

Execution of Sentences Act No. 49/2005

No. 49 of 17 May 2005

SECTION I

Control and structure of the prison system.

Article 1

Overall charge of the prison system.

The Minister of Justice is in overall charge of the prison system.

Article 2

Role of the Prison and Probation Administration.

The Prison and Probation Administration supervises the execution of sentences and other functions in accordance with the provisions of this Act and the regulations issued hereunder.

The Prison and Probation Administration shall supervise the running of the prisons.

Article 3

Detention in prison.

Detention in prison is applied to those who have been sentenced to terms of imprisonment, those who serve prison terms as a surrogate punishment in lieu of fines and those who are remanded in custody.

Remand prisoners may be detained among those serving sentences if isolation is not considered necessary.

In special cases, prisoners serving sentences may be detained for short periods in police cells.

If circumstances permit, remand prisoners may be detained for short periods in police cells; however, this may not be for more than four days unless special reasons apply.

Article 4

The Director of the Prison and Probation Administration.

The minister shall appoint the Director of the Prison and Probation Administration for terms of five years at a time. The director shall be a qualified lawyer. The director shall engage the other staff of the administration.

Article 5

Prison directors.

The minister shall appoint prison directors for terms of five years at a time. More than one institution may be under the control of the same director.

Article 6

Prison warders.

The Director of the Prison and Probation Administration shall appoint prison warders for terms of five years at a time. Before being appointed, prison warders shall have passed a qualifying examination at the National Prison Warders' College. Prison directors shall engage other prison staff.

Prison warders may neither go on strike nor take part in the calling of a strike.

The Treasury shall compensate prison warders for injuries and damage to their belongings that they may suffer in connection with their work.

Article 7

Authorisation to use force.

Prison staff may use force in carrying out their duties if this is considered necessary in order to:

1. prevent an escape,
2. defend themselves against an imminent attack, overpower violent resistance, prevent a prisoner from harming himself or others and to prevent acts of vandalism, and
3. to follow orders that need to be carried out immediately and a prisoner refuses or neglects to comply with instructions regarding them.

Force may involve physical contact or the use of the appropriate defensive equipment.

Following the use of force, a doctor shall be summoned if there is a suspicion that it has resulted in injury, in cases involving disease or if the prisoner himself requests medical assistance.

Article 8

Non-disclosure obligation.

Staff of the Prison and Probation Administration, prison warders and other persons who work in the prisons shall be under an obligation not to divulge matters of which they become aware in the course of their work or in connection with their work and which should be kept secret in accordance with lawful public or private interests. This non-disclosure obligation shall apply to information concerning the private circumstances of prisoners and persons connected with them which should normally be secret, information concerning prison security and other information that should be kept secret according to law, working rules or the nature of the case. The non-disclosure obligation shall remain in force even after the employee stops work.

SECTION II

Execution of non-conditional prison sentences, etc.

Article 9. **General.**

The Director of Public Prosecutions shall send sentences to the Prison and Probation Administration for execution.

Article 10 **Notification of service of sentences.**

Non-conditional prison sentences shall be executed as soon as the judgements are received by the Prison and Probation Administration.

If the person sentenced is not already in prison, the Prison and Probation Administration shall inform him by letter, in a verifiable manner and with at least three weeks' notice, of when and where he is to present himself to serve the sentence. If the person sentenced does not present himself at the appointed time to serve the sentence, the Prison and Probation Administration shall entrust the police with arresting him and conveying him to prison. If the person sentenced intentionally fails to present himself to serve the sentence, this may have an effect on the service of the sentence.

If the person sentenced is in remand custody, he shall begin serving his sentence immediately unless other arrangements are called for in the interests of criminal investigations. If the person sentenced is serving another prison sentence, then the latter sentence shall be served in direct continuation of it.

A sentenced person may be made to start serving his sentence without a prior notification, or before the service of the sentence is due to begin according to the notification, if he commits another criminal offence or if it is considered that there is a risk that he will try to escape punishment, or if this is in the public interest.

If the convicted person asks to begin serving his sentence before the scheduled time, this request shall be granted if possible.

Article 11. **Deferment of service of sentences; pardons.**

If a sentenced person requests the deferment of the service of his sentence, the Prison and Probation Administration may grant a short deferment if there are special reasons in favour of this. Such deferment may not amount to a total of more than three months. In assessing whether the service of a sentence is to be deferred, consideration shall be given to the seriousness of the sentenced person's offence, his criminal record, his personal circumstances, the length of time that has elapsed since the offence was committed and other factors that may be of significance. A request for deferment shall be turned down if it is first made after the service of the sentence is supposed to begin according to the notification.

If a sentenced person requests a pardon, the service of the sentence shall be deferred, if it has not already begun, until the request is dealt with, providing that the request is made not later than two weeks before service of the sentence is due to begin. A request for a pardon shall not defer service of sentence if the sentenced person is already serving another prison sentence.

Service of sentence shall not be deferred in response to a repeated request for a pardon unless the new request contains important information which it was not possible to present previously and there are special reasons for deferring service of sentence.

Deferment under this Article shall be subject to the condition that the sentenced person does not commit a criminal offence. Other conditions may be set for the granting of a deferment.

If the sentenced person breaks the conditions for a deferment, the Prison and Probation Administration may decide that he is to begin serving his sentence without notice. The same applies if the sentenced person gives false information in a request for a deferment.

Article 12

Breaks in the service of sentences.

Periods of service of sentences shall be continuous. However, a break may be made in the period if there are special reasons in favour of doing so. The break shall be subject to the condition that the person does not commit an offence during the break period.

A prisoner who is committed to hospital shall be considered as serving his sentence while he is there, unless he has caused the illness wilfully after beginning the service of his sentence.

Article 13

Escapes.

If a prisoner escapes while serving a sentence, the time from when he escapes until he is returned to prison is not counted as part of his time of service.

Article 14

Decision on place of detention.

The Prison and Probation Administration shall decide in which prison the prisoner is to serve his sentence. This decision shall take into account the prisoner's age, sex, criminal record and the severity of the sentence, and also the considerations applying to detention in each individual prison.

