself or by his relatives or friends or advocates on any weekday during working hours in the prison, in the sight, but not in the hearing, of the officer in charge or an officer detailed by him.

(4) When an unconvicted prisoner wears his own clothing in prison, the medical officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing be disinfected, and during the process of disinfection the prisoner shall be supplied with prison clothing.

(5) An unconvicted prisoner, charged with a capital offence shall be kept under special observation at all times.



(6) All letters written or received by an unconvicted prisoner charged with a capital offence shall be carefully examined by the officer in charge personally.

(7) Any privilege allowed under this rule may at any time be withdrawn by the officer in charge if he is satisfied that there has been abuse thereof.

(8) For the purpose of this rule, "unconvicted prisoner" means any prisoner other than a convicted criminal prisoner.

### **103. Prisoners under sentence of death**

(1) Notwithstanding any other rule, a prisoner under sentence of death—

- (a) shall be confined apart from other prisoners, and shall be under constant supervision of a prison officer, both by day and by night;
- (b) shall be allowed special facilities to correspond with relatives, friends and legal advisers;
- (c) shall not be required to work;
- (d) shall be permitted to see a minister of his own religious persuasion whenever practicable.

(2) The cell of a prisoner under sentence of death shall be examined by the officer in charge or a prison officer detailed by him before it is occupied by such a prisoner.

(3) A cell occupied by a prisoner under sentence of death shall be unlocked only in the presence of two prison officers.

### **104. Access to prisoners under sentence of death**

(1) No person, except the medical officer and prison officers (other than temporary officers) in the course of duty and, if required by the prisoner, a minister of religion, shall have access to any prisoner under sentence of death without a written order from the Commissioner, and such order shall be granted only to relatives, friends and the legal adviser of the prisoner upon the request of such prisoner.

(2) Notwithstanding any other rule, visits to prisoners under sentence of death by any person for any purpose shall take place in the presence and hearing of not less than two prison officers.

(3) For the purpose of this rule a prisoner under sentence of death includes an appellant prisoner under sentence of death.

### **105. Execution of prisoners sentenced to death**

(1) All executions shall be attended by the medical officer and carried out by a public executioner appointed by the Commissioner or by a prison officer appointed by the Commissioner.

(2) All executions shall be carried into effect in accordance with instructions issued from time to time by the Commissioner.

(3) The officer in charge and the public executioner shall make themselves familiar with such instructions, and shall satisfy themselves that every precaution is taken to ensure efficiency and despatch and that all appliances are maintained in good condition.

(4) Unless authorized by a written order by the Commissioner, no person shall attend any execution other than the officer in charge, the public executioner, the medical officer and such other prison officers as the officer in charge may direct.

## **PART IX – VISITING JUSTICES AND THE AFTER-CARE OF PRISONERS**

### **106. Visiting justices to visit prisons**

(1) Visiting justices shall visit the prisons to which they are appointed at regular intervals and at any other time they think desirable.

(2) A visiting justice may inspect all wards, cells, separate cells, yards and other rooms and divisions of the prison to which he is appointed and may inspect the prisoners at labour, in hospital or in separate or other cells or wards.

[Subsidiary]

(3) All the books, journals and records of prisoners shall be made available for inspection by a visiting justice.

#### **107. Officers who are to accompany visiting justices**

(1) Normally neither the officer in charge nor the next senior prison officer shall accompany a visiting justice during a visit of inspection, but the officer in charge, or in his absence the senior prison officer, shall inform him of any prisoner who wishes to see him, and shall afford him every assistance in his inspection, and shall detail a prison officer to accompany him.

(2) No person, other than a prison officer or a prison employee, shall be permitted to accompany a visiting justice during the course of an inspection.

#### **108. Visiting justice to hear complaints**

A visiting justice shall on every visit hear any complaint which any prisoner may wish to make to him, and shall especially inquire into the condition of those prisoners who are undergoing punishment.

#### **109. Minute book to be kept**

(1) A visiting justices' minute book shall be kept in every prison, and the visiting justices shall record in it their visits and any suggestions or remarks which they may have to make.

(2) The officer in charge shall forward to the Commissioner a copy of the entries made in the minute book by the visiting justices, together with any comment they may have to make.

#### **110. Visiting justice to call attention to irregularities**

(1) It shall be the duty of a visiting justice to enter in the minute book, and to call the attention of the officer in charge, to any irregularity in the administration of the prison which he discovers or any fault which he finds in the conduct of any prison officer or any improvement or repair which he thinks necessary to the prison building.

(2) A visiting justice shall enter in the minute book or such other books as may be provided for that purpose the name and number of any prisoner who has complained to him, the nature of his complaint and his recommendations, if any.

#### **111. Boards of visiting justices**

(1) When the visiting justices to any prison have been constituted as a board, the chairman shall arrange for members of the board to visit the prison either together or in groups.

(2) When any board of visiting justices make a report, all the visiting justices on the board shall be given an opportunity to see the report and to comment upon it, and to have their comments sent to the Cabinet Secretary with the report.

#### **112. Discharge board**

(1) The Commissioner shall establish in every prison a discharge board, which shall consist of the officer in charge as chairman and such other persons as the Commissioner shall appoint.

(2) A discharge board shall interview all long-sentence convicted criminal prisoners within three months of their due date of discharge, and shall decide whether any and, if so, what assistance should be granted to the prisoner with a view to his rehabilitation in civil life.

(3) A sum not exceeding eighty shillings may be awarded by a discharge board to a prisoner who has undergone a sentence of four years or more imprisonment and has shown special zeal and skill, accompanied by exemplary conduct, in any branch of prison industries:

Provided that such sum shall be granted only with the approval of the Commissioner, and shall be applied to the purchase of tools and other equipment which will assist the rehabilitation of the prisoner.

**113. Fares for discharged prisoners**

A prisoner discharged from a prison outside the district in which he normally resides shall be provided with free transport to his district.

## PART X – EXTRA MURAL PENAL EMPLOYMENT

**114. Medical examination and documentation of persons ordered to perform public work**

(1) Where a person who is ordered to perform public work under section 68(G) (now repealed) of the Act is taken to an authorized officer, that officer shall cause that person to be medically examined.

(2) An authorized officer may cause the fingerprints or photograph, or both, of such a person to be taken at any time.

[L.N. 371/1991, s. 2.]

**115. Records to be kept**

(1) Every authorized officer shall maintain a record of persons ordered to perform public work in his district.

(2) The record maintained under paragraph (1) of this rule shall contain the following particulars in respect of every person so employed—

- (a) his name, address, race and tribe;
- (b) the name of his chief;
- (c) the length of his sentence or period of detention;
- (d) the date of commencement of his sentence or period of detention;
- (e) the date he is due for release; and
- (f) the work to which he has been directed.

(3) Every authorized officer shall also maintain a record containing the names of persons punished or committed to prison or detention under the provisions of section 68(6) (now repealed) of the Act, the punishment awarded and the reasons for each punishment or commitment.

**116. Persons to perform public work**

A person so ordered to perform public work shall perform such public work as the authorised officer directs; but such person shall not be placed in a position of trust.

**117. Admission to hospital**

(1) Any person who, while employed on public work, becomes sick shall be medically examined and if necessary shall be admitted to hospital.

(2) Any period spent by such person in hospital shall be reckoned as part of his sentence.

**118.**

[Deleted by L.N. 371/1991, s. 2.]

PART XI – COMPOSITION OF THE SERVICE AND CONDITIONS  
OF SERVICE OF PRISON OFFICERS AND THEIR DISCIPLINE**119. Appointment, promotion of officers**

The appointment, promotion and terms of service of officers of or above the rank of Assistant Superintendent shall be regulated by the Code of Regulations for Officers of the Government Service and such other instructions as the President may from time to time issue.

