

A BILL

FOR

AN ACT TO REPEAL THE PRISONS ACT CAP. P29 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN PRISONS AND CORRECTIONAL SERVICE, TO MAKE PROVISIONS FOR THE ADMINISTRATION OF PRISONS IN NIGERIA; THE AWAITING TