

1 (b)any detention centre for the temporary detention or custody of
2 inmates newly apprehended or under remand which is declared by the Minister
3 by order in the Federal Gazette to be part of the prison and correctional facility.

4 *First Schedule*

5 (3)The categories of Prisons and Correctional Facility in the
6 Federation shall be set out in the First column of the First Schedule to this Bill
7 and shall be confirmed in each category in the second column thereof.

8 (4) The Minister shall by the order establishing a prison or a separate
9 order in the Federal Gazette-

10 (a) designate every prison as a prison and correctional facility of a
11 particular category;

12 (b) for the separation of different classes of inmates in prison and
13 correctional facility of any category appropriate any part of the prison to
14 particular classes of inmates; and

15 (c) any inmate of a class to which any prison and correctional facility
16 or part of a prison has been appropriated under the provisions of this section
17 may lawfully be imprisoned therein, whether or not the warrant or the order for
18 his imprisonment has been issued by a court having jurisdiction in the place
19 where the prison is situated.

Appointment of
Controller General
of Prison and
other staff

20 3.-(1) The Controller-General and the Deputy Controllers-General
21 shall be appointed from amongst serving General Duty prison officers by the
22 President acting on the advice of the Board.

23 (2) The Controller-General shall have the general charge and
24 superintendence of the service and to perform such other functions as may be
25 conferred upon him under this act or any other Law.

26 (3) When the Controller-General is absent from office a Deputy
27 Controller-General shall act for him and shall:

28 (a) not deal with matter involving a change in policy; and

29 (b) report to the Controller-General upon his return any matter of
30 importance dealt with by him during such absence.

1 consider necessary for efficient running of the Service.

2 (6) The officers of the Service shall subject to Subsection (1) of the
3 Section, be appointed and disciplined by the Board.

4 (7) Notwithstanding the provisions of subsection (3), junior officers
5 of the Service shall be appointed, promoted and disciplined by the Controller-
6 General.

Tenure of Office

7 5.-(1) The Chairman of the Board shall have tenure of four (4) years
8 which can be renewed for another term of term of four (4) years subject to good
9 performance.

10 (2) The tenure of the other seven (7) members shall be for five (5)
11 years which can be renewed for another five (5) years subject to good
12 performance.

13 (3) The Secretary of the Board shall Maintain Board's Secretariat and
14 keep all records and proceedings of Board meetings.

Functions of the
Service board

15 6. In accordance with its enabling laws, the functions of the Board
16 will include:

17 (i) Formulation of general policy guidelines for the Nigeria Prisons
18 Service and the administration of the act of the Service, subject of the general
19 control of the chairman;

20 (ii) The Board shall exercise power of similar to those of the Federal
21 Civil Service Commission as entrenched in the Constitution to appoint,
22 promote and exercise Disciplinary control over senior staff of the Nigeria
23 Prisons Service.

Cessation of
membership

24 7. The office of a member of the Board shall become vacant if-

25 (a) He resigns as a member of the Board by notice in writing under his
26 hand addressed to the president and resignation shall take effect on the date of
27 receipt by the President of such letter;

28 (b) a member of the Board may be removed from office by the
29 President if he is Satisfied that it is not in the interest of the Board or the interest
30 of the public that the member should continue in office.

1 8. The Chairman and members of the Board shall be paid such and
2 allowances and benefits in accordance with the existing regulations on such
3 payment.

Emolument, et.
of members

4 9.-(1) Subject to subsection (2) of this section, every inmate
5 confined in a prison shall be deemed to be in the legal custody of the
6 superintendent, and shall be subject to prison discipline and regulations
7 made under this Bill whether or not within the precincts of the prison and
8 correctional facility.

Custody of
Prisoners

9 (2) In the case of an inmate under sentence of death, the Prison
10 Superintendent shall at such time on the day on which the sentence is to
11 carried out as may be fixed by the sheriff, and from that time until the actual
12 carrying out of the sentence-

13 (a) the inmate shall be in legal custody of the sheriff; and

14 (b) The sheriff shall have jurisdiction and control over that portion
15 of the prison and correctional facility where the inmate is confined and the
16 prison officer serving therein so far as may be necessary for the safe custody
17 of the inmate during that period and for the purpose relating to such custody.