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[Subsidiary]

## **120. Delegation of powers in respect of subordinate prison officers**

The powers vested in the President in respect of subordinate prison officers in regard to—

- (a) appointment (including promotion and transfers);
- (b) confirmation in a probationary appointment and the extension or termination of such an appointment;
- (c) engagement for further service on or after completing an initial period of service;
- (d) retirement on or after reaching the age of fifty years;
- (e) appointment to acting rank; and
- (f) the passing of a promotion bar, are hereby delegated to the Commissioner, subject to such instructions as the President

may from time to time issue.

## **121. Declaration on enlistment**

(1) Any person accepted for enlistment as a senior or subordinate prison officer by the Commissioner shall answer in his own handwriting such questions as may be put to him by or on behalf of the Commissioner and shall make a declaration in the form set out in the Third Schedule to these Rules.

(2) The declaration referred to in paragraph (1) of this rule shall be made before such member of the Service as the Commissioner may generally or specifically appoint, and shall be made in such manner as the declarant states to be most binding on his conscience.

(3) The appointment to the Service of any person required to make a declaration under this rule shall be deemed to have effect from the date he makes the declaration.

## **122. Prolongation of service in case of war, etc.**

Notwithstanding any other provisions of these Rules or any other rules, any prison officer whose period of service expires during a time when an order under section 29 of the Constitution is in force generally or in any part of Kenya may be kept in the Service for such period as the President may direct.

## **123. Removal of subordinate prison officer**

Subject to the provisions of any rule made under section 74 of the Act, any subordinate prison officer may at any time be removed from the Service by the Commissioner for any of the following reasons—

- (a) on reduction of the establishment of the Service;
- (b) if the Commissioner considers that he is unlikely to become or has ceased to be an efficient prison officer;
- (c) if he is certified by a medical officer to be mentally or physically unfit for further service in the Service;
- (d) for activities or behaviour which the Commissioner considers likely to be prejudicial to peace, good order or good government in Kenya;
- (e) if the Commissioner considers that it is in the public interest or in the interests of the Service that he should be discharged; or
- (f) if he has been convicted of a criminal offence by a court.

## **124. Offences by prison officers**

(1) Any prison officer who commits any of the following offences shall be deemed to have committed an offence against discipline—

- (a) absence from duty without good cause;
- (b) sleeping on duty;

- (c) neglect or disobedience of orders;
- (d) being under the influence of alcohol or drugs, whether on duty or off duty;
- (e) insubordination;
- (f) wilful destruction of or careless loss of or injury to Government property;
- (g) neglect of duty;
- (h) malingering;
- (i) using personal violence to any prisoner save as provided in section 12 of the Act;
- (j) instigating or permitting any prisoner to commit any crime or offence against prison discipline;
- (k) allowing an unauthorized person to communicate with a prisoner;
- (l) borrowing money from or lending money to another prison officer;
- (m) bringing tobacco or spirituous or fermented liquor or any other prohibited article into a prison;
- (n) being improperly dressed when in uniform;
- (o) reporting late for duty;
- (p) losing supervision over prisoners in his charge;
- (q) selling or making away with any part of his uniform, equipment or accoutrements;
- (r) destroying, damaging or losing, either on purpose or by neglect Government or a prisoner's property;
- (s) trafficking with prisoners;
- (t) using personal violence towards another prison officer;
- (u) associating with discharged prisoners without the written authority of the officer in charge;
- (v) receiving any fee or gratuity from, or having any business dealing with, a prisoner or a discharged prisoner, with a friend of a prisoner or with a visitor to a prison;
- (w) making an unauthorized communication concerning the prison to any other person;
- (x) any other conduct to the prejudice of good order or discipline or the security of a prison.

(2) Any prison officer who commits an offence under paragraph (1) of this rule may be arrested without warrant by or on the order of a prison officer senior to himself, and the officer carrying out the arrest shall forthwith bring him before an officer in charge who may, in justifiable circumstances, confine such prison officer in any building set apart as a guardroom or guardroom cell.

(3) Nothing in this rule shall be construed to exempt any prison officer from being proceeded against for any offence by the ordinary course of law.

### **125. Offences by officers of or above rank of Assistant Superintendent**

Any offence against discipline and any other misconduct by a prison officer of or above the rank of Assistant Superintendent shall be dealt with under the Code of Regulations for Officers of the Government Service.

### **126. Offences by officers below rank of Assistant Superintendent**

(1) The Commissioner, the Deputy Commissioner, an Assistant Commissioner or a Senior Superintendent or an officer in charge may inquire into the truth of any charge under the provisions of rule 124 of these Rules brought against a prison officer below the rank of Assistant Superintendent and if he finds the accused guilty of the charge he shall convict him and may award any one or more of the following punishments—

*Prisons*

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- (a) warning;
- (b) severe reprimand;
- (c) extra drills not exceeding seven;
- (d) extra duties not exceeding four;
- (e) fine not exceeding one-half of one month's pay;
- (f) stoppage, withholding or deferment of any increment of salary for which the officer may be eligible;
- (g) reduction in rank, grade or seniority;
- (h) dismissal;
- (i) in case of a charge relating to damage or loss of Government or a prisoner's property, payment of the value of the property damaged or lost.

(2) Any punishment imposed by an Assistant Commissioner, Senior Superintendent or an officer in charge under one of subparagraphs (e), (f), (g), (h) and (i) of subrule (1) of this rule shall be subject to confirmation by the Commissioner.

(3) Whether any punishment imposed by an Assistant Commissioner, Senior Superintendent or officer in charge under this rule requires the confirmation of the Commissioner or not, the Commissioner may enhance, vary or remit any punishment so imposed:

Provided that—

- (i) no punishment shall be enhanced unless the accused has been given an opportunity of being heard by an officer of or above the rank of Senior Superintendent;
- (ii) no punishment may be awarded more than is prescribed by this rule.
- (a) Any punishment awarded under paragraph (1) of this rule may be suspended by the Commissioner for such period, not exceeding six months, as the Commissioner may determine.
- (b) Where any punishment has been suspended under this paragraph, the Commissioner shall at the expiration of the period of suspension review the case, taking into consideration reports on the conduct of the officer during the period of suspension as may be available.
- (c) The Commissioner may thereupon order the punishment to be remitted or reduced, in which case he shall cause any entry relating to the offence which has been made in the records of the offender to be expunged or altered, as the case may be, or he may order the punishment to be forthwith carried into execution.
- (d) If during the period of suspension the offender is convicted of a further offence against discipline, the suspended punishment shall for with be carried into execution.

**127. Appeals against dismissal**

(1) Any prison officer who has been punished with dismissal under rule 126 of these Rules may within seven days after he has been informed of the decision of the Cabinet Secretary, appeal to the Public Service Commission against such decision.

(2) On any appeal to the Public Service Commission under the provisions of paragraph (1) of this rule the Public Service Commission may, after hearing the appellant or without hearing the appellant, dismiss the appeal or allow it in respect of the conviction or in respect of the punishment, and if the Commission allows it in respect of the punishment alone it may substitute another punishment in place of the punishment of dismissal.

(3) Whenever any person appeals to the Public Service Commission under this rule the Commissioner shall forthwith cause copies of all the proceedings to be sent to the Public Service Commission.

**128. Appeal to Commissioner**

(1) Any prison officer below the rank of Assistant Superintendent who has been convicted of an offence under rule 126 of these Rules by an Assistant Commissioner, Senior Superintendent or officer in charge may within fourteen days of such conviction appeal to the Commissioner against the conviction or against the punishment or against both the conviction and the punishment.

(2) The Commissioner on receiving any appeal may, after hearing the appellant or without hearing the appellant, dismiss or allow the appeal or vary the conviction or punishment:

Provided that it shall not increase or add to the punishment unless the appellant has been given an opportunity of being heard by an officer not below the rank of Senior Superintendent.

**129. No pay during absence without leave or imprisonment**

No prison officer shall earn any emoluments in respect of any day during which he is absent from duty without leave or is undergoing any sentence of imprisonment, unless the Commissioner otherwise orders.

