

## No. XIV.

### An Act to make better provision for the control of Prisons and for the custody of Prisoners. [27th May, 1874.]

PRISONS.

**W**HEREAS it is expedient to make better provision for the control of Prisons and for the custody of Prisoners Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Preamble.

1. This Act shall come into force on the first day of June in the present year and may be cited as the "Prisons Act of 1874."

Commencement and short title.

2. In this Act the word "Prisons" means and includes all public gaols prisons houses of correction and reformatories for juvenile offenders already or hereafter to be established or used within the Colony.

Interpretation of terms.

3. It shall be lawful for the Governor with the advice of the Executive Council to appoint an officer to be called the "Comptroller-General of Prisons" and the person now holding office under that title shall be deemed to have been appointed under the provisions of this section And the Governor with the like advice may also appoint an officer to be called the "Deputy Comptroller of Prisons" who shall during the absence sickness or other disability of the said Comptroller General of Prisons have and exercise and be subject to all the powers authorities and obligations respectively which might lawfully be exercised and incurred by the said Comptroller-General of Prisons.

Comptroller-General of Prisons and Deputy Comptroller.

*Prisons.*

Transfer of control of Prisons and custody of prisoners to Comptroller-General of Prisons.

4. The Comptroller-General of Prisons shall (subject to the exceptions hereinafter contained and to the control of the Governor with the advice aforesaid) have the care direction and control of all prisons within the Colony and also the custody of all convicted prisoners that is to say prisoners committed to such prisons for any crimes offences or misconduct under or in pursuance of any sentence of any Judge Justice or Court Provided always that the custody of all persons committed to any such prison before or after the commencement of this Act not being prisoners under sentence for an indictable offence or adjudication of imprisonment for some offence punishable on summary conviction shall together with all powers rights obligations and liabilities in respect of such persons whether under the provisions of any Act or at common law continue to be vested in and incident to the Sheriff for the time being And in respect of all prisoners who shall not have been convicted and sentenced as aforesaid the Comptroller-General and all gaolers and other officers shall be deemed to hold such prisoners for and on behalf of the Sheriff who shall have such access to communication with and all other powers and authorities over or in reference to such prisoners as he would have had if this Act had not been passed.

As to prisoners under sentence of death.

5. Nothing in this Act contained shall abridge or otherwise affect the powers authorities and obligations of the Sheriff in respect of prisoners in any prison under sentence of death.

As to writs of *habeas corpus*.

6. Where before the commencement of this Act any writ of *habeas corpus* would in respect of the body of the person therein named have been directed to the Sheriff or to the Sheriff and other persons therein named such writ shall after the commencement of this Act be directed to the Comptroller-General of Prisons and to the other person in such writ named if the custody of the body of such person shall have been by virtue of this Act be vested in such Comptroller-General.

Transfer of certain powers &c. of Sheriff to Comptroller-General of Prisons.

7. All powers authorities and obligations by law vested in or imposed upon the Sheriff in respect of the charge care and direction of public gaols prisons and houses of correction and in respect of the custody of convicted prisoners as hereinbefore defined shall be and the same are hereby declared from and after the commencement of this Act to be transferred from the Sheriff to the Comptroller-General of Prisons.

Regulations.

8. It shall be lawful for the Governor with the advice aforesaid to make Regulations for enabling the Sheriff to carry out all powers and authorities and fulfil all duties remaining vested in him in relation to prisoners And also to make Regulations for enabling the Comptroller-General of Prisons to exercise all powers and authorities and fulfil all duties vested in or appertaining to him by virtue of this Act Provided that the Regulations in force at the time of the commencement of this Act shall so far as they are consistent with this Act apply to and be carried into effect by the Comptroller-General of Prisons as fully and effectually as if he had been named in such Regulations instead of the Sheriff.

Regulations to be laid before Parliament.

9. All Regulations framed under the last preceding section shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not then sitting then within one month after the commencement of the next ensuing Session thereof and shall be published in the *Government Gazette* for general information.