18 (3) Subject to the Bill, the Prison Superintendent is authorized and
19 required to keep and detain all persons duly committed to his custody by any
20 court, judge, magistrate, justice of the peace or other authority lawfully
21 exercising civil or criminal jurisdiction, according to the terms of any
22 warrant or order by which any such person has been committed until that
23 person is discharged by due course of law.

24 (4) In the event that the prison and correctional facility has
25 exceeded its maximum capacity, the state Controller shall notify the chief
26 Judge of the State Criminal Justice Committee.

27 (5) Upon receipt of the notification referred to in subsection (4)
28 above, the Chief Judge of the State or the State Criminal Justice Committee
29 shall within a period not exceeding one month take necessary steps to rectify
30 the overcrowding.

1 **(6)** Without prejudice to subsection (4), the state controller of Prison
2 in consultation with the Prison Superintendent shall have the power to reject
3 more intakes of inmates where it is apparent that the prison in question is filled
4 to capacity.

Report on inmate

5 **10.** When a person is sentenced, committed or transferred to prison
6 and correctional facility the Service shall take reasonable steps to obtain as
7 soon as practicable:

8 **(a)** relevant information about the offence and the person's personal
9 history, including the person's psychosocial mental health status, economic,
10 criminal and young offenders history;

11 **(b)** any reason and recommendation relating to the sentencing or
12 committal that are given or made by the court that convicted, sentenced or
13 committal the person and any court that hears an appeal from the conviction,
14 sentence or committal;

15 **(c)** any report relevant to the conviction, sentence or committal that is
16 submitted to a court mentioned in the subparagraph (b);

17 **(d)** any other information relevant to administering the sentence or
18 committal, including existing information, from the victim impact, statement
19 and the transcript of any comments made by the sentencing judge regarding
20 serving the sentence.

Prison labour

21 **11.-(1)** Subject to this section, the effect of a sentence of
22 imprisonment with labour Passed upon an inmate shall be that the inmate shall
23 be in custody for the period of the sentence and during his imprisonment shall
24 work at such labour as may be Prison Superintendent.

25 **(2)** The labour referred to in subsection (1) of this section shall take
26 place within or outside Prison and Correctional Facility so far as practicable.

27 **(3)** The medical officer may order any inmate to be excused from
28 labour or to perform light labour, and any inmate ordered to perform light
29 labour shall be required to do work for which he is certified by the medical
30 officer to be fit.

1 (4) This section is without prejudice to any provision of this Bill or
2 regulations made there under providing for the remission of sentences.

3 12. Where a person is sentence to prison and correction center, the Reduction of
4 minister should formulate policies to ensure the reduction of recidivism of by Recidivism
5 ensuring that-

6 (1) Entrepreneurship training programmes are introduced to
7 prepare inmate for reintegration into the mainstream.

8 (2) Skill acquisition and all forms of trademanship are pursued.

9 13.-(1) The Controller -General or, if authorized in writing by the Removal of an
10 Minister, any Prison Superintendent, may by order under his hand direct that inmate
11 any person in the prison and Correctional Facility in under the sentence of
12 the court for offence committed by him (which may be endorse on or
13 separate from the warrant or order), shall be suffice shall be removed from
14 the prison and correctional facility in which he is confined to another prison
15 and correctional facility; and where a person is removed to a prison other
16 than that named in the warrant or order together with the order of removal
17 (which may be endorsed on or separate from the warrant or order),
18 shall be sufficient authority-

19 (a) for the removal of the inmate to the prison and Correctional
20 Facility named in the order of removal and his detention there; and

21 (b) for the carrying out of the sentence described in the warrant or
22 order, or for any part of the sentence which remains un-executed.

23 (2) Where it appears to the Controller- General-

24 (a) that the number of the inmates in a prison and correctional
25 facility is greater than can conveniently be kept there and that it is more
26 convenient to transfer the excess number of inmates to another prison; or

27 (b) that by reason of the outbreak within the prison and correctional
28 facility of a disease or for any other reason it is desirable to provide for the
29 temporary shelter and safe custody of any inmate;

30 (c) the Controller-General may by order under his hand direct that

1 as many of the inmates as may be indicated in the order shall be kept and
2 detained in a building or place which is outside the prisons and correctional
3 facility and specified in the order and that building or place shall be deemed to
4 form part of the prison and correctional facility for the purposes of this Bill
5 until the order is cancelled.

6 (3) Nothing in this Bill shall be construed as authorizing the-

7 (a) transfer or removal of an inmate in prison and Correctional Facility
8 of a different category from that in which he was previously confined; or

9 (b) keeping or detaining of an inmate in a building or place in which are
10 confined inmates of a different class from that to which he belongs.

Production of
inmate

11 14.-(1) where the presence of an inmate is required before a court, the
12 court may issue an order addressed to the Prison Superintendent requiring the
13 inmate to be produced before in proper custody at the time and place specified
14 in the order, and by endorsement on the order requires that inmate to be brought
15 up again at any adjourned hearing.

16 (2) In subsection (1) of this section, proper custody means the custody
17 of prison officers.

18 (3) If an inmate charged with an offence is brought before court under
19 this section, the same procedure shall be followed with respect to the offence as
20 would have been followed if he had been brought before the court on a warrant.

21 (4) If the Controller General receives a request or subpoenas that the
22 presence of an inmate is required at any place in Nigeria he shall in writing under
23 his hand-

24 (a) order the inmate to be taken to that place, in compliance with the
25 request after being satisfied that the request is in the public interest; or

26 (b) order the inmate to be taken to that place forthwith, in the case of a
27 subpoena; and

28 (c) an inmate taken from prison and correctional facility in pursuance
29 of any such order shall be kept in such custody and shall be deemed to be in
30 lawful custody.

1 15.-(1) Where it appears to the Prison Superintendent that a inmate
2 undergoing a sentence of imprisonment or under sentence of death is of
3 unsound mind, he shall forthwith report the matter to the State Controller of
4 prison who-

Medical Check
on inmate

5 (a) shall appoint two or more qualified medical practitioners and
6 clinical Psychologists (one of whom may be the medical officer of the
7 prison) to inquire into the inmate's soundness of mind; and

8 (b) may if he thinks it is necessary, order the removal of the inmate
9 from the prison and correctional facility to another prison and correctional
10 facility or to a hospital.

11 (2) The medical practitioners and clinical psychologists appointed
12 under subsection (1) of this section shall-

13 (a) forthwith examine the inmate and inquire as to his soundness of
14 mind;

15 (b) give their opinion in written report together with a certificate of
16 soundness of mind or otherwise the State Comptroller, who shall forward
17 the report to the Comptroller General.

18 (3) Where an inmate into whose soundness of mind an inquiry has
19 been made under subsection (1) of this section is under sentence of death, the
20 following provisions shall apply-

21 (a) the Deputy Controller of Prisons shall as soon as possible
22 responsible report the circumstances to the relevant authority who, on
23 receipt of the report, shall the execution of the of the sentence to be
24 suspended the report of the medical practitioners has been received;

25 (b) if the inmate is certified to be unsound mind, the relevant
26 authority shall order execution of the sentence of death to be stayed and
27 may, by order in writing directed to the superintendent direct that the inmate
28 be sent to a suitable mental hospital;

29 (c) on the making of a removal order under paragraph (b) of this
30 subsection, the inmate shall be sent to the mental hospital in question and,

1 subject to the mental health laws, be detained there (or in any other place to
2 which he be transferred) during the relevant authority's pleasure;

3 (d) if a inmate so detained is certificate by two medical practitioners
4 to be no longer of unsound mind, the relevant authority shall such make orders
5 seems to him to be just or, if he is satisfied that it is proper for him to do so, may
6 by order in writing under his hand direct that the inmate be removed to prison
7 and correctional facility to be dealt with according to law.

