

A BILL

FOR

AN ACT TO PROVIDE FOR REGULATE COMMUNITY SERVICES FOR
OFFENDER IN CERTAIN CASES AND TO PROVIDE FOR RELATED MATTERS,
2016

Sponsored by Hon. Henry Nwawuba

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 PART 1- COMMUNITY SERVICE ORDERS

2 1.-(1) Where a prisoner is convicted of a minor offence, the Court Community
3 may, instead of sentencing the person to prison makes a community service
4 order. Service

5 (2) Before passing a community service order, the court shall
6 consider the circumstances, character and antecedents of the offender and
7 ask him or her whether he or she consents to the order.

8 (3) Before passing a community service order, the court shall
9 explain to the offender in the language he or she understands, the effect of
10 the order and that if he or she fails in any respect to comply with it, he or she
11 may be liable to be sentenced to such term of imprisonment as the court
12 could have imposed in respect of the offence.

13 2.-(1) The community service order shall be performed for a period Duration and
14 of not more than six months and the offender shall not work for more than requirement of
15 five hours a day. community
service order

16 (2) The offender shall be under the supervision of the supervising
17 officer named in the community service order.

18 (3) The community service order shall contain such requirements
19 as the Court may consider necessary for the supervision of the offender

20 (4) The court making the community service order shall give to the

Breach of
requirement of
community service
order

1 supervising officer a copy of the order together with any other documents and
2 information relating to the case.

3 3.-(1) If any time during the community service period, the offender
4 fails to comply with the requirements of the community service order, the
5 Court may issue a summons requiring the offender to appear before it.

6 (2) The court shall not issue any summons requiring the offender to
7 appear before it except on report by the supervising officer.

8 (3) If the offender does not appear in obedience to the summons, the
9 supervising court shall issue a warrant of arrest.

10 (4) If it is proved to the satisfaction of the supervising court that the
11 offender has failed to comply with any of the requirement of the community
12 service order, the court shall either:

13 (a) vary the order to suit the circumstances of the case; or

14 (b) impose on him or her a fine not exceeding N30,000; or

15 (c) cancel the order and sentence the offender to any punishment
16 which could have been imposed in respect of the offence and if the court thinks
17 fit, reducing the sentence taking into account community service already
18 performed.

19 (5) If a supervising officer employs the offender for his or her
20 personal benefit, the officer shall be liable to a fine not exceeding N500, 000 or
21 a term of imprisonment not exceeding one year.

Commission of
further offence

22 4. Where an offender has been ordered to undergo community service
23 conviction by an original court order and is convicted by a subsequent court for
24 another offence, the following rules shall apply:

25 (a) the subsequent court may add to the sentence by imposing a term
26 of imprisonment and cancel the order of community service

27 (b) the subsequent court may take into account the period of
28 community service, served in reduction of the additional imprisonment;

29 (c) where original court order was the High Court and the subsequent
30 court is the subordinate court, the subordinate court shall send the copy of the

1 proceedings to the High Court and on receipt of the proceedings from the
2 subordinate court, the High Court shall proceed under paragraph (a) and (b)
3 of this section;

4 (d) where the original court was a subordinate court, and the
5 subsequent court is the High Court dealing with the matter at first instance or
6 on appeal or otherwise, the High Court shall proceed under paragraph (a)
7 and (b) of this section;

8 (e) where a subsequent court has convicted the offender of an
9 offence, that court may pass the sentence other than the imprisonment and
10 order the offender to continue undergoing community service.

11 PART 11 - AMENDMENT REVIEW AND DISCHARGE OF COMMUNITY

12 SERVICE ORDERS

13 5.-(1) An offender who intends to change his or her place of
14 residence shall inform the supervising officer of his or her intention to do so. Amendment of
community
service order

15 (2) On receipt of the information, the supervising officer of the
16 body shall inform the supervising court of the information giving the details
17 connected with the case.

18 (4) the court shall give the offender a copy of the amended
19 community service order which the offender is required to present to the
20 new supervising court.

21 (5) where an offender commits an offence outside his or her usual
22 area of residence, the community service order shall be enforced in his or her
23 usual area of residency.

24 6.-(1) where an offender has been ordered to undergo community
25 service for a period of more than four months the supervising officer shall Discharge of
community
service order
26 give a report to a supervising court concerning the offender's performance
27 and general conduct.

28 (2) the supervising court based on the report made by the
29 supervising officer, may reduce the period of the community service
30 specified in the community service order by not more than one third

1 where the offender is of good conduct.

2 (3) the supervising officer shall make a report to court on the
3 termination of a community service order.

4 PART III -ARRANGEMENT FOR THE COMMUNITY SERVICE

Arrangement
for Community
Service

5 7.-(1) The minster shall, from time to time, notify the Chief-Justice of
6 the federation in writing in which place and in which areas arrangements exists
7 for court to make community service order.