**130. Dismissal on conviction of criminal offence**

The Commissioner may dismiss from the Service or reduce in rank any prison officer below the rank of Assistant Superintendent who is convicted of any offence by a court.

**131. Interdiction or suspension**

(1) The Commissioner may interdict or suspend from duty any prison officer, and any senior prison officer may interdict or suspend from duty any subordinate prison officer, pending any inquiry into the conduct of the officer under the Service Commissions Act (Cap. 185) or the Code of Regulations for Officers of the Government Service, or under the Act or any other written law.

(2) A prison officer shall not, by reason of such interdiction or suspension, cease to be a prison officer, but the powers and privileges and benefits vested in him as a prison officer shall, during his interdiction or suspension, be in abeyance, but he shall continue to be subject to the same discipline and penalties and to the same authority as if he had not been interdicted or suspended.

(3) A prison officer under interdiction shall not leave Kenya without the permission of the Commissioner or if the officer under interdiction or suspension is of or above the rank of Assistant Superintendent, of the President.

(4) Any prison officer who has been interdicted or suspended shall, during the period of interdiction or suspension, be allowed to receive such proportion of his pay not being less than one-half, as the Commissioner or, in the case of a prison officer of or above the rank of Assistant Superintendent, the President may think fit:

Provided that, if the proceedings against the officer do not result in his dismissal or conviction for a criminal offence, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted or suspended.

**132. Fines**

(1) All fines or stoppages imposed on a prison officer in respect of offences under these Rules may be recovered from the offender's pay due at the time of committing such offence or thereafter accruing due.

(2) The amount recovered in respect of any fine or stoppage or for any other cause authorized by these Rules shall be in the discretion of the officer by whom the fine was imposed, but shall in no case exceed one-half of the monthly pay of the offender, and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped as leaves him a residue of at least one-half of his monthly pay.

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(3) Where more than one order of recovery is made upon the same person, the order or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

### **133. Power to summon witness**

(1) The person conducting an inquiry into a disciplinary offence may require any person to attend and give evidence before him, and may require the production of any documents relating to such offence by any person attending before him:

Provided that no person so required to attend shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(2) Any person required to attend under paragraph (1) of this rule who without reasonable excuse fails to attend when notified to do so shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

(3) Any person, other than a person in the public service, required to attend under paragraph (1) of this rule shall be entitled to be paid from the public funds the same allowance as a witness who attends the court of a magistrate in criminal proceedings.

## **PART XII – DUTIES OF PRISON OFFICERS**

### **134. General duty of prison officers and penalties**

(1) It shall be the duty of all prison officers to carry out their duties and responsibilities in accordance with the Act, these Rules and any standing orders, administrative directions or general or special instructions issued by the Commissioner.

(2) Any breach or non-compliance by a prison officer with any of the provisions of the Act, these Rules, or any standing orders, administrative directions or general or special instructions issued by the Commissioner to prison officers or to a prison officer shall be a disciplinary offence and shall be inquired into and punished in accordance with Part XI of these Rules.

(3) Nothing in this or any other rule shall be so construed as to exempt any prison officer from being prosecuted under the Act or any other written law in respect of any act or omission that is an offence under the Act or any other written law:

Provided that a prison officer shall not be punished twice for the same offence or disciplinary offence.

### **135. Books, etc., to be kept by officer in charge**

In carrying out his duties as such, an officer in charge shall—

- (a) personally keep a journal in which he shall record all events of importance respecting the prison and prisoners under his charge; and
- (b) keep or cause to be kept the following books and records—
  - (i) a prison record for each prisoner, showing the date of his sentence, the date of the expiry of his sentence, full details of any remission due to him, forfeited by him and restored to him, the earliest date on which he may be released and such other particulars as the Commissioner may require;
  - (ii) a registration book with numbered pages, in which shall be entered in respect of each prisoner received—
    - (a) information as to his identity;
    - (b) the reason for his commitment and the authority therefor; and
    - (c) the day and hour of his admission and release;
  - (iii) a daily release book in diary form, in which shall be entered under the proper date the name of each prisoner on admission into prison;
  - (iv) a prisoners' property book in a form to be approved by the Commissioner;



- (v) a prisoners' punishment book, in which shall be recorded the name of every prisoner punished for a prison offence, the punishment imposed, the name of the officer awarding the punishment and, in the case where a certificate from a medical officer is necessary, such certificate;
- (vi) an imprest account;
- (vii) an account of receipts and disbursements;
- (viii) an unofficial visitors book, containing a record of unofficial visitors to the prison;
- (ix) a visiting justices minute book;
- (x) an official visitors book;
- (xi) a list of books and documents committed to his care; and
- (xii) such other books and records as the Commissioner may direct.

### 136. Duties of officer in charge as to visits

An officer in charge shall—

- (a) visit every part of his prison at least once a day;
- (b) see every prisoner at least once in every twenty-four hours;
- (c) visit every part of the prison at night at an uncertain hour at least twice in every week; and
- (d) at least twice a week visit the prisoners at their meals, and investigate any

complaints as to the prisoners' food, and remove any just cause of complaint.

### 137. Duties of officer in charge as to health

The officer in charge shall—

- (a) ensure so far as is practicable that the medical officer's instructions and recommendations in regard to any prisoner are carried out;
- (b) pay special attention to prisoners in hospital or undergoing punishment;
- (c) upon the dangerous illness of any prisoner, give immediate notice thereof to the most easily accessible known relative of the prisoner;
- (d) upon the death of any prisoner, give immediate notice thereof to the nearest magistrate empowered to hold an inquest, and to the relatives of the deceased, and shall also, as early as he conveniently can, report the death to the Commissioner;
- (e) without any delay, report to the medical officer and to the Commissioner any case of mental disorder or apparent mental disorder; and
- (f) without delay, report to the Commissioner any case in which the medical officer is of the opinion that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment, or that the life of any prisoner will be endangered by further imprisonment, or that any prisoner will not survive his sentence or is totally and permanently unfit for prison discipline.

### 138. Duties of officer in charge as to custody

The officer in charge shall—

- (a) cause to be examined frequently the state of the cells, bedding, locks, bolts and bars and seize all prohibited articles;
- (b) receive reports accounting for all prisoners in his custody night and morning at the closing and opening of the prison, and on locking up on return from labour each morning and afternoon;

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- (c) report to the Commissioner all escapes, serious assaults, outbreaks of diseases and other occurrences of an unusual or serious nature; and
- (d) in the case of a sudden emergency, take such immediate steps as he may consider necessary to restore the position to normal.

### **139. Officer in charge to interview prisoners**

The officer in charge shall take an early opportunity to interview all prisoners after their reception, and he shall again interview them prior to discharge.

### **140. Petitions to be forwarded**

The officer in charge shall, without delay, submit to the Commissioner any petition received from a prisoner.

### **141. Absence of officer in charge**

(1) The officer in charge shall not be absent for a night without the previous consent in writing of the Commissioner, and his leave of absence shall be entered in his journal.

(2) Subject to the directions of the Commissioner, in the absence of the officer in charge the senior prison officer present shall be in charge of the prison and shall be responsible for the duties of the officer in charge.

### **142. Chief officer or principal officer**

(1) In every prison there shall if practicable be a chief officer or principal officer, who shall be the principal discipline officer of the prison and shall be responsible to the officer in charge for ensuring that within the prison all laws, rules and orders are strictly observed and that proper discipline is maintained throughout the prison, and shall carry out any duties that may be specially assigned to him by the officer in charge.

(2) In the absence of the chief officer or principal officer, the next senior officer shall be responsible for performing his duties.