8 (4) Where a person other than an inmate under sentence of death i
9 certified to be of unsound mind under subsection (2) of this section, the
10 following provisions apply-

11 (a) the Controller -General shall by order in writing under his hand
12 addressed to the State Controller, direct that the inmate be removed to suitable
13 mental hospital;

14 (b) the inmate shall in pursuant to an order made under paragraph (a)
15 of this subsection and; subject to the mental health law, be detained therein (or
16 in any other mental hospital to which he may be transferred) until he is certified
17 by two medical practitioners to be of sound mind or until the sentence of
18 imprisonment to which he is subject determines, whichever first occurs;

19 (c) if the inmate is certified to be of sound mind, he shall by order in
20 writing under the hand of the minister be removed to prison to serve so much of
21 his sentence as remains;

22 (d) if the inmate is still detained in a mental hospital when his sentence
23 of imprisonment is about to be determine, the officer in charge of the mental
24 hospital shall give such information as may be necessary under the mental
25 healthy laws secure consideration of the question whether the prisoner shall be
26 detained under those laws as a person of unsound mind till the date of the
27 determination of his sentence.

28 16.-(1) In case of the serious illness of an inmate in a prison in which
29 there is no removal of sick inmate to Hospital suitable accommodation for him
30 .the State Controller, (or, in an emergency, the prison Superintendent" may on

1 the certificate of the medical officer by order under his hand, direct the
2 removal of the inmate to a hospital specified in the order.

3 (2) So long as an inmate removed to a hospital under subsection (1)
4 of this section remains in the hospital, the medical superintendent or other
5 person in charge of the hospital shall certify at the end of every month that it
6 is in his opinion necessary that the inmate should remain in the hospital and
7 shall transmit this certificate to Prison Superintendent.

8 (3) The medical officer or other person in charge of a hospital to
9 which a inmate has been removed from a prison and correctional facility
10 under subsection (1) of this section, if in his opinion it is no longer necessary
11 for the inmate to remain in the hospital shall forward to the prison
12 superintendent a certificate to that effect and the Deputy Controller of
13 Prisons shall cause the inmate to be returned to the prison and correctional
14 facility if the inmate is still liable to be confined.

15 (4) If a inmate escapes while he is in hospital under this section, no
16 prison officer shall be held answerable unless the inmate was in his personal
17 custody.

18 (5) All reasonable precautions shall be taken by the medical
19 officers and other officers of a hospital to prevent the escape of inmates
20 removed there for treatment, and it shall be lawful for those officers to take
21 such measures for preventing the escape of inmates as may be necessary:
22 provide that nothing shall be done under this subsection which is likely to be
23 prejudicial to the health of an inmate.

24 (6) Where in view of the gravity of the offence for which an inmate
25 is in custody or for any other reason the prison Superintendent considers it
26 desirable to take special measures for the security of the inmate under
27 treatment in a hospital:

28 (a) The Deputy Controller of prison may give the inmate into the
29 charge of fit and proper persons (not being less than two in number) one of
30 whom at least shall always be with the inmate day and night, or he may place

1 the inmate in the charge of a police military guard; and

2 (b) any person police or military guard in whose charge a inmate has
3 been placed under paragraph (a) of this subsection, shall be vested with full
4 power authority to do all things necessary to prevent the inmate from escaping
5 and shall be answerable for his safe custody until he is handed over to the prison
6 Superintendent on his discharge from the hospital or until his sentence expires,
7 whichever first occurs.

8 (7) The functions imposed upon officers or State Authorities from the
9 foregoing sections shall not be exercised except with the consent of the State
10 Authority in question or such other person or authority to whom the power to
11 exercise such function has been conferred.

An inmate to be
sent back to his
usual place of
abode

12 17.-(1) Where it appears to the Controller-General of Prison that it is
13 in the public interest or in the interest of an inmate undergoing a sentence of
14 imprisonment should on discharge be sent back to the area in which he has his
15 usual place of abode or the area in which the court which passed sentence on
16 him has jurisdiction, the Controller-General may, on the expiry of the sentence,
17 direct that the inmate shall be sent back to either of those areas, and may further
18 direct that all necessary and proper precautions shall be take to ensure the ex-
19 inmate's arrival in the area in question.