8 (2) The supervising officer who is to be responsible for the
9 supervision of an offender shall be the officer for the district area for the time
10 being named in the order in which the offender resides, or will reside, and if that
11 supervising officer dies or unable for any reason to carry out his or her duties,
12 another supervising officer shall be appointed by the supervising court.

13 (3) Where the offender is a female, the supervising officer shall be
14 female.

Community
service Committee

15 8.-(1) There shall be a committee to be known as the National
16 Committee on community Service.

17 (2) The National Committee shall be a body corporate with perpetual
18 succession and a common seal, and with power to sue and be sued in its
19 corporate name.

20 (3) The National Committee shall consist of the following:

21 (a) a judge nominated by Chief Justice of the Federation;

22 (b) the Secretary of the Nigerian Law Reform Commission (or his or
23 her representative);

24 (c) the Executive Secretary of the National Human Right
25 Commission;

26 (d) the Director General of the Legal Aid Council;

27 (e) the Director of Public Prosecution (or his or her representative);

28 (f) the Comptroller General of Prisons (or his or her representative);

29 (g) the Inspector General of Police (or his or representative);

30 (h) three representatives of non- governmental organization

1 (i) two representatives of the public appointed by the Minister;

2 (j) a representative of State Security Service.

3 (4) The Chairman of the National Committee shall be elected by

4 the members of the Committee from among their number.

5 (5) The Minister may for good cause, revoke the appointment of a

6 person appointed under paragraph 3 of subsection of this section.

7 (6) A Chairperson elected under the subsection (4) of this section

8 shall hold office for one year but shall be eligible for reelection.

9 (7) The functions of the National Committee shall be:

10 (a) to monitor the operation of community service in all its aspects

11 and to liaise and communicate with any officer or persons responsible for

12 the matter in issue;

13 (b) to propose measures for effective operation of community

14 service

15 (c) to receive and consider any complaints or views and make

16 recommendations where possible, on the nature of community service by

17 the offender;

18 (d) to supervise the work of the supervising officer and in that

19 regards to co-ordinate its activities with the supervising court;

20 (e) to undertake any other function required of it under any law for

21 the proper implementation of the Bill.

22 (8) The Committee shall have State Committees whose

23 composition and functions shall be as specified by the Minister in

24 consultation with the National Committee and State Attorney General and

25 Commission for Justice.

26 9.-(1) The Minister may make regulations prescribing:

Regulations and
guidelines

27 (a) the duties of the supervising officer; in consultation with the

28 National Committee and the State Attorney-General;

29 (b) and Commissioner for Justice on the composition and functions

30 of the State Community service committee;

1 (c) any other matters that are necessary for the proper implementation
2 of this Bill;

3 (d) any forms necessary for the purposes of the Bill.

4 (2) The Minister may also issue guideline as to the categories of
5 persons suitable to be appointed as supervising officers and the nature of work
6 considered suitable for community service and in respect of any matter which
7 appears to the Minister necessary for the proper implementation of this Bill.

Transitional
provision

8 10. Notwithstanding any provision of this Bill, all offenders serving
9 punishment of imprisonment imposed on them within the last six months
10 before the coming into force of this Bill may be allowed to apply for
11 community service if otherwise eligible.

Interpretation

12 11. "Community service" means' non custodial punishment by which
13 after conviction, the court with consent of the offender makes an order for the
14 offender to serve the community rather than undergo imprisonment;

15 "community service order" means an order made under this Bill requiring an
16 offender to perform work within the community for a specified period of time;

17 "Community service period" means the period for which an offender is to
18 perform work under the community service order;

19 "court" means the High Court, or a subordinate court;

20 "Minister" means the Honorable Attorney General and Minister for Justice;

21 "Minor offence" means an offence for which the court may pass a sentence of
22 not more than two years imprisonment;

23 "National Committee" means the National Committee on Community
24 Services established by section 10 of this Bill;

25 "offender" means a person who has been ordered to undergo community
26 service;

27 "original court" means the court which tried the offence in relation to which the
28 community service order was made;

29 "supervising court" means the court which made the community service order

- 1 includes a court of similar jurisdiction where the offender might
2 subsequently reside;
3 "supervising officer" means an officer appointed by the court to supervise.

4 12. This Bill may be cited as the Community Service Bill, 2016. Short Title

EXPLANATORY MEMORANDUM

The object of this Bill is to provide for community service for persons who commit minor offence, in order inter alia:

- (a) to reduce congestion in prison
- (b) to rehabilitate prisoners in their communities by doing productive work;
- (c) to prevent minor offenders mixing with hard core criminals.

The Bill seeks to empower a court Convicts a person of a minor offence, to direct the offender, with the consent of the offender to perform community service in lieu of imprisonment.

The Bill further makes provision for other matters relating to community service.