

1994—No. 122

PRISONS ACT 1952—REGULATION

(Relating to Visiting Justices and Official Visitors)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prisons Act 1952, has been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD, MLC
Minister for Justice.

The Prisons (General) Regulation 1989 is amended:

- (a) by omitting from clause 136 the words “Visiting Justice” wherever occurring and by inserting instead the words “Official Visitor”;
- (b) by omitting clause 183 and by inserting instead the following clause:

Visits by Visiting Justices

183. A Visiting Justice is to visit the prison:

- (a) at least once in each month; or
- (b) if the Visiting Justice is satisfied that less frequent visits are required to carry out the Visiting Justice’s functions under the Act—as often and at such times as the Visiting Justice considers appropriate in the circumstances.

EXPLANATORY NOTE

The object of this Regulation is to update provisions relating to Official Visitors and Visiting Justices to reflect recent amendments made to the Prisons Act 1952 (“the Act”) by the Prisons (Amendment) Act 1993. Under those amendments, Official Visitors have assumed the functions previously exercised by Visiting Justices in relation to visiting and examining prisons. Visiting Justices retain their functions relating to disciplinary matters under Part 4 and inquiries under section 10 (3) of the Act.

Item (a) of this Regulation removes outdated references to Visiting Justices in clause 136 (Requests to Minister, Commissioner or Visiting Justices) and replaces them with references to Official Visitors. Item (b) of this Regulation ensures that a Visiting Justice visits the prison regularly (or when necessary) to carry out his or her functions under the Act.

This Regulation is made under section 50 (1) (a1) and (a2) of the Prisons Act 1952.