The Prison and Probation Administration may have prisoners transferred between prisons, or from an institution to a prison. When such transfers are made, consideration shall be given, as far as circumstances permit, to the prisoner's place of residence and that of his family. The prisoner shall be informed in advance of such transfers, with at least 24 hours' notice, and shall be told the reason for the transfer, unless it is considered necessary for security reasons, or in view of the prisoner's

health, or in order to prevent violence, or when the prisoner has committed a gross breach of discipline, or when there are grounds to suspect that the prisoner has addictive, narcotic or illegal drugs in his possession. Prisoners may inform their immediate relatives and lawyers when they are transferred between prisons.

Prison directors may, for security reasons or in view of special circumstances, take the decision to transfer prisoners between departments and cells. There is no obligation to give prisoners an opportunity to express their position on such transfers before taking such a decision, but the interests of the prisoner shall be safeguarded in connection with the transfers.

Article 15

Confinement in hospital, etc.

If a prisoner is confined in a hospital, temporarily or for the duration of his term of imprisonment, the Prison and Probation Administration may seek specialist opinion as to the necessity of such confinement and the way it is carried out.

The Prison and Probation Administration may allow a prisoner to be confined, temporarily or for the duration of his term of imprisonment, in a health-care or treatment institution. The Prison and Probation Administration may set special conditions for the confinement of prisoners in these places.

Article 16

Beginning of terms of imprisonment.

The dates of the beginning and end of terms of imprisonment shall be recorded when prisoners begin serving their sentences.

A physician shall examine the prisoner at the beginning of the term of imprisonment and during the term if necessary. Information about the prisoner's health and medical history, and details of the prisoner's personal circumstances and the persons whom the prisoner wishes to have contacted, if necessary, in connection with his interests, shall be recorded. Furthermore, photographs of the prisoner's face shall be taken.

Article 17

Treatment and confinement schedule, etc.

When they begin serving their sentences, prisoners shall receive, and have explained to them, in a language they understand, a summary of the rules applying to the service of their sentence, prisoners' rights and obligations, work and study opportunities available to prisoners, the rules of the prison, the types of conduct that will result in disciplinary measures and the handling of such cases, information about where prisoners are able to lodge appeals against decisions regarding the execution of their sentences and information on the grounds for submitting complaints to the Parliamentary Ombudsman, and also the prisoners' right to contact their lawyers.

In collaboration with the prisoner, the Prison and Probation Administration shall draw up a treatment and confinement schedule, which shall be reviewed, according to circumstances, during the term of imprisonment.

When they begin serving their sentences, prisoners shall be permitted to inform their closest relatives and lawyers about their imprisonment as soon as possible. Prisoners shall also be informed about the end of their terms of imprisonment and the rules on probation.

Article 18

Work in prison.

Prisoners shall be obliged, as circumstances permit, to work or pursue other approved activities in prison.

The prison director shall decide what work prisoners are assigned. When deciding on the work to be assigned to each prisoner, consideration shall be given, as far as possible, to their personal circumstances and their wishes.

Prisoners may have themselves provided with work other than that referred to in the first and second paragraphs of this Article after receiving the approval of the prison director. The prison director may authorise a prisoner to discharge his work obligations in his cell if circumstances permit and there are no other reasons against this.

Prisoners shall work every weekday (not including Saturdays). Work shall normally be done between 8 a.m. and 5 p.m., in such a way that the working day on average is not more than eight hours. Work connected with the running of the prison may be done outside daytime working hours.

Article 19

Studies and vocational training.

Prisoners shall have an opportunity to pursue studies or vocational training or participate in other activities held in the prison, according to what is practicable and what they are considered as being capable of doing.

Regular studies shall take the place of obligatory work. Each hour of study shall be regarded as the equivalent of an hour of work.

If a prisoner does not pursue his studies in a normal way, the school principal may, in consultation with the prison director, decide to expel him from the study programme. The prison shall supply and pay for text books used in studies, and they shall be the property of the prison.

Article 20

Remuneration and per diem allowances.

Prisoners shall receive remuneration for doing work or pursuing studies. If it is not possible to provide a prisoner with work, or if, according to a medical certificate, he is unable to discharge his obligation to work, he shall receive a *per diem* allowance for the days on which he would otherwise have worked. The Prison and Probation Administration shall determine the amount of the *per diem* allowance, aimed at having it cover the prisoner's basic personal hygiene requirements.

Prisoners who have the opportunity of working, or who have themselves provided with work, shall not receive *per diem* allowances. The same shall apply to prisoners who are dismissed from work or who, without a valid reason, refuse to work.

Article 21

Payment of compensation.

Remuneration for doing work or pursuing studies in prison, and daily allowances, may be taken to cover the payment of compensation or other expenses for which prisoners are responsible while they are serving their sentences, including debts that they have incurred while in prison. At no time, however, may more than half of a prisoner's remuneration, or a quarter of his *per diem* allowance, be taken for such payments.

Article 22

Health services in prisons.

While in prison, prisoners shall enjoy health services comparable to those generally available, in addition to the special health services prescribed in legislation and regulations concerning prisoners. The Ministry of Health and Social Security, in collaboration with the Prison and Probation Administration, shall supervise and be responsible for health services to prisoners while in prison.

Article 23

Infants in prisons.

If a woman has an infant child when she begins serving her sentence, or if she gives birth to a child during her term of imprisonment, she may be permitted, in consultation with a child welfare committee, to have the child with her in prison.

Article 24

Execution of sentences outside prison.

The Prison and Probation Administration may permit a prisoner to complete the service of his sentence outside prison providing that he engages in work or a programme of study which is approved by the Prison and Probation Administration and which constitutes part of his readaptation to the community, lives in an institution, or a home with which the institution has made an agreement, and is under supervision there.

The Prison and Probation Administration shall set further rules on the premises and conditions for such placement. The prisoner shall agree in writing to the conditions set regarding the placement.

The prisoner himself shall pay the fees collected by such an institution or home from the inmates.

Article 25

Breach of conditions for placement outside prison.

When a prisoner does not pursue the work or studies that were the condition for his placement outside prison, or if he runs away from the institution or home, breaks its rules or violates the conditions set for his placement, the Prison and Probation Administration may decide that he is to be returned to prison to serve his sentence. The same shall apply if the institution or home considers that the grounds for the continuing presence of the prisoner there no longer apply.

Before a decision is taken on returning him to prison, the prisoner shall be given an opportunity of expressing his position, unless the violation is of such a nature as to make his return to prison a matter of urgent necessity.

