



Western Samoa

Analysis

Title 1. Short title 2. Inserting new sections as to release of	prisoners on parole, and remission of part of prison sentence
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1971, No. 13

AN ACT to amend the Prisons Act 1967.

[21 December 1971]

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

1. Short title—This Act may be cited as the Prisons Amendment Act 1971 and shall be read together with and be deemed to be part of the Prisons Act 1967 (hereinafter referred to as the principal Act).

2. Inserting new sections as to release of prisoners on parole, and remission of part of prison sentence—The principal Act is hereby amended by inserting after section 39 the following two sections:

39A Release of prisoners on parole—(1) The Commissioner may from time to time authorise the Superintendent or Chief Gaoler to direct the temporary release on parole of any prisoner for such period or periods and subject to such conditions and restrictions as the Commissioner thinks fit. Any authority given by the Commissioner under this section may be exercised either generally or in respect of cases of any specified class or in respect of any particular case.

(2) The Commissioner may at any time direct the return to any prison of any person released on parole under this section.

(3) Every person released on parole under this section shall be deemed to be unlawfully at large if he is at large after the expiry of the period for which he was so released or after the giving of a direction for his return to a prison as aforesaid.

(4) Every person released on parole under this section shall be deemed to have escaped from lawful custody, and shall be liable accordingly, if he is at large after the expiry of the period for which he was so released.

(5) For the purposes of sections 15 and 42 of this Act, no Gaoler shall be guilty of a breach of duty by reason only of the escape from lawful custody of any person released on parole under this section unless such person had a known propensity for escaping, or unless the temporary release of that particular person was in the circumstances of the case attributable to wilful neglect by such Gaoler.

39B Remission of part of prison sentence—(1) The Minister may at any time grant to any prisoner serving a sentence of imprisonment of one year or more remission of any part of his sentence, not exceeding one-fourth of the term thereof, on the ground of his good conduct and industry.

(2) Where the Minister considers that the conduct of any prisoner has been exemplary during his prison sentence or where any prisoner has during his sentence performed some outstanding act of service, the Minister may grant to him, in addition to any remission which may be granted to him under subsection (1) of this section, a special remission of part of his sentence, not exceeding one-twelfth of the term.

(3) A grant under this section of remission of any part of the sentence of any prisoner may be revoked, in whole or in part, by the Minister at any time before the prisoner is released, if the Minister is satisfied that the conduct or industry of the prisoner since the granting of the remission has been unsatisfactory or that the grant was made in error.

(4) For the purpose of this section, cumulative terms of imprisonment shall be treated as one term.