20 (2) If an inmate's sentence expires on a public holiday, he shall be
21 discharged on the immediately preceding day or, if the immediately preceding
22 day is also holiday than the latest preceding day which is not a public holiday.

23 (3) An inmate who is under medical treatment when his sentence
24 expires shall not, except at his own request, be discharged unless the medical
25 officer certifies that in his opinion the discharge be effected without danger to
26 the health of the inmate.

27 (4) The State and FCT Controller shall render monthly returns to the
28 Chief Judge of the State or FCT of inmates who have been in lawful custody
29 awaiting trial for a period longer than the maximum period of imprisonment
30 prescribed for the offense and such Chief Judge shall release such persons as

1 provided in the Constitution.

2 (5) Failure to comply with the provisions of subsection (1) of this
3 section the State Controller shall be liable on conviction to a fine of N50,000
4 (fifty thousand naira) or two years imprisonment or both.

5 (6) The State Controller and FCT shall prepare a monthly report of
6 all detainees in his custody and provide such information to respective Chief
7 Judges and Attorney-General.

8 18.-(1) Subject to subsections (4) and (6) of this section, a prison
9 officer may use firearms, teargas or such other weapons against an inmate
10 escaping or attempting to escape, but resort shall not be had to the use of
11 such weapon unless the officer has reasonable grounds to believe that he
12 could not otherwise prevent the escape.

Use of firearm
by prison officer

13 (2) Subject to subsections (5) and (6) of this section, a prison
14 officer may use on any inmate engaged in any combined outbreak or in any
15 attempt to force or break open the outside door or gate enclosure wall of a
16 prison, and may continue to use weapons so long as the combined outbreak
17 or attempt is being prosecuted.

18 (3) Subject to subsection (7) of this section, a prison officer may
19 use weapons against an inmate using violence to the officer himself or to any
20 other prison officer or person, as the case may be, is in danger of life or limb
21 or that other grievous harm is likely to be caused to him.

22 (4) Before using firearms against an inmate under subsection (1) of
23 this section, a prison officer shall give warning to the inmate that he is about
24 to fire.

25 (5) A prison officer in the presence of a superior officer may not use
26 weapon of any sort against an inmate under subsection (3) of this section
27 except orders of the superior officer.

28 (6) The use of weapons under this section shall as far as possible be
29 to disable and not to kill.

30 (7) A police officer who for the time being is serving as an escort

1 guard or as a guard in or around a prison and correctional facility for the
2 purpose of ensuring the safe custody of any inmate in the prison and
3 correctional facility shall have all the powers and privilege granted to prison
4 officers under this section.

5 (8) A prison officer may use weapons to ward off an attack on the
6 prison and correctional facility or during escort duties where it becomes
7 obvious to the officer that such attacks are aimed at freeing the inmate or
8 endangering the life of the escorts.

Prison visitors
Ex-officio

9 19.-(1) The following shall be prison and correctional facility visitors
10 ex-officio:

11 (a) In relation to all inmate, the Chief Justice of Nigeria and other
12 Justices of the Supreme Court, the President and other justices of the Court of
13 Appeal, the Chief Judge and other Judges of Federal High Court, the Chairman
14 and other Council members of the National Human Rights Commission, the
15 president Nigeria Bar Association and other members of National Bar
16 Executive, the Resident Representative of Non-Governmental Organizations
17 working on prisons and correctional facility and penal Reform Members of the
18 National Assembly; and

19 (b) In relation to prisons and correctional facilities in their areas of
20 Jurisdiction:

21 (i) The Chief Judge and other Judges of the High Court of a State;

22 (ii) The Grand Khadi and other Judges of the Sharia Court of Appeal
23 and the president and other Judges of Customary Court of Appeal exercising
24 Jurisdiction in the State;

25 (iii) Magistrate and District Court Judges;

26 (iv) Area Court and Customary Court Judges;

27 (v) Justice of the peace;

28 (vi) Zonal Co-coordinator, National Human Right Commission;

29 (vii) State Chairman, Nigeria Bar Association;

30 (viii) State Chairman, Nigeria Medical Association;

1 (ix) Legal Aids Council;

2 (x) Members of the state legislature.