Article 26

End of service of prison sentences.

Prisoners serving non-conditional prison sentences shall be released at 8 a.m. on the morning of the day on which their prison term ends. Prisoners may be released at other times in cases when they are to be expelled from the country.

Prisoners serving prison terms in lieu of paying fines shall be released at the same time of the day as they began serving their sentences.

Article 27

Community service.

When a person has been sentenced to up to six months'; non-conditional imprisonment, it shall be possible, if this is not contrary to the public interest, to execute the sentence in the form of unpaid community service lasting a minimum of 40 hours and a maximum of 240 hours. The Prison and Probation Administration may decide that part of this unpaid community service shall take the form of counselling (cognitive therapy), providing this in no case amounts to more than one fifth of the community service.

When part of a prison sentence is suspended, the entire sentence according to the judgement may not exceed six months for it to be possible to execute the sentence in the form of community service.

In the case of imprisonment according to more than one judgement, the combined period of imprisonment may not exceed six months for it to be possible to execute the sentence in the form of community service.

Article 28

Conditions for community service.

The conditions for community service being a possibility are as follows:

1. That the sentenced person must have applied for it in writing to the Prison and Probation Administration not later than one week before he was originally due to begin serving his prison sentence.

2. That the person sentenced may not have a case pending examination by the police, the prosecution authorities or the courts in which he is accused of a criminal offence.
3. That the sentenced person is considered fit for community service.
4. That the sentenced person is not serving a prison sentence or in custody on remand.

Before an assessment is made of whether the sentenced person is fit for community service, including whether it is likely that he will be able to perform the services involved, an examination shall be made of his personal circumstances. If the sentenced person fails to attend an interview for this purpose, his application to do community service shall normally be turned down.

When a prison sentence is executed in the form of community service, 40 hours of community service shall be the equivalent of one month's imprisonment. If custody on remand is set off against a prison sentence, this shall be taken into account when calculating the number of hours.

Article 29 **Decisions on community service.**

The Prison and Probation Administration shall decide whether a prison sentence is to be executed in the form of community service and what type of community service the person sentenced is to perform in each individual case. The same applies to the length of time for which community service is to be performed; however, this period may never be shorter than two months.

Applications shall be turned down immediately if the applicant does not meet the conditions of items 1, 2 and 4 of the first paragraph of Article 28. Those conditions may be waived if there are special reasons in favour of this.

When an application is accepted for substantive treatment, the execution of the prison sentence shall be postponed until a decision on it has been taken, providing that the sentenced person does not commit a criminal offence during this time.

Article 30 **Conditions applying to community service.**

Community service shall be subject to the following conditions:

1. That the sentenced person does not commit a criminal offence during the period when community service is performed.
2. That the sentenced person consents to be under supervision and monitoring by the Prison and Probation Administration, or another party that it appoints, while community service is performed.

In addition, it may be decided that community service will be subject to the following conditions:

1. That the sentenced person obeys instructions given by the supervisory party regarding place of residence, education/training, work, contact with other persons and the pursuit of leisure activities.
2. That the sentenced person does not consume alcohol or addictive or narcotic drugs.

The sentenced person may be required to undergo a breath analysis or a blood and urine test if there is reason to suspect that he has violated the condition of the second item above. A refusal on the part of the sentenced person to undergo such a test shall constitute a violation of the conditions for community service.

Before the beginning of the execution of a prison sentence in the form of community service, the rules applying to community service shall be explained in detail to the sentenced person and his confirmation that he is prepared to comply with them shall be obtained. The same applies to responses to violations of these rules.

Article 31

Violation of conditions for community service.

If the sentenced person violates the conditions for community service or fails to perform it properly, the Prison and Probation Administration shall decide whether the conditions are to be changed, whether the period during which community service is to be performed is to be lengthened or whether the sentence is to be served in prison.

If the sentenced person is accused of a criminal offence, or is no longer considered fit for community service, after it is decided to execute a prison sentence in the form of community service, then the Prison and Probation Administration may decide that the decision to execute the sentence in the form of community service is to be revoked and that the sentenced person is to serve his sentence in prison.

In cases where the violation of the conditions for community service or the alleged offence is neither serious nor repeated, a warning shall be given before it is decided that the prison sentence is to be served in prison.

When it is decided under the first or second paragraph of this Article that a prison sentence is to be served in prison, the community service already performed shall be taken into account when calculating the time remaining to be served.

When the remainder of a prison sentence is served in prison after part of it has been executed in the form of community service, release on probation under Article 63 may be granted on the basis of the remainder; thus, the proportions of half and two thirds shall be based on the remainder of the sentence which is still to be served.

SECTION III

Prisoners'; rights and obligations.

Article 32

Detention in cells.

Each prisoner shall have a cell to himself unless special circumstances or the accommodation available prevents this, and the cell shall be locked at night as provided for in further detail in the rules of the prison. The Prison and Probation Administration may decide that cells are to be unlocked in particular prisons or prison departments, or in other cases when particular circumstances favour such an arrangement.

Article 33

Visits.

Prisoners may receive visits in prison, not less often than once a week, according to facilities in the prison.

The prison director may permit more visits, and shall also decide whether more than one person may visit the prisoner at any given time.

Under special circumstances, the prison director may decide that visits by specific persons are to take place under the supervision by a member of the staff or in other parts of the prison (*cf.* Articles 34 and 35), or with a prohibition on physical contact between visitor and prisoner, providing there is reason to believe that the visit will be abused or will disrupt the peace, order or security in the prison.

The prison director may prohibit specific persons from visiting a prisoner, providing that there are grounds for suspecting that the conditions covered in the third paragraph of this Article apply. Reasons for a decision to this effect shall be stated in writing.

Prisoners may refuse to receive visits from persons other than those who have official business with them. Objects or substances that the prisoner is not permitted to have in the prison shall be left in the keeping of the prison authorities during the visit.

Those who visit prisoners may be searched. Searches may involve either a search of outer clothing, or a body search if the visitor agrees to this. If the visitor does not agree, then the visit may be held under different circumstances (*cf.* the third paragraph of this Article), or permission for it may be refused (*cf.* the fourth paragraph).

Article 34

Arrangements during visits.

Prisoners shall receive visits in a visiting room, where such a room is available, or in their cells.