### **143. Journal and records to be kept by chief officer or principal officer and books in his custody**

(1) The chief officer or principal officer shall keep—

- (a) a journal in which he shall record all such matters as he is required to record and all other occurrences of importance within the prison, these entries he shall date and sign daily. The entries shall in particular include—
  - (i) the number of prisoners, counted thrice daily;
  - (ii) the actual times at which prisoners go to labour, return from labour, go to exercise and return from exercise;
  - (iii) what parts of the prison are searched and the names of the officers detailed for the purpose;
  - (iv) the names of the officers deputed daily to supervise ordinary visits to prisoners;
  - (v) the particulars of any special visit paid, and the names of the officers detailed to supervise it;
  - (vi) particulars of escorts dispatched and by whom inspected;
  - (vii) hours of opening and final closing of the prison, and checking of keys; and
  - (viii) any unusual or important occurrence;
- (b) a record of the location of every prisoner;
- (c) a record of the work upon which the prisoners have been employed;
- (d) an account of the estimated value of the labour of prisoners;
- (e) an inventory of all furniture and moveable property belonging to the prison;

- (f) an ammunition ledger;
- (g) a record of all arms belonging to the prison; and
- (h) a list of books and documents committed to his care.

(2) The chief officer or principal officer shall be responsible for the safe custody of all journals, registers, records, papers, books and documents in the prison committed to his care.

#### **144. Special duties of chief officer or principal officer**

The chief officer or principal officer shall—

- (a) be present at the unlocking of the prisoners in the morning and supervise their distribution to labour;
- (b) visit and inspect the whole of the prison and see every male prisoner at least twice in every twenty-four hours, and in default of such daily visits and inspections he shall record in his journal how far he has omitted them and the cause of such omission;
- (c) ensure that everything in the prison is clean and in good order and that the means of security in the different yards and throughout the prison are effective;
- (d) ensure that every prisoner is strictly searched on admission, and that any prohibited article or anything that in his opinion is objectionable, or likely to facilitate escape, is taken from the prisoner;
- (e) check the keys in the custody of the gatekeeper at the opening and closing of the prison each day;
- (f) twice daily, and as often as may be ordered, visit every party of prisoners while at work inside the prison and see that discipline and order are maintained among them and report thereon as may be directed by the officer in charge;
- (g) inspect every part of the prison at least twice a week between the hours of 11 p.m. and 5 a.m. and record in red ink in his journal the time of such visit and the condition of the prison; when visiting a women's prison or part of a prison used by women, he shall be accompanied by a woman prison officer;
- (h) ensure that every prisoner having a complaint to make or a request to make to him has an opportunity of doing so, and shall either take steps as may appear to him necessary to redress any grievance or shall report the same to the officer in charge; he shall further take care that any prisoner desiring to appeal to the Commissioner, or to the officer in charge, or to any visiting justice, shall have the opportunity of doing so;
- (i) daily inspect and superintend the issuing of the prisoners' meals and, whenever possible, weigh the rations supplied to the prison when delivered by a contractor; a record shall be made of such checks in a book kept for the purpose;
- (j) ensure that every article of food supplied for the use of the prisoners is sound and of good quality, and that the scales, weights and measures in use in the prison are accurate and in proper order, and shall take special care to see that the rations issued are strictly in accordance with the prescribed scales of diet and that every prisoner receives the diet to which he is entitled;
- (k) open the prison every morning for the parade of prison officers, and himself detail all discipline officers for their duty and satisfy himself that the orders are properly carried out;
- (l) ensure that the duties of the officer in charge in regard to punishments are carried out and that prisoners in close confinement have such exercise as has been ordered; and
- (m) communicate to the officer in charge every circumstance which may come to his knowledge likely to affect the security, health or discipline of the prisoners,

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or the efficiency of the prison staff, or anything which may in any way require his attention.

#### **145. Duties of chief officer or principal officer as to sick prisoners**

(1) The chief officer or principal officer shall report immediately to the medical officer and to the officer in charge any case of apparent mental disorder.

(2) The chief officer or principal officer shall report to the medical officer the illness of any prisoner, and shall deliver daily to the medical officer, a list of prisoners who are ill or who complain of illness and a list of prisoners detained in cells.

(3) The chief officer or principal officer shall carry into effect all written directions the medical officer respecting alterations in the diet or treatment of any prisoner, and shall see that no prisoner is ordered to labour until the medical officer has certified that the prisoner is fit for such labour.

#### **146. Absence of chief officer or principal officer**

(1) The chief officer or principal officer shall not be absent from his quarters at night during the hour when the prison is closed without permission from the officer in charge.

(2) The chief officer or principal officer shall enter in his journal in red ink every absentee from his quarters at night; and if absent without leave he shall report the absence and the excuse for it to the officer in charge as soon as possible.

#### **147. Relief of subordinate officer from duty**

The chief officer or principal officer may temporarily relieve any subordinate prison officer from duty and exclude him from the prison in case of misconduct, but shall report the particulars without delay to the officer in charge.

#### **148. Duties of gatekeeper**

(1) In every prison there shall be a gatekeeper, who shall not allow any person who is not a prison officer or a prisoner to enter the prison without the sanction of the officer in charge given verbally or in writing:

Provided that the following persons shall be entitled to admission to the prison at any time without such sanction—

- (i) members of the Council of Ministers;
- (ii) any judge, magistrate or justice of the peace having jurisdiction in the place where the prison is situate;
- (iii) any visiting justice of the prison.

(2) Every gatekeeper shall—

- (a) keep a record of all persons other than prison officers entering or leaving the prison, and he shall require all such persons to write their names in a book to be provided for the purpose;
- (b) not allow any person other than a prison officer to enter the prison without being accompanied by a prison officer except as otherwise provided;
- (c) not allow any prisoner to pass out of the gate unaccompanied by a prison officer;
- (d) examine the orders for the admission of prisoners' visitors, checking their names, and in case of any doubt as to the identity of the visitor he shall refer the matter to the chief officer or principal officer;
- (e) ascertain the names of all workpeople who may be working in the prison, and warn them that they are not allowed to speak to or give anything to any prisoner without proper authority;
- (f) satisfy himself that workpeople passing out of the prison correspond to those who enter;

- (g) take charge of all letters, parcels and other articles sent for any prisoner and deliver them to the chief officer or principal officer;
- (h) examine all articles brought into the prison, and shall stop and prevent any person bringing prohibited articles into the prison;
- (i) not allow any article whatever to be taken out of the prison without the permission of the chief officer or principal officer and the production of a gate pass duly signed.

**149. Living quarters of prison officers**

(1) All prison officers shall live in such quarters as the Commissioner may assign to them; and they shall not sleep out of such quarters without the permission of the officer in charge.

(2) No prison officer living within a prison shall permit any person who is not a regular member of his household to remain for the night in his quarters without the permission of the officer in charge.

**150. Illness of prison officer**

Any prison officer below the rank of principal officer who is disabled from the regular performance of his duties by illness shall report the fact to the chief officer or principal officer, and if unable to appear in person shall remain in his quarters until seen by the medical officer, who may, if necessary, order his removal to a hospital.

**151. Prison officer not to leave prisoners when outside prison**

No prison officer shall, whilst in charge of prisoners outside a prison, leave such prisoners under any pretext whatsoever from the time of their departure from the prison until they return to the prison nor shall he for any purpose whatsoever enter any house, store, yard or premises, not being the place appointed for the labour of such prisoners, within the period during which he is in charge of the prisoners.

**152. Checking of keys**

A prison officer shall check all keys when handing or taking over, and report immediately any defect, and see that no prison key is, in any circumstances, allowed to pass into the possession of any prisoner or unauthorized person.

**153. Duties on handing over**

All prison officers below the rank of Principal Officer Grade I on being relieved from any particular duty or transferred to another part of the prison, shall point out to their successor all matters of special importance connected with their duties, and explain any directions of the superior officers affecting any particular prisoner.

**154. Information to be given to superior officers**

(1) Every prison officer shall make an immediate report to his superior officer of any misconduct, disobedience to rule, or abuse or impropriety which comes to his knowledge.

(2) A prison officer below the rank of Principal Officer Grade I shall without delay inform the officer in charge or the chief officer or principal officer of the name of any prisoner who desires to see him, or to make complaint, or to prefer any request to superior authority.