3 (2) The Controller-General may after consultation with the State
4 Authority, Appoint such persons as he thinks fit to be visitors or member of a
5 visiting Committee of any prison.

6 20.-(1) Where there is no medical officer appointed for a prison and
7 correctional facility under section 3 this Bill, the functions of the medical
8 officer of a prison and correctional facility shall be performed by the
9 medical offers in the Civil Service of the Federation or a State as may be
10 directed by the minister of Health with the concurrence, in the case of
11 medical officers in the Civil Service of a State, of the State authority.

Medical officers,
prison, etc.

12 (2) The Minister of Health, with the concurrence of the State
13 Authority, may authorize a health superintendent or health sister (or the
14 holder of any corresponding office) in the Civil Service of a State to attend to
15 matters pertaining to general sanitation in a prison and correctional facility
16 and otherwise to assist the medical officer thereof.

17 21.-(1) There shall continue to be the fund called the prison
18 Officer's Reward Fund into which shall be paid all fines and forfeitures of
19 pay inflicted upon prison officers for offences against discipline under
20 regulations or standing orders made under this Bill.

Prison officer's
reward fund

21 (2) The prison Officers Reward Fund shall be administered by the
22 Controller-General in accordance with regulations made under this Bill and
23 shall applied to the purpose of:

24 (a) rewarding prison officers for extra or special service;

25 (b) Providing comforts, conveniences and advantages for prison
26 officers which are not chargeable on the general revenues of the Federation;

27 (c) Paying any compassionate gratuity, which may be granted
28 pursuant to regulations, made under section 15 of this Bill to the widow or
29 the family of a deceased prison officer.

30 (3) An inmate serving more than six months in prison shall receive

Prohibited items
in the prisons
and correctional
facility

1 such regular education or vocational training of his or her choice or as the State
2 Controller of Prisons shall direct.

3 **22.-(1)** Any person who-

4 (a) brings, throws or otherwise introduces into a prison, or gives to or
5 takes from an inmate, any alcoholic liquor, tobacco, intoxicating or poisonous
6 drug or article prohibited by regulations made under this Bill;

7 (b) Communicates or attempts to communicate with an inmate
8 without the permission of the Prison Superintendent;

9 (c) is found in possession of any article which has been supplied to a
10 prison officer for the execution of his duty or of any other prison and
11 correctional facility property and fails to account satisfactorily for his
12 possession of the article, or without due authority purchases or receives any
13 property from a prison officer, or aids or abets a prison officer to conceal or
14 dispose of any property;

15 (d) by any means directly or indirectly procures or attempts to procure
16 or persuade a inmate to desert, or aids, abets or is an accessory to the desertion
17 by a inmate, or having reason to believe that a person is a deserting inmate
18 harbours that person or aids in his concealment or rescue;

19 (e) directly or indirectly instigates, commands, counsels or solicits
20 any mutiny, sedition or disobedience to a lawful command of a senior officer
21 by a prison officer, or maliciously endeavours to seduce any prison officer from
22 his allegiance or duty;

23 (f) Knowingly harbours in his house or land or otherwise or
24 knowingly employs any person under sentence of imprisonment who is
25 illegally at large;

26 (g) Interferes with a inmate working outside a prison and correctional
27 facility or allows such an inmate to enter any house, yard or other premises
28 (unless it is at the request of the prison officer or other person in charge of the
29 inmate), or assists such an inmate to absent himself or neglect his work,
30 commits an offence and is liable on conviction to a fine not exceeding N10,000

1 (ten thousand naira) or to imprisonment for a period not exceeding 12
2 months, or both.

3 (2) A person who appears to a prison officer to have committed an
4 offence under subsection (1) (a) or (b) of this section who refuses on the
5 prison officer's demand to give his name and residence or gives a name or
6 residence which the prison officer knows or has reason to believe to be false,
7 commits an offence and is liable on conviction to a fine not exceeding
8 N10,000 (ten thousand naira) or to imprisonment for a period not exceeding
9 12 months or both.