In particular instances, the prison director may decide that visits to prisoners are to take place in other rooms in the prison. Decisions to this effect shall be recorded in writing, with the reasons stated.

Prison directors shall arrange facilities so that children may be included in visits and will be treated with due consideration. Where it is required that a visit be held outside the prison in the interest of a child, this shall be done in accordance with the opinion of the child welfare authorities or other specialists.

Article 35

Supervision of visits.

Visits to prisoners shall normally take place without supervision.

The prison director may decide that a visit is to take place under supervision if this is considered necessary to maintain good order and security in the prison or to prevent criminal actions. Decisions to this effect shall be recorded in writing, with the reasons stated.

Any person visiting a prisoner, and the prisoner himself, may ask to have a prison warder present during the visit.

Visits to a prisoner by a lawyer shall always be without supervision unless the lawyer requests another arrangement.

Visits may be interrupted if this is considered necessary in order to maintain good order and security in the prison or to prevent criminal actions.

Article 36

Telephone calls.

Prisoners shall have the right to make telephone calls to persons outside the prison during the hours stated in the prison rules. The number of calls made by each prisoner, and their length, may be restricted if this is necessary to enable other prisoners to avail themselves of this right. Telephone calls to prisoners in other prisons are prohibited except when the prison director grants approval for them.

Prisoners'; telephone calls may be tapped if this is considered necessary in terms of general supervision, in order to maintain good order and security in the prison, to prevent criminal actions or to protect persons who suffered as a result of the offence committed by the prisoner and those who have testified against him.

A decision to the effect that a telephone conversation is to be tapped shall be announced to the prisoner in advance, with the reasons for it being stated and recorded in writing. The condition may be set that the conversation take place in a language which the prison warder understands, or that an interpreter translate the conversation.

Telephone calls between prisoners and their lawyers, government institutions or the parliamentary ombudsman may not be tapped.

At the request of the person registered as the user of a particular telephone number, the prison director may decide that no telephone calls may be made from the prison to that number.

Prisoners themselves shall pay the cost of their telephone calls, except for those they make to their lawyers, the Ministry of Justice and Ecclesiastical Affairs, the Parliamentary Ombudsman and the Prison and Probation Administration.

Article 37

Correspondence.

Prisoners may send and receive letters. The prison director may decide to open and read letters to and from a prisoner in his presence in order to maintain good order and security in the prison, to prevent criminal actions or to protect persons who suffered as a result of the offence committed by the prisoner and those who have testified against him. For the same purposes, the prison director may decide to restrict a prisoner's correspondence with specific persons or to suspend the sending of letters to and from a prisoner. The condition may be set that the correspondence take place in a language which a prison warder understands, or alternatively that an authorised translator be entrusted with translating the letters.

Correspondence between prisoners and their lawyers, government institutions or the Parliamentary Ombudsman may not be examined.

A decision to read a letter, or to seize it, shall be announced to the prisoner, and the reasons for it shall be stated and recorded in writing.

When the prison provides stationery or envelopes, these shall not bear a stamp or other marking from which it is possible to deduce that the sender is detained in prison.

Prisoners themselves shall pay the cost of the letters they send, except for those they send to their lawyers, the Prison and Probation Administration, government institutions or the Parliamentary Ombudsman.

Article 38

Access to the media.

Prisoners shall normally have the opportunity of following public affairs by reading newspapers, listening to the radio and watching television.

The Prison and Probation Administration shall decide, in consultation with the prison director, whether to permit media interviews with prisoners. These shall be permitted if this is not at variance with the public interest or the interests of the victims of criminal offences.

Article 39

Time out of doors and leisure activities.

Prisoners shall be entitled to spend time out of doors and to pursue leisure activities, physical culture and sports in their free time, as facilities in the prison permit, for at least one and a half hours each day, unless this is incompatible with good order and security in the prison.

Article 40
Foreign prisoners.

Foreign prisoners shall be entitled to contact their national embassies or consuls.

If a prisoner is stateless, or is a refugee, the prison shall help him to contact representatives of Icelandic or international organisations which defend the interests of such persons.

Foreign prisoners shall be entitled to the services of an interpreter, when necessary, when their rights and obligations during their time in prison are explained to them. They shall also have the right to contact their lawyers with the assistance of an interpreter when considered necessary.

Article 41
Practice of religion.

Prisoners shall have the opportunity of contacting a priest or comparable representative of a registered religious association.

Article 42
Personal possessions in cells.

In accordance with the rules of the prison, the prison director may permit prisoners to have in their cells their own computers (without connection to the Internet), computer printers, sound equipment, radios, televisions, etc. Prisoners may not have telephones or other communications equipment in their cells.

Prisoners may not have alcohol or addictive or narcotic drugs in their possession.

Prisoners may have money in their possession, or in their cells; however, the sum involved may not be greater than their remuneration for one month. Prisoners shall be able to have larger sums kept for them by the prison.

Article 43
Prisoners'; spokespersons.

Prisoners may elect spokespersons to work on matters of concern to prisoners and to represent them.

SECTION IV
Leave from prison.

Article 44
Regular day leave.

The prison director may, after obtaining the approval of the Prison and Probation Administration, grant prisoners regular day leave to spend time outside the prison in order to be with their families or friends if this is considered to be beneficial as an element in the service of their sentences or in order to prepare them for when they

complete their sentences. Such leave shall consist of a maximum of 14 hours, and shall normally be granted between 7 a.m. and 11 p.m. the same day. The period may be extended if the prisoner demonstrably has to travel a long way to his home.

In an application for leave, the prisoner shall state how he intends to spend the time or who he intends to visit. Before leave is granted, confirmation may be sought from the person named to establish that the visit may take place.

Leave under this Article may first be considered when the prisoner has served, in a continuous stretch, one third of his sentence, and not less than one year. When a prisoner has spent four continuous years in prison, he may be granted leave of this type even though one third of the sentence is not completed.

Day leave may be granted again if one month has passed since the previous leave.

When the service of a sentence takes place outside prison under Article 24, then the condition may be set that the prisoner is not to be granted day leave under this Article.

Article 45

Decisions on day leave.

When decisions on day leave are taken, the offence and criminal and prison record of the prisoner involved shall be taken into consideration. Consideration shall also be given to his conduct while in prison and whether he has availed himself of the remedial treatment available in the prison.