**155. Counting of prisoners**

A prison officer below the rank of Principal Officer Grade I shall be responsible for the safe custody of prisoners under his charge, and with this in view he shall count the prisoners at least once every half hour, and in addition—

- (a) on receiving charge of a party of prisoners;
- (b) on handing over charge of a party of prisoners;
- (c) on leaving any building or work.

[Subsidiary]

**156. Prison officers not to enter cells or wards at night alone**

No prison officer shall enter a prisoner's cell or ward at night without being accompanied by another prison officer except in cases of imperative necessity, and where he does enter without being so accompanied he shall make an immediate report to the senior officer in the prison at the time, and shall make a written report to the officer in charge as soon as possible.

**157. Prison officers to report cases of illness**

Every prison officer shall direct the attention of the officer in charge or the chief officer or Principal Officer to any prisoner who may appear not to be in good health, although not complaining of illness, or whose state of mind may appear deserving of special notice and care, in order that the opinion and instructions of the medical officer may be taken on the case.

**158. Prison officers not to be absent from prison during working hours**

A prison officer below the rank of Principal Officer Grade I shall not be absent from the prison during hours of duty without leave from the chief officer or Principal Officer and before leaving the prison at any time he shall leave his keys, arms and books in the place appointed for that purpose.

**159. Prison officers' visitors**

A prison officer below the rank of Principal Officer Grade I shall not receive visitors within any part of a prison used by prisoners.

**160. Uniforms to be delivered up**

Every person on ceasing to be a prison officer shall forthwith deliver up to the officer in charge of the prison where he is serving at the time of ceasing to be a prison officer every article of uniform and clothing and all arms, accoutrements, ammunition, staves and other effects of every kind belonging to the Government.

**161. Disposal of forfeited pay and fines**

All pay of prison officers which is forfeited, and all fines inflicted upon prison officers for disciplinary offences which are tried by prison officers, shall be paid into the consolidated fund.

## FIRST SCHEDULE

[r. 49]

## PRISONERS' DIET

[L.N. 540/1997, r. 4.]

(Monday to Sunday)

	<b>On each 4 days a week Grams</b>	<b>On each 3 days a week Grams</b>
<i>Carbohydrates/vegetable proteins:</i>		
maize or other cereal	570	570
soya flour	20	-
beans	225	-
ndengu (green grams)	-	230
<i>Animal proteins:</i>		
fresh meat	-	200
dried skimmed milk	-	500 ml
sugar	20	20

*Prisons*

[Subsidiary]

salt	15	15
<i>Fats:</i>		
fortified vegetable oil, or fortified vegetable ghee	16	16
<i>Fresh vegetables and fruits:</i>		
green leafy vegetables	120	-
carrots	-	90
irish potatoes or sweet potatoes	-	115
spring onions	30	30
capsicum	30	30
tomatoes	-	30
lemons	-	15

**PRISONERS UNDER ESCORT DIET**

biscuits	125
Tinned beans	120

**CHILDRENS' DIET**

(Monday to Sunday)

	<b><i>On each 4 days a week Grams</i></b>	<b><i>On each 3 days a week Grams</i></b>
Carbohydrates/vegetable proteins:		
maize or other cereal	285	285
beans	60	60
bread	40	-
potatoes	225	-
fresh meat	-	50
dried skimmed milk	500 ml	500 ml
sugar	55	55
salt	15	15
<i>Fats:</i>		
fortified vegetable oil, or ghee	16	16
spring onions	15	15
tomatoes	30	-
fruits	-	1
carrots	-	55
green leafy vegetables	55	55

## SECOND SCHEDULE

[r. 99.]

## FORMS

**FORM 1****COMPULSORY SUPERVISION ORDER**

No. .... of ..... 20 .....

Prisons

[Subsidiary]

Granted under the Prisons Act, to Prisoner No. .... named ..... convicted at ..... On the ....., 20 ....., of the offence of ..... as recorded in Case File No. .... of ..... Court.

By virtue of the powers conferred upon me by section 47 of the Prisons Act, I hereby order and direct that ....., a prisoner at present undergoing sentence of ..... in the ..... Prison for the offence of ..... be placed under compulsory supervision on the ..... day of ....., 20 .....

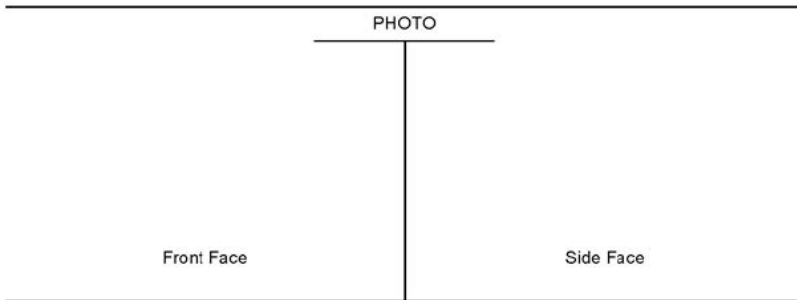
And this shall be full and sufficient authority for the said ..... To remain under compulsory supervision, subject to the conditions set out hereunder and to the provisions of the aforesaid Act.

Given under my hand and my seal of office this ..... day of ....., 20 .....

Commissioner of Prisons

DESCRIPTION

- Age .....
Colour .....
Height .....
Build (i.e. stout, medium, slender) .....
Nationality .....
Trade or profession .....
Caste-Tribe ..... Clan ..... Village .....
District in which born .....
Father's name .....
Chief's name .....



RIGHT HAND

- 1. Right Thumb 2. Right Forefinger 3. Right Mid. Finger 4. Right Ringer Finger 5. Right Little Finger

LEFT HAND

- 1. Left Thumb 2. Left Forefinger 3. Left Mid. Finger 4. Left Ringer Finger 5. Left Little Finger

CONDITIONS ON WHICH COMPULSORY SUPERVISION ORDER IS GRANTED

(a) The fingerprints of the holder of the compulsory supervision order shall be imprinted thereon, and such holder shall preserve his order and shall at all times produce it on demand when called upon by a Magistrate or Police Officer to do so.

(b) The holder of such order shall abstain from any violation of the law.



(c) The holder of such order shall not habitually associate with notoriously bad characters such as reputed thieves, housebreakers, receivers of stolen property and the like.

(d) The holder of such order shall not lead an idle or dissolute life.

(e) The holder of such order shall at the time of his discharge from prison inform the Officer-in-Charge of the Prison as to the place where he intends to reside and shall with all convenient speed proceed to such place and shall within forty-eight hours of arrival at such place report himself personally, unless prevented by unavoidable cause, to the officer in charge of the nearest Police Station of the district wherein such place is situate.

(f) The holder of such order shall, unless prevented by unavoidable cause, thereafter one in each month report himself personally to the officer in charge of the nearest Police Station of the district in which he is residing and shall, unless prevented by unavoidable cause, on every change of residence within the same district notify, either personally or by letter, such officer in charge as aforesaid; and on every change of residence from one district to another shall, unless prevented by unavoidable cause, give forty-eight hours' notice, either personally or by letter, such officer in charge as aforesaid; and on every change of residence from one district to another shall, unless prevented by unavoidable cause, give forty-eight hours' notice, either personally or by letter to such officer in charge of the Police Station of the district he is leaving, of his intention to leave, and, so far as is practicable, of his exact future address; and shall, unless prevented by unavoidable cause, within forty-eight hours of arrival at his destination within the new district where he intends to reside, report himself personally to the officer in charge of the nearest Police Station in such district.

(g) For the purposes of this order the supervisor is the officer in charge of the nearest Police Station of the district of the district in which the prisoner is residing.

(h) Any other condition which the Cabinet Secretary may from time to time by rules prescribe.