10 (3) The prison officer may arrest that person and hand him over as
11 soon as possible to a police officer.

12 (4) The police officer shall thereupon proceed as if the offence had
13 been committed in his presence.

14 **23.-(1)** There shall be for the Prisons Service money appropriated
15 for inmates feeding provided for by the government.

Inmate nation

16 (2) Subject to (1) above; the cost of feeding shall be reviewed at a
17 period not exceeding 5 years from the date of the last review.

18 **24.-(1)** A prison officer from whose lawful custody an inmate
19 escapes commits an offence unless he has taken adequate measures at all
20 times to prevent such escape, and the burden of inmate, etc. and proving that
21 such adequate measures were taken in the case lies on the prison officer
22 concerned.

Escape of a inmate,
etc., and penalty

23 (2) Where the person who escaped from the custody of a prison
24 officer is under sentence of death or imprisonment for life or is charged with
25 or has been detained on suspicion of having committed an offence
26 punishable with death or imprisonment for life, the officer concerned
27 commits a felony and is liable on conviction to imprisonment for seven
28 years, in any other case the prison officer commits a felony and is liable on
29 conviction to imprisonment for five years.

30 (3) Where an inmate dies or suffers serious bodily injury, the State

1 Controller of Prisons shall investigate the incident and report to the Controller-
2 General who shall forthwith inform the Minister.

3 (4) Where the investigation reveals that the injury was caused by the
4 negligence or unlawful action of a Prison officer, the officer shall be dismissed
5 from Service and in the case of death of an inmate, the officer shall be
6 prosecuted.

7 (5) The Minister or a person authorized by the minister may subject to
8 and in accordance with the regulations, pay compensation in respect of the
9 death or disability of an inmate or person in an approved programme or labour.

Regulations

10 25.-(1) The Controller-General of Prisons shall subject to the
11 approval of the Minister and for Regulations the purpose of carrying into effect
12 the provisions of this Bill, make regulations with respect to-

13 (a) the organization and administration of prisons; and

14 (b) standing orders for the good, order, discipline and welfare of
15 inmates.

Standing orders

16 26. The Board may make standing orders relating to appointments to
17 offices in the Service, promotion, transfer, dismissal and discipline of the staff
18 of the Service.

Delegation of
duties

19 27.-(1) Subject to this section-

20 (a) the Minister may delegate any of his functions under this Bill to the
21 Controller General of Prisons; or

22 (b) as regards a state or offences committed under the laws of a state to
23 the State Authority.

24 (2) A delegation under subsection (1) of this section may be made
25 subject to such conditions and limitations, if any as the Minister thinks fit.

26 (3) The delegation of a function under subsection (1) of this section
27 shall not prevent the Minister from continuing to exercise the function himself
28 if he deems fit.

Repeal of Cap
P29 LFN 2004

29 28.-(1) The Prisons Act, Cap P29 Laws of the Federation of Nigeria,
30 2004 is repealed.

1 *Third Schedule*

2 (2) The savings and transitional provisions in the Third Schedule to
3 this Act shall have effect notwithstanding any other provision of this Act.

4 **29. In this Bill-**

Interpretation

5 "Board" means the Immigration and Prisons Service Board;

6 "Chief Judge" includes Chief Judge of the Federal High Court, Chief Judge
7 of the Federal Capital Territory and the Chief Judge of a State;

8 "Controller-General" means the Comptroller General of Nigeria Prisons
9 Service;

10 "Function" includes power and duty;

11 "Medical Officer" in relation to a prison includes a person directed under
12 this Bill to perform the functions of a medical officer in respect of that
13 prison;

14 "Minister" means the Minister charged with the responsibility of prisons;

15 "Prison Officer" means an officer of whatever rank appointed pursuant to
16 this Bill;

17 "Inmate" means any person lawfully committed to custody;

18 "Public Holiday" includes a day which is Saturday or Sunday;

19 "Sentence of Imprisonment" means any sentence involving confinement in
20 a prison (whether or not it is combined with labour of any kind) and includes
21 a sentence given by way of commutations as well as an original sentence
22 passed by the court;

23 "Sheriff in relation to a person means the Sheriff of the State in which that
24 prison is situated;

25 "State" means a State of the Federation and shall include the Federal Capital
26 Territory;

27 "State Authority" means the Governor of a State and the State Authority in
28 relation to a person confined in prison;

29 "Prisons Superintendent" means the prisons officer for the time being in
30 charge of the prison.