If the prisoner was sentenced, in his most recent prison sentence or earlier, for homicide, an offence involving violence or a sexual offence, a serious drug offence, arson or another offence causing danger to the public, or an economic offence committed by means of violence or the threat of violence, then particular caution shall be exercised when assessing whether the prisoner is to be granted leave to spend time outside the prison. The same shall apply if a case in which the prisoner concerned is suspected, or accused, of having committed an offence of this type is being examined by the police, the courts or the prosecution authorities, and also if the prisoner is considered to be an habitual offender or if there is a danger that he would abuse his leave or attempt to flee the country.

If a prisoner makes an escape from prison while serving a sentence or being held on remand, at least two years shall elapse before he can qualify for leave of this type. If the prisoner has committed a criminal offence during a previous day leave, or abused such leave in any other way, then he shall not be granted leave again until at least eight months have elapsed since the occurrence of such an incident. In cases where it is found out that a prisoner has consumed alcohol or addictive or narcotic drugs, or has committed a breach of discipline, inside or outside the prison, he shall normally not qualify for leave to spend time outside the prison until six months have elapsed since such an incident.

Article 46

Short-term leave.

Prison directors may, after receiving the approval of the Prison and Probation Administration, grant prisoners short-term leave to spend time outside the prison for the following purposes:

1. To visit a close relative or other close family member who is seriously ill, having received permission from the person concerned or his next of kin.
2. To attend the funeral or funeral preparation ceremony of a close relative or other close family member; in the case of his or her spouse, direct descendant or parent, the prisoner may attend both the funeral preparation ceremony and the funeral.
3. To attend the birth, baptism or confirmation of his or her child.
4. To attend to particularly urgent personal interests.

Prisoners may only be granted leave under items 1-4 of the first paragraph of this Article if satisfactory evidence is produced demonstrating the existence of the circumstances described in those items. Such leave shall be granted for maximum periods of eight hours. This period may be lengthened when special circumstances apply, and also where long travelling distances are involved. However, short-term leave shall never last longer than strictly necessary.

The terms “close relative or other close family member” in items 1 and 2 of the first paragraph of this Article refer to the prisoner’s spouse or cohabiting partner, direct descendants (children, grandchildren, etc.), step-children, foster-children, parents, parents-in-law, siblings, nephews and nieces, grandparents and uncles and aunts.

Prison directors shall decide, in consultation with the Prison and Probation Administration, on the form that security precautions regarding the prisoner are to take during the leave period.

Article 47

Studies, work or vocational training outside prison.

The Prison and Probation Administration may grant prisoners who are serving sentences leave to spend time outside prison in order to pursue studies, work or vocational training if this is considered beneficial as an element in the service of their sentences or in order to prepare them for when they complete their sentences. Prison directors shall decide, in consultation with the Prison and Probation Administration, on the form that security precautions regarding the prisoner are to take during the leave period. Leave of this type shall not normally be granted until the prisoner has served one third of his sentence, the minimum period being one year. When a prisoner has spent four continuous years in prison, he may be granted leave of this type even though he has not completed one third of his sentence.

Before leave to spend time outside the prison under the first paragraph is granted, a verified timetable and written confirmation from the educational institution, or a certificate from the employer or person providing vocational training, shall be submitted stating that the prisoner may begin and pursue the studies, work or vocational training during the period when it is intended that the leave will apply. It shall also be established that these parties are aware that the person concerned is a

prisoner serving a sentence, and the rules and conditions applying to the leave shall be explained to them.

Article 48 **Conditions applying during leave.**

The following conditions apply to leave to spend time outside prison:

1. The prisoner may not consume, or have in his possession, alcohol, addictive or narcotic drugs or other drugs which are not intended for him.
2. The prisoner may not leave Iceland during the leave period.
3. The prisoner may not do anything or go anywhere during the leave period that is not compatible with the purpose for which leave was granted.

In addition, the following conditions may be set regarding leave to spend time outside the prison:

1. That the prisoner is to give a breath sample on returning to the prison, or blood and urine samples before and after the leave period.
2. That the prisoner is to submit to a body search on returning to the prison.
3. That the prisoner may not visit certain locations or contact certain persons during the leave period, if this restriction is desirable from the point of view of consideration towards the victim of the prisoner's offence or the victim's immediate family, or the nature or seriousness of the offence.
4. That the prisoner report to the police or the prison administration authorities.
5. That particular individuals collect the prisoner and drive him back to the prison.

Further conditions may be imposed regarding leave to spend time outside prison.

The time when the prisoner is permitted to leave the prison and the time by which he must return to the prison shall be stated. If an accident, illness or other comparable circumstances make it impossible for the prisoner to return from leave by the specified time, he shall notify the prison as soon as possible.

Article 49 **Applications for leave.**

Prisoners who wish to receive leave to spend time outside prison shall apply in writing to the prison director.

When a prisoner is granted leave to spend time outside the prison, he shall be given a certificate stating the conditions for the leave, other rules applying to the leave and the consequences of a breach of the conditions.

Prisoners may not be granted leave to spend time outside prison unless they sign a written declaration stating that they are prepared to abide by the rules and conditions applying to the leave.

Article 50
Costs.

Prisoners themselves shall bear the cost of leave to spend time outside prison. However, they shall not bear the cost of having prison warders accompany them.

Article 51
Revocation of leave; breach of conditions.

Leave to spend time outside prison may be revoked in view of the prisoner's conduct or other circumstances which come to light after it is decided to grant leave and before it takes effect, and which would have prevented the granting of leave if they had been known earlier. The same applies if there is reason to believe that the prisoner intends to abuse his leave.

If the prisoner violates the conditions set for leave to spend time outside prison, or breaks the rules applying to the leave, then the party granting the leave may cancel it. Such violations of the conditions for leave or the rules applying to it may result in disciplinary measures as provided for in Section VI.

SECTION V
Searches, body searches and physical examinations.

Article 52
Searches of prison cells.

Prison directors may decide to search prison cells if there is a suspicion that items or substances are to be found there which:

1. are forbidden,
2. are the products of criminal activities,
3. have been smuggled into the prison, or
4. prisoners are forbidden to have in their possession or in their cells under the rules of the prison.

Prisoners' cells may also be searched in the course of general inspections, and may be examined even though the conditions of the first paragraph of this Article are not met.