**NOTIFICATION TO POLICE**

Date	Station at which notification made	Initials of Police Officer to whom made	Date	Station	Initials, etc.
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This compulsory supervision order expires on ..... and should then be returned to the Office of the Commissioner of Prisons, Nairobi. The prisoner has expressed the intention of residing at .....

*Commissioner of Prisons*

**FORM 2**

**(r. 99)**

**NOTICE TO PERSONS RELEASED FROM PRISON**

To .....

You will be released from prison on.....

The Commissioner of Prisons gives you this notice and hopes that it will help to prevent you from breaking the law and that you will not be sent to prison again.

From ..... until ....., you will be under the supervision of .....

So long as you are under supervision you must follow these instructions:

1. Within ..... days of leaving prison you must report to .....
2. You shall not change your address or your employment without the written permission of.....
3. You must do what ..... or ..... tells you.

Prisons

[Subsidiary]

4. You must not break the law.

If you do not follow the above instructions and do what ..... or ..... tells you, you may be punished.

If you follow these instructions carefully you will be free.

If you find yourself in trouble go to..... or ..... and tell him about it. He will try to help you.

Keep this notice carefully. If you lose it or if it is destroyed, ask ..... or ..... to give you a fresh copy.

The Commissioner of Prisons wishes you well in the future.

Signed .....

Commissioner of Prisons

Date .....

FORM 3

(r. 100)

PAROLE LICENCE AND CONDITIONS

No. ....

OFFICE OF THE COMMISSIONER OF PRISONS

P. O. Box 30175, NAIROBI

Date ....., 20 .....

To: .....

You are hereby permitted to be absent on parole from the ..... prison for a period of ..... days from the ....., 20 ....., on the under mentioned conditions—

(1) You will proceed to .....

(full address) and will not without my consent move from that place).

(2) You will abstain from any violation of the law and will not associate with persons of bad character.

(3) You will report back to the officer in charge of the ..... prison at ..... by ..... on the date of ....., 20 .....

(4) No extension of absence on parole will be granted and should you fail to return at the time stated you will be deemed to have committed an offence.

(5) You will carry this licence during the period you are absent from prison on parole and will produce it whenever you are required to do so by any prison or police officer.

(6) You will report to the officer in charge of the prison at ..... any circumstances in which you may require assistance or advice.

(7) Your attention is drawn to section 49 of the Prisons Act, which reads as follows—

“(1) A prisoner serving a sentence of imprisonment for a period of four years or more may be allowed by the Commissioner within three months of the date he is due for release on conditions and for reasons approved by the Commissioner to be temporarily absent from prison on parole for a stated length of time which shall not be greater than fourteen days.

(2) The Commissioner or an officer in charge may at any time recall a prisoner released on parole.

(3) Any prisoner who fails to return to prison on the completion of the period of his parole or when informed that he has been recalled under the provisions of paragraph (2) of this paragraph shall be guilty of an offence and may be arrested without warrant and shall be liable on conviction to the same punishment as if he had escaped from prison.

*Prisons*

[Subsidiary]

(4) A prisoner when released on parole who contravenes or fails to comply with the conditions imposed upon him shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months\*.

.....  
*Commissioner of Prisons*

*Declaration by Prison Officer*

I certify that ..... has had this notice explained to him in presence.

Signed .....

*(Prison Officer)*

Date .....

*Declaration by Prisoner*

This notice has been explained to me and I have understood it.

.....

*Mark or signature of prisoner*

Date .....

Space for photograph Space for fingerprints

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THIRD SCHEDULE  
[r. 121]  
DECLARATION

1. I, ....., son of ....., do most solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to the President and the Republic of Kenya, and will obey all orders of the President and of the Officers placed over me, and will subject myself to all Act, Rules and Regulations relating to the Prisons Service for the time being in force. And I hereby declare that I have not at any time served in any capacity in the armed forces of the Republic or in the Kenya Police Force\*.

2. I have had explained to me that it is necessary for me to furnish my correct age on enlistment and I agree to accept the age recorded above as being my correct age for all purposes.



**DELEGATION OF POWERS**

[Legal Notice 81 of 1963]

<b>Short Title</b>	<b>Cap. or Year and No.</b>	<b>Section</b>	<b>Nature of Power or Duty</b>
Prisons	49 of 1962	24(1)	To declare any building, enclosure, or place or any part thereof, to be a prison for the purposes of the Ordinance.
			To declare that any prison shall cease to be a prison for the purposes of this Ordinance.
		46 4)	To grant further remission.
		66(1)	To declare any building, enclosure or place, or any part thereof, to be a youth corrective training centre for the purposes of this Act.
			To declare that any youth corrective training centre shall cease to be a youth corrective training centre for the purposes of this Act.
		68(8)	To declare any area to be an area to which Part XII of the Act shall apply.
		70	To appoint ministers or priests of any religious faith to be prison ministers.
		72(1)	To appoint fit and proper persons to be visiting justices for each prison.



**PLACES DECLARED TO BE YOUTH CORRECTIVE TRAINING CENTRES FOR THE PURPOSES OF THE UNDER SECTION 66**

[Legal Notice 100 of 1963]

IN EXERCISE of the powers conferred by section 66 of the Prisons Act (Cap. 90), the Permanent Secretary\*, Ministry of Social Services, hereby declares the vagrants camp\* at Nairobi Prison (Kamiti) in the Kiambu District, Central Province, to be a "youth corrective training centre", for the purposes of the Ordinance with effect from 1st February, 1963.

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**THE PRISONS (PRISONS COUNCIL) RULES**

[Legal Notice 552 of 1963, Legal Notice 308 of 1964]

1. These Rules may be cited as the Prisons (Prisons Council) Rules.
2. There is hereby established a Council, to be known as the Prisons Council (hereinafter referred to as the Council), consisting of eight members, of whom four shall represent the Government, and shall be known as the Official Side, and four shall represent the Kenya Prisons Representative Association, and shall be known as the Staff Side.
3. (1) The members of the Council shall be—
  - (a) as to the Official Side—
    - (i) the Principal Secretary of the Ministry for the time being responsible for prisons, or a person deputed by him, who shall be chairperson of the Council;
    - (ii) the Director of Personnel or his deputy;
    - (iii) one person appointed by the Cabinet Secretary for Finance;
    - (iv) one person appointed by the Cabinet Secretary for the time being responsible for prisons;
  - (b) as to the Staff Side—
    - (i) a person appointed by the Kenya Prisons Representative Association, who shall be vice-chairperson of the Council;
    - (ii) three persons appointed by the Kenya Prisons Representative Association.
- (2) It shall be open to the Official Side and the Staff Side to vary the membership of the Council at any time.
4. The function of the Council shall be to consider all questions affecting the welfare and efficiency of the Service, including pay, pensions and terms and conditions of service, which are referred to it by the Official Side or the Staff Side to seek and reach agreement thereon:

Provided that the Council shall not consider any question of discipline and promotion concerning an individual officer of the Service except in a case where the principle underlying the question is in dispute.
5. (1) Ordinary meetings of the Council shall be held not less than twice per year.
  - (2) A special meeting of the Council may be convened by the chairperson and the vice-chairperson whenever they consider it necessary, after giving fourteen days' notice to the members of the Council.
  - (3) The quorum of the Council shall be three members of each side of the Council.
  - (4) Subject to these Rules, the Council shall regulate its own proceedings.
6. (1) The Council may at any time appoint a subcommittee and delegate the sub-committee its functions in respect of any particular case or matter.
  - (2) If the Official Side and the Staff Side so agree, membership of the sub-committee shall not be restricted to members of the Council.
  - (3) The subcommittee may co-opt any person to attend meetings whose knowledge and experience of a particular matter may be of assistance to the sub-committee.
  - (4) The chairperson and vice-chairperson shall direct the manner and extent to which any co-opted member may participate in the meetings of the subcommittee.
7. (1) Minutes shall be kept of all meetings of the Council and subcommittee unless the terms of reference of a sub-committee allow an agreed report to be submitted in lieu of Minutes.
  - (2) Minutes of all meetings of the Council shall be treated as confidential and shall not be published outside the Prisons Service.