Citation	1	30. This Bill may be cited as the Nigerian Prisons Service Bill, 2016.
	2	SCHEDULES
	3	FIRST SCHEDULE
	4	CLASSIFICATION OF PRISONS AND CORRECTIONAL FACILITY
	5	FIRST COLUMN
	6	<i>Section 2 (3)</i>
	7	CATEGORY OF INMATES
	8	<i>Maximum Security Prisons (3 years and above).</i>
	9	SECOND COLUMN
	10	CLASS OF INMATES TO WHICH APPROPRIATED
	11	Inmates under sentence of death or life imprisonment; persons detained for
	12	offence punishable with death or life imprisonment; persons sentenced to
	13	imprisonment of three years and above for theft, fraud or embezzlement,
	14	habitual criminals repeated escapists.
	15	Medium Security Prison (less than three years and above): Persons sentenced
	16	to imprisonment for assault and battery.
	17	Minimum Security Prison: Debtors, civil offenders and persons sentenced to
	18	imprisonment for pick pocketing and shoplifting.
	19	Female Prison: Female Inmates of all classes.
	20	Open Prison and correctional facility on Farm Centre: Well behaved inmates of
	21	any class on approval by the Controller General. Satellite Prison: Persons on
	22	remand, unconvicted persons awaiting trial, persons sentenced to
	23	imprisonment of three months or below.
	24	Juvenile Institution: Juvenile Offenders;
	25	Lunatic Asylum: All classes of civil and criminal lunatics.
	26	SECOND SCHEDULE
	27	<i>Section 5 (2)</i>
	28	1. Controller General of Prisons
	29	2. Deputy Controller General of Prisons
	30	3. Assistant Controller General of Prisons

- 1 4. Controller of Prisons
- 2 5. Deputy Controller of Prisons
- 3 6. Assistance Controller of Prisons
- 4 7. Chief Superintendent of Prisons
- 5 8. Superintendent of Prisons
- 6 9. Deputy Superintendent of Prisons
- 7 10. Assistant Superintendent of Prisons I and II
- 8 11. Chief Inspector of Prisons
- 9 12. Deputy Chief Inspector
- 10 13. Assistant Chief Inspector
- 11 14. Principal Inspector of Prisons
- 12 15. Senior Prisons Inspectors
- 13 16. Prisons Inspectors
- 14 17. Assistant Inspector of Prisons
- 15 18. Senior Prison Assistant
- 16 19. Prison Assistant I, II and III

17 THIRD SCHEDULE

18 SAVINGS AND TRANSITIONAL PROVISIONS

19 *Section 23 (2)*

- 20 1. All prisons declared under the repealed Prisons Act Cap. P29,
21 Laws of the Federation of Nigeria, 2004 shall be deemed to have been
22 declared under this Act.
- 23 2. Subsidiary legislation made or deemed to have been made
24 under the repealed Prisons Act Zap. P29, Laws of the Federation of Nigeria,
25 2004 if it was in force immediately before the commencement of this Act,
26 shall continue in force with necessary modifications and may be amended or
27 revoked as if it had been made under this Act.
- 28 3. The rights, assets, obligations and liabilities of the Prison
29 Officers Reward Fund as established by the repealed Prisons Act Cap. P29,
30 Laws of the Federation of Nigeria, 2004 shall, at the commencement of this

1 Act, vest in and devolve upon the fund as continued by this Act.

EXPLANATORY MEMORANDUM

- This Bill seeks to repeal Cap. P29, Laws of the Federation of Nigeria, 2004 in order to address issues that are not provided in Cap. P29, Laws of the Federation of Nigeria, 2004. It also seeks to establish clear rules setting out the obligations of the Prisons Service and rights of prison inmates.