The prisoner shall normally be present during a search of his cell. Exemptions from this condition may, however, be made. Reports shall be made on searches and any items or substances that are found and which prisoners are not permitted to have in their cells.

The prisoner shall be informed of the reason for the search of his cell before the search is carried out, unless there are special reasons not to do this. The decision to search a prisoner's cell shall be recorded in writing, with the reasons stated.

Article 53
Searches of prisoners.

Prisoners and their clothes may be searched on arrival in prison, following visits and in the course of general inspections in order to prevent their being in possession of items or substances referred to in the first paragraph of Article 52.

Body searches of prisoners shall be carried out by prison employees of the same sex as the prisoner.

Article 54
Physical examinations.

The prison director may decide to have a physical examination made of a prisoner if there is a suspicion that he has concealed within his body items or substances mentioned in the first paragraph of Article 52. Blood or urine samples may also be taken from prisoners if there is a suspicion that they have consumed alcohol or addictive or narcotic drugs, either on their arrival in prison or in the course of general inspections.

A physician or nurse shall carry out physical examinations and the taking of blood samples.

When a physical examination is carried out, a report shall be written stating the reasons and the way it was carried out.

Decisions to carry out physical examinations of prisoners shall be recorded in writing, with the reasons stated.

Article 55
Complaints against administrative measures.

The lodging of a complaint against administrative measures shall not result in the postponement of measures under this Section.

SECTION VI
Breaches of discipline, disciplinary measures, etc.

Article 56
Breaches of discipline.

Prison directors may apply disciplinary measures to prisoners in response to violations of this Act and the rules issued hereunder stating prisoners' obligations, providing that it is stated that violation will result in the imposition of disciplinary measures.

Article 57
Disciplinary measures.

Disciplinary measures that may be taken are as follows:

1. Written reprimands.
2. Deprivation of half of payment for work or pursuing studies for a certain period of time.
3. Deprivation of additional equipment for which special permission is required and a reduction of visits, telephone calls and correspondence.
4. Solitary confinement for up to 15 days.

Solitary confinement may only be imposed as a disciplinary measure for the following offences or attempts at committing them:

1. Escaping.
2. Smuggling items into the prison, the possession or consumption of alcohol, illegal drugs or addictive drugs and the possession of weapons or other dangerous items.
3. Violence or threatening to use violence against other prisoners or prison staff.
4. Gross acts of vandalism.
5. Other gross offences, or repeated minor offences.

If the breach is minor and the prisoner has not previously committed a breach of discipline, he may only be given a written reprimand.

More than one type of disciplinary measure may be applied at the same time.

Before a decision is taken on the application of disciplinary measures, the facts of the case shall be investigated and the prisoner shall be given an opportunity of acquainting himself with the materials and evidence available and expressing his position on them.

Decisions on disciplinary measures shall be based on reasons, and shall be recorded in writing and announced to the prisoner in the presence of a witness.

Article 58

Separation of prisoners.

Prisoners may be held separately from other prisoners when this is necessary:

1. for security reasons,
2. due to an imminent threat to their life or health,
3. due to a danger that the prisoner will cause serious damage to prison property,
4. to prevent an escape,
5. to prevent the prisoner from encouraging others to break the rules of the prison,
6. to prevent the prisoner from taking steps to have himself or other prisoners supplied with alcohol, other intoxicants or drugs,
7. to prevent the prisoner from intimidating other prisoners.

Prisoners shall not be held separately for longer than is necessary, and at no time for more than 24 hours.

Decisions on temporary separation of prisoners shall be recorded in writing, with the reasons stated. No appeal may be lodged against such decisions.

Article 59

Detention in a security cell.

A prisoner may be detained in a security cell if this is necessary in order to prevent violence, contain violent resistance on his part or prevent him from injuring himself or others.

When a prisoner is detained in a security cell, a belt, gloves and foot- or arm-straps may be used.

The prison director shall take decisions on detaining prisoners in security cells. At no time may detention in security cells and other measures taken in connection with such detention last longer than is compatible with the aim of such detention or other measures.

A decision to detain a prisoner in a security cell shall be recorded in writing, with the reasons stated. Where circumstances permit, the decision shall be announced to the prisoner in the presence of a witness.

Article 60

Medical examinations.

When solitary confinement under Article 57 or separate confinement under Article 58 is applied, or when a prisoner is placed in a security cell under Article 59, a physician shall be summoned to examine the prisoner. If possible, prisoners held in solitary confinement or in security cells shall be examined by a physician every day.

Article 61

Appeal procedure.

Appeals against decisions on disciplinary measures under Article 57 and detention in security cells under Article 59 may be lodged with the Ministry of Justice; the prisoner shall be informed of this at the same time as the decision is announced to him. When an appeal is lodged against a decision, the materials in the case shall be sent to the ministry. The ministry shall take a decision within four working days of the receipt of the appeal; otherwise, the decision in question shall become invalid. If the appeal arrives outside the ministry's opening hours, it shall be considered to have arrived at the ministry at the beginning of the next working day.

Article 62

Seizure and confiscation.

Prison directors may take a decision to seize and, as appropriate, confiscate, items or substances which may not be brought into, kept in or made in the prison. The same shall apply to items or money which it is attempted to smuggle to prisoners. However, the property of unsuspecting third parties may not be confiscated.

Prison directors may take a decision on the confiscation of items or money found inside the prison if the identity of the owner is not known.

SECTION VII

Probationary release.

Article 63

Conditions for probationary release.

When a prisoner has completed two thirds of his sentence, the Prison and Probation Authority may decide that he is to be released on probation.

Prisoners who are not serving sentences for serious offences, or offences that are major in other respects, may be granted release on probation when half of their sentence is complete. A prisoner may be granted release on probation when half his sentence is complete even though he is serving a sentence for a serious offence, or an offence that is major in other respects, if very special personal reasons favour such a course of action and the prisoner's manner and conduct during his imprisonment have been excellent. The same shall apply if the Directorate of Immigration has decided that the prisoner is to be expelled from Iceland after completing his sentence. If the prisoner has served a prison sentence on two or more occasions, he may not be granted release on probation under this paragraph unless there are special reasons in favour of it.