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[Subsidiary]

8. The decisions of the Council shall be made between the Official Side and the Staff Side and shall be reported to Government and shall thereupon become operative.
9. In the event of deadlock being reached on any question before the Council either side shall have the right to refer the matter to arbitration in accordance with the Schedule to these Rules.
10. (1) The Official Side shall bear its own expenses.
- (2) The Staff Side shall be responsible for expenses incurred in matters falling outside Appendix XXXIV of Prisons Standing Orders.
- (3) The cost of payment of an Arbitration Tribunal shall be in accordance with the Rules applicable to arbitration on matters affecting disputes, outside the Civil Service.

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SCHEDULE

[r. 9]

## PROVISIONS AS TO ARBITRATION

1. Failing agreement by negotiation, arbitration shall be open to the Official Side on the one hand and to the Staff Side on the other hand, on application by either party, in regard to certain matters affecting conditions of service, subject to the limitations and conditions hereinafter defined.
2. Where the parties are unable to reach agreement on any claim falling within the limitations set out in this Schedule, either party may refer to arbitration, in accordance with this Schedule, subject to the right of Government to refuse reference to arbitration of any dispute on grounds which the Government has declared to be matter of public policy.
3. Disputes relating to salaries in excess of the maximum of the Government's P.G. 1 Scale for the time being in force shall not be referable except with the agreement of both parties.
4. Disputes relating to individual officers or to the salary scales allotted to particular duties shall not be referable.
5. Disputes affecting emoluments, weekly hours of work and leave of any or all classes of officers shall otherwise be referable.
6. For the purposes of this Schedule, "emoluments" includes pay and allowances of the nature of pay, bonus, overtime rates, subsistence rates and travelling and lodging allowances, and "class" means any well-defined category of officer who, for the purpose of a particular claim, occupy the same position or have a common interest in the claim.
7. After an award has been made by an Arbitration Tribunal under this Schedule, a dispute involving substantially the same issues shall not again be referable within a further period of twelve months from the effective date of the award.
8. (1) The Official Side and the Staff Side shall forthwith each inform the Cabinet Secretary for the time being responsible for prisons of the names of not less than three nor more than five persons, the appointment of whom as members of arbitration tribunals would be acceptable to them.
- (2) Such persons shall be persons of standing who are not themselves servants of any East African Government or Administration or officers or members of an association of employees of one of those Governments or Administrations or members of the National Assembly and of all regional assemblies.
- (3) Both sides shall thereafter keep the Cabinet Secretary informed of any necessary amendments to these panels of names.
9. The Arbitration Act (Cap. 49) shall not apply to any reference under this Schedule.

- 10.** A dispute within the limits defined in this Schedule may be reported by either party to the Cabinet Secretary for the time being responsible for prisons for reference to an Arbitration Tribunal.
- 11.** On receiving such a report the Cabinet Secretary for the time being responsible for prisons shall, having confirmed that the Government does not object to arbitration on grounds of public policy, propose to both parties the name or names of one or more persons whom he considers to be suitable for appointment as chairperson of an Arbitration Tribunal, and he shall thereafter negotiate as may be necessary with both parties until agreement is reached on a recommendation to be made by him to the President for an appointment of a chairperson acceptable to both parties.
- 12.** The Cabinet Secretary for the time being responsible for prisons shall, at the same time, select one name from each of the panels of names submitted in accordance with paragraph 8 of this Schedule, and, having confirmed that both persons will be available for the purpose, appoint them as members of a tribunal.
- 13.** Where on any reference the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the Chairperson.
- 14.** The appointments of the chairperson and members of the Tribunal shall lapse on presentation of their award, except in so far as the Tribunal may be requested to decide any question arising as to the interpretation of the award.
- 15.** An endeavour shall be made by both parties to a dispute to agree the terms of reference or the terms of the remit to the Tribunal, but where this is not practicable the respective statements of case shall be set out, and these together will constitute the terms of reference or of remit.
- 16.** Neither party shall be represented before a Tribunal except by a civil servant, or in the case of the Staff Side by a bona fide salaried official or member of the Kenya Prisons Service Representative Association, but the Tribunal, should it so desire, may allow more than one representative to speak.
- 17.** Arrangements shall be made to secure that, wherever possible, under normal conditions claims are heard within one calendar month of the date on which a dispute is referred to a tribunal.
- 18.** The following rules of procedure of an Arbitration Tribunal shall apply, subject to the general jurisdiction of the Tribunal to regulate its own procedure as it thinks fit—
- (a) the Tribunal shall give the parties at least fourteen days' notice of the date of hearing;
  - (b) the parties to the reference shall supply to the Tribunal in writing six copies of the statement of their case not later than seven days before the date of hearing;
  - (c) when the copies of the statement of case from parties have been lodged with the Tribunal, a copy shall be sent by the Tribunal to the other side before the date of hearing;
  - (d) the statement of case shall contain the following particulars—
    - (i) the class or classes concerned, and the number of officers in such class or classes;
    - (ii) the nature of the claim, stating whether in respect of emoluments (in pay, allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances), weekly hours of work or leave;
    - (iii) where the claim is in respect of emoluments, the present remuneration and bonus (if any) and allowances (if any);
    - (iv) where the claim is in respect of weekly hours of work or leave, the existing weekly hours of work or leave;

*Prisons*

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[Subsidiary]

- (v) the grounds in support of or in opposition to the claim;
  - (vi) where reference is made to any document or documents, copies or extracts thereof, if possible;
  - (vii) the names and status of the representative or representatives who will appear before the courts;
  - (e) the statement of case shall contain all submissions, upon which the party relies in support of or in opposition to the claim, as the case may be;
  - (f) the Tribunal may require parties at the hearing to read their statements of case;
  - (g) evidence, either oral or in writing, and observations in support of or in opposition to the claim shall be referable to the submissions contained in the statement of case of any party to the reference;
  - (h) where any party desires that a case should be adjourned from the date fixed to a later date, a consent to such adjournment signed by all parties shall be sent to the Tribunal, and the Tribunal, if good reason is shown, shall thereupon sanction the adjournment; and, if joint consent cannot be obtained, application may be made to the Tribunal by the party desiring the adjournment.
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**DELEGATION OF POWERS**

[Legal Notice 692 of 1963]

IN EXERCISE of the powers conferred by section 38(1) of the Interpretation and General Provisions Act (Cap. 2) the Cabinet Secretary of Home Affairs hereby-

**(a)** delegates to the Permanent Secretary of the Ministry for the time being responsible for prisons, the exercise of the powers and the performance of the duties specified in the fourth column of the Schedule to this Notice, and conferred upon or vested in the Cabinet Secretary by the provisions of the Acts specified in the first, second and third columns of the said Schedule; and

**(b)** cancels Legal Notice No. 641 of 1963.

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**CLOSURE OF PRISONS**

[Legal Notice 243 of 1964, Legal Notice 283 of 1964, Legal Notice 41 of 1965, Legal Notice 312 of 1965, Legal Notice 306 of 1968, Legal Notice 33 of 1969, Legal Notice 34 of 1969, Legal Notice 96 of 1969, Legal Notice 104 of 1969, Legal Notice 136 of 1969, Legal Notice 222 of 1969, Legal Notice 114 of 1975]

[L.N. 243/1964.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a direction\* issued under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary for Home Affairs hereby declares that the Kara'ba Camp in the Kirinyaga District, Central Region, shall cease to be a prison for the purposes of the Act.

[L.N. 283/1964.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a direction\* issued under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary for Home Affairs hereby declares that the camp buildings at Thibat in the Kirinyaga District, Central Region, shall cease to be a prison for the purposes of the Act.

[L.N. 41/1965.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90), the Minister for Home Affairs hereby declares that the camp buildings at Nandi Hills\* in the Nandi District, Rift Valley Region, shall cease to be a prison for the purposes of the Act.