A prisoner whose is party to a case under treatment by the police, the prosecution authorities or the courts in which he is accused of a criminal offence may not normally be granted release on probation providing that the case is being conducted normally and is not subject to delay caused by the prisoner.

A prisoner who is regarded as an habitual offender, or who has repeatedly been granted release on probation and has violated the conditions for it, shall not be granted release on probation again unless there are special reasons in favour of doing so. The same shall apply if release on probation is considered inadvisable in terms of the prisoner's personal circumstances or with regard to the public interest, e.g. when the prisoner has exhibited grossly reprehensible conduct during the service of his sentence or is considered, in the opinion of professionals, to pose a threat to other people. If a prisoner is refused release on probation under this paragraph, then he shall be informed of the conditions he would have to meet for it to be possible to review the decision.

A condition for probationary release is that the prisoner declare that he is prepared to abide by the conditions set. When a prisoner is released on probation, he is to be given a certificate stating the conditions for the release and the consequences of violating them.

Probationary release may not be granted if part of the prison sentence is non-conditional and part of it is suspended. The same applies if the prisoner is serving a prison sentence in lieu of paying a fine.

If a person who has been sentenced has not begun serving his sentence, he may be granted a probationary release if he has previously served a prison sentence of at least the same length, the sentence applies exclusively to offences committed prior to the completed period of service and he has not been sentenced for offences committed after the completed period of sentence. The same shall apply if the sentenced person has already begun serving his sentence.

Article 64

Conditions during probation.

Probation shall last for up to three years. If more than three years of a prison sentence remain to be served, probation may be set at anything up to five years.

A condition for probationary release shall be that the person concerned does not commit a new offence during the probation period. Furthermore, it may be decided that the following conditions shall apply, either to the entire probation period or to a part of it:

1. That the person will be under supervision and monitoring by the Prison and Probation Administration, or another party appointed by it.
2. That the person does not consume alcohol or addictive or narcotic drugs.
3. That the person complies with instructions given by the supervisory authority regarding place of residence, training or educational programmes, employment, contact with other persons and leisure-time activities.
4. That the person undergoes special treatment, either in or outside an institution. However, placement in such an institution may not last longer than the sentence period.

The Prison and Probation Administration shall take decisions on the arrangements provided for in the first and second paragraphs of this Article, and may waive conditions, partially or in their entirety, in the light of changed circumstances.

If a person on probationary release is subject to the condition of item 2 of the second paragraph of this Article, he may be required to submit to tests of breath, blood or urine samples if there are grounds to suspect that he has violated that condition.

Article 65

Violation of conditions.

If a person who has been granted probationary release commits a new offence and a police investigation directed against him, as a suspect, is launched before the end of the probation period, then the court dealing with the case shall impose punishment for that offence, also taking into account the part of the sentence remaining to be served in accordance with Article 60 of the Criminal Code, so that remainder of the term of imprisonment imposed by the older judgement shall be observed in the same way as a suspended sentence.

At the demand of the prosecution, however, the court may rule that a person who has been granted release on probation is to serve the remainder of his sentence if, during the probation period, he grossly violates the ordinary conditions for probationary

release, providing there is a strong suspicion that he has committed a new offence which is punishable by six months'; imprisonment or that his offence violates the first paragraph of Article 218 of the Criminal Code. When dealing with such a demand, the judge shall appoint a defence counsel for the person if he so requests and handle the matter in accordance with the first paragraph of Article 105 of the Code of Criminal Procedure, as appropriate. An appeal may be lodged with the Supreme Court against a ruling by a judge under the first sentence of this paragraph; such appeals shall be treated in accordance with the rules of Section XVII of the Code of Criminal Procedure, as appropriate. The lodging of an appeal shall not defer the implementation of the ruling. Following the issue of an indictment, the judge shall disqualify himself from the case if he has previously delivered a ruling concerning the person indicted in the case in accordance with the first sentence of this paragraph.

If the person violates probationary conditions in some other manner, the Prison and Probation Administration may decide to change the conditions and lengthen the probation and/or supervision period to the maximum provided for in law, or that the person is to serve the remainder of his sentence.

If no decision is taken to the effect that the person is to serve the remaining balance of his sentence in accordance with the first three paragraphs of this Article, then he shall be regarded as having completed the service of his sentence at the time when he was granted release on probation.

If it is decided that the person is to serve the remaining balance of his prison sentence in accordance with the second and third paragraphs of this Article, he may be granted release on probation again, even though the conditions of the first and second paragraphs of Article 63 are not met. In this case, the provisions of Article 64 shall apply regarding the probation period, though with the deduction of the time for which the person has previously made use of release on probation.

If a person who has served part of prison sentence is granted a conditional pardon, then he may be required to observe the provisions of the first four paragraphs of this Article.

SECTION VIII

Suspended sentences.

Article 66

Supervision.

When it is instructed that persons against whom prosecution proceedings are deferred, or who have been given suspended sentences, or who have been pardoned, are to be kept under supervision, the Prison and Probation Administration shall exercise supervision or entrust it to another party.

When the condition has been imposed that a person be confined in a treatment centre under item 4 of the third paragraph of Article 57 of the Criminal Code, the Prison and Probation Administration may lift this condition, partially or entirely; this may be done, for example, in response to the recommendation of the director of the centre.

Article 67
Information.

The Prison and Probation Administration shall explain to the sentenced person what supervision entails. The sentenced person shall give the Prison and Probation Administration information regarding his personal circumstances, and shall be obliged to comply with the instructions and requirements laid down by the Prison and Probation Administration.

Article 68
Special conditions.

Where a person has been subjected to the condition that he may not consume alcohol or addictive or narcotic drugs, the Prison and Probation Administration may demand that he undergo a breath or blood and urine test if there are grounds for suspecting that he has violated this condition.

Article 69
Violation of conditions.

If the Prison and Probation Administration considers that a person under supervision has violated the conditions he was required to observe under the terms of a judgement or the deferment of prosecution, it shall inform the police and the prosecution authorities.

Supervision by the Prison and Probation Administration to ensure observation by a sentenced person of special conditions under the terms of a judgement or the deferment of prosecution shall end when the police investigation of his alleged violation of the conditions begins. If the police drop the investigation, then supervision by the Prison and Probation Administration under this Article shall recommence.

SECTION IX
Execution of fines, collection of legal costs and confiscation.

Article 70
Collection of fines.

Commissioners of police shall collect fines determined by the courts or executive authorities, unless other arrangements are stated in the announcement of the fine. Nevertheless, the Minister of Justice may decide that the collection of fines and legal costs is to be handled by one commissioner of police or another party on a nationwide basis.

Permission may be granted to pay fines in instalments. However, deferment of payment by more than one year from the time that a fine falls due for collection may not be granted. Longer periods may be granted if special circumstances apply.

If a fine has not been paid by the due date, the fine or the outstanding balance owed may be collected by the seizure of property except where it is established that the person concerned has no property.

Except by special provision in law, payment of a fine from a suspect's estate at death, or the collection of a fine from a person other than the suspect, is not permitted.

A suspect who has been fined may not demand the reimbursement of the fine, or compensation to cover the payment of the fine, from other parties.

Article 71

Surrogate punishment.

If the commissioner of police considers that measures to collect a fine are pointless, or have been exhausted, he shall decide on the imposition of a surrogate punishment. After consultation with the Prison and Probation Administration, an announcement shall be sent to the person on whom the fine was imposed informing him of the way in which it is intended that he serve the surrogate punishment. This announcement shall be sent in a verifiable manner.

Where the fine has been paid, the commissioner of police shall determine a corresponding shortening of the period to be served in prison, though in such a way that the prison period may not be shorter than two days, and a fine corresponding to a fraction of a day in prison shall be replaced by a period of a whole day in prison.

Article 72

Imposition of surrogate punishment in the form of community service.

If it proves impossible to collect a fine of ISK 60,000 or more and a commissioner of police decides that the person involved is to serve a surrogate punishment, then if this is not opposed to the public interest, the surrogate punishment may be imposed in the form of unpaid community service of at least 40 hours.

The provisions of the third paragraph of Article 28 shall apply concerning the duration of surrogate punishment imposed in the form of community service.

If an applicant has received five or more fines for comparable offences, he shall not normally be allowed to do community service.

The imposition of surrogate punishment in the form of community service shall begin when the person on whom the fine was imposed gives his consent in writing to accept the conditions for doing community service.

Article 73

Applications for community service.

The provisions of Section II on community service shall apply when surrogate punishment under this Section is imposed in the form of community service, with the exception that instead of the requirement that applications to do community service be sent to the Prison and Probation Administration, the person on whom the fine is

imposed shall send such an application in writing to the commissioner of police not later than seven days after receiving the announcement regarding the way in which it is intended that he serve the surrogate punishment.

When a commissioner of police receives an application for the service of surrogate punishment in the form of community service, he shall forward it to the Prison and Probation Administration, together with the documents in the case, and his comments, for a decision.

Article 74

Collection of legal costs.

A commissioner of police, or another party appointed by the Minister of Justice in accordance with Article 70, shall attend to the collection of legal costs.

The provisions of Article 70 or Article 71, as appropriate, shall apply to the collection of legal costs.

Article 75

Confiscation of property.

Commissioners of police shall carry out the confiscation of property.

When confiscated property is in the keeping of the police, the commissioner of police shall dispose of it if it can be expected that it will be worth more than the cost involved in selling it. Otherwise, confiscated property is to be destroyed.

SECTION X

Procedure and appeals.

Article 76

Appeal channels and access to materials.

When a prison director takes a decision following consultation with the Prison and Probation Administration under this Act, an appeal against the decision may be lodged with the Ministry of Justice.

Prisoners shall not have the right of access to case materials containing information about other prisoners or matters concerning the security of the prison involved.

Materials and information may be withheld from the prisoner if this is considered necessary from the point of view of the security of the prison, the victim of the offence, witnesses or others connected with the prisoner's case, other prisoners, the investigation of a criminal case or other special reasons.

SECTION XI

Miscellaneous provisions.

Article 77
Remand prisoners.

The provisions of Sections V and VI shall also apply to remand prisoners.

As appropriate, the provisions of Sections II, III and IV may also apply to remand prisoners, providing that other arrangements are not provided for under the restrictions to which remand prisoners are subject under the Code of Criminal Procedure. However, remand prisoners are not obliged to work in prison.

Article 78
Pardons committee.

The Minister of Justice shall appoint a three-man committee, the pardons committee, with three alternates, for terms of three years at a time. The chairman and deputy chairman shall meet the conditions set for appointment as district court judges.

The committee shall provide the minister with reasoned recommendations on how to respond to appeals that are submitted to him in connection with decisions taken by the Prison and Probation Administration on community service and probationary releases, and also on responses to applications for pardon.

Article 79
Processing of personal data.

The processing of personal data concerning prisoners at the Prison and Probation Administration and in the prisons, including data that may be regarded as sensitive, shall be permitted to the extent that such processing is considered necessary for the operations of the institution concerned. The handling of personal data under this Article shall be subject to the Data Protection Act.

Article 80
Regulations.

The Minister of Justice shall issue regulations on the more detailed implementation of this Act, including rules on the Prison and Probation Administration and its role, e.g. as regards the processing of personal data at the administration and in the prisons. Provisions may be made in the regulations on prisoners'; employment and pursuit of studies, the payment and amount of wages paid for work and studying, leave to spend time outside prison and interviews in the media with prisoners and prisoners'; spokespersons.

In addition, the minister may make further provisions in regulations on other matters concerning the implementation of the provisions on prisoners'; rights and obligations, facilities for isolation and its application, disciplinary measures, the seizure and confiscation of items and the granting of release on probation, including how the conditions for release on probation are to be applied.

The Prison and Probation Administration shall issue prison rules.

Article 81
Penalty provision.

Any person who smuggles, or attempts to smuggle, to a prisoner items or substances mentioned in the first paragraph of Article 52, which he knows, or can be expected to know, that the prisoner is not permitted to have in the prison, shall incur a fine or imprisonment of up to six months, except where more severe punishment is prescribed in other statutes.

Article 82
Commencement.

This Act shall take effect on 1 July 2005.

At the same time, the Prison and Imprisonment Act, No. 48 of 19 May 1988, with subsequent amendments, and Articles 40-42, the second to fifth paragraphs (inclusive) of Article 52 and Article 58 of the Criminal Code, No. 19 of 12 February 1940, with subsequent amendments, shall stand repealed.

Passed by the Althingi on 4 May 2005.