[L.N. 312/1965.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary for Home Affairs hereby declares that the former Admiralty Radio Station at Shimo-la-Tewa in the Mombasa District, Coast Province, shall cease to be a prison for the purposes of the Act with effect from the 1st December 1965.

[L.N. 306/1968.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs hereby declares that the prison buildings situated at Mweru in the Nyeri District, Central Province, shall cease to be a prison for the purposes of the Act, with effect from 26th September, 1968.

[L.N. 33/1969.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs hereby declares that the prison at Kirinyaga in the Kirinyaga District shall cease to be a prison for the purposes of the Act.

[L.N. 34/1969.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs hereby declares that the prison at Kikuyu in the Kiambu District, Central Province, shall cease to be a prison for the purposes of the Act with effect from the 1st day of February 1969.

[L.N. 96/1969.]

*Prisons*

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[Subsidiary]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that Kabianga Prison in the Kericho District, Rift Valley Province, shall cease to be a prison for the purposes of the Act with effect from the 1st day of April 1969.

[L.N. 104/1969.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that the prison building at Kapenguria in the West Pokot District, Rift Valley Province, shall cease to be a prison for the purposes of the Act with effect from the 1st day of April 1969.

[L.N. 136/1969.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that the prison camp at Meru in the Meru District, Eastern Province, shall cease to be a prison for the purpose of the Act with effect from the 1st day of May 1969.

[L.N. 222/1969.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that the prison at Kandongu in the Kerugoya District, Central Province shall cease to be a prison for the purposes of the Act with effect from 29th day of September, 1969.

[L.N. 114/1975.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs, hereby declares that the remand prison buildings at Kisumu shall cease to be a prison for the purpose of the Act.

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**DECLARATION THAT PART OF PRISON SHALL  
CEASE TO BE A PRISON UNDER SECTION 24**

[Legal Notice 27 of 1967, Legal Notice 89 of 1967]

[L.N. 27/1967.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary of the Ministry of Home Affairs hereby declares that that part of Kamiti Prison\* in the Nairobi Area which is situated directly to the south of the dam, and having its northern boundary bordering the dam and its eastern boundary bordering the Gate Lodge-Farm road, and comprising of an area of about six acres, shall cease to be a prison for the purposes of the Act.

[L.N. 89/1967.]

In exercise of the powers conferred by section 24 of the Prisons Act (Cap. 90) and in pursuance of a delegation\* made under section 38(1) of the Interpretation and General Provisions Act (Cap. 2), the Permanent Secretary, Vice-President's Office and Ministry of Home Affairs hereby declares that area situated approximately two miles north-east of Naivasha Township in the Nakuru District, Rift Valley Province, on the right-hand side of Naivasha Kinangop Road and comprising of one hundred and fifty-four acres, having the existing Somali Settlement immediately to the left-hand side, which has a gradual slope of 6,346 feet to 6,390 feet rising steeply to 6,450 feet from this point, to be a prison for the purposes of the Act.

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**CANCELLATION OF DELEGATION**

[Legal Notice 59 of 1970]

IN EXERCISE of the powers conferred by section 38 of the Interpretation and General Provisions Act (Cap. 2), the Cabinet Secretary for Home Affairs hereby cancels the delegation to the Permanent Secretary of the Ministry of Home Affairs of the powers conferred by section 46(4) of the Prisons Act (Cap. 90).

Legal Notice No. 692 of 1963 is hereby varied accordingly.

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**THE PRISONS (KENYA PRISONS  
REPRESENTATIVE ASSOCIATION) RULES**

[Legal Notice 101 of 1971, Legal Notice 146 of 1975]

1. These Rules may be cited as the Prisons (Kenya Prisons Representative Association) Rules.

2. There is hereby established an Association, to be known as the Kenya Prisons Representative Association (hereinafter referred to as the Association), and every prison officer in the Kenya Prisons Service shall be a member of the Association.

[L.N. 146/1975, r. 2.]

3. The Association shall have the power to appoint members to the Prisons Council under the Prisons (Prisons Council) Rules, and the power to consider and bring to the notice of the Council all matters affecting the welfare and efficiency of the Service, including pay, pensions, and terms and conditions of service.

4. (1) The office bearers of the Association shall be—

- (a) the Chairman;
- (b) the Vice-Chairman;
- (c) the Secretary;
- (d) the Assistant Secretary, who shall be elected annually at every ordinary general meeting of the Association.

(2) Any member of the Association who ceases to be a prison officer in the Prisons Service shall also cease to be a member of the Association and, if an office bearer, to hold office.

[L.N. 146/1975, r. 2.]

5. (1) There shall be a Joint Executive Committee of the Association (hereinafter referred to as the Committee) which shall consist of all the office bearers of the Association and three representatives nominated by each Provincial Branch of the Association established in accordance with rule 7 of these Rules, two of whom shall be from the senior section and one of whom shall be from the junior section.

- (2) Ordinary meetings of the Committee shall be held not less than twice each year.
- (3) A special meeting of the Committee may be convened by the Chairman whenever he considers it necessary, and after fourteen days' notice has been given to the members thereof.
- (4) The quorum of the Committee shall be seven members.
- (5) Subject to these Rules, the Committee shall regulate its own proceedings.
- (6) A casual vacancy in the Committee shall be filled, in the case of a Provincial Branch Representative, by a nominee of the appropriate Branch of the Association, and in the case of an office bearer, by a member elected by the Committee.

6. There shall be two Sections of the Association—

- (a) the Senior Section, consisting of senior prison officers and subordinate prison officers of the rank of Chief Officer Grade II and above;
- (b) the Junior Section consisting of all subordinate officers of the rank of Senior Sergeant and below.

[L.N. 146/1975, r. 2.]

7. (1) There shall be established a Provincial Branch of the Association, to represent every Provincial Command, to be known as—

- (a) the Nairobi Area Branch, which shall include; the Nairobi Area Provincial Prisons Command and any other prison formations within the area of jurisdiction of the City Council of Nairobi;

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- (b) the Central Province Branch;
- (c) the Nyanza Province Branch;
- (d) the Rift Valley Province Branch;
- (e) the Eastern and North-Eastern Provinces Branch;
- (f) the Western Province Branch.
- (2) Every serving prison officer shall be a member of the Provincial Branch of the Association representing the Provincial Command to which he is attached.
- (3) There shall be for each Provincial Branch of the Association a sub-committee comprising—
  - (a) three members of the Association from the Senior Section of whom one shall be a senior Prisons officer, who shall be Chairman;
  - (b) two members of the Association from the Junior Section.
- (4) The provisions of paragraphs (2) and (3) of rule 5 of these Rules shall apply to the meetings of each subcommittee.
- (5) The quorum of each sub-committee shall be three.
- (6) The procedure for election of members to each sub-committee shall be specified by the Committee.
- (7) Subject to these Rules, each Provincial Branch of the Association shall regulate its own proceedings.

[L.N. 146/1975, r. 2.]

- 8. (1) An ordinary general meeting of the Association shall be held annually.
- (2) Three representatives from each Provincial Branch of whom at least one shall be a member of the Senior Section of the Association shall constitute a quorum for a general meeting.
- (3) Twenty-one days' notice in writing of such meeting shall be given to all members.
- (4) The agenda for discussion at such meeting shall include—
  - (a) confirmation of the minutes of the previous meeting;
  - (b) the election of office bearers;
  - (c) any other matter which the Committee may deem appropriate for discussion or of which notice shall have been given in writing by any member to the Secretary at least twenty-eight days before the date of the meeting.
- (5) A special general meeting of the Association may be convened by the Chairman or Vice-Chairman for a specific purpose whenever he considers it necessary and after fourteen days' notice in writing has been given to all members.
- (6) A special general meeting shall also be convened for a specific purpose upon the written request of the Chairmen of at least three subcommittees, and such meeting be held after fourteen days' notice in writing has been given to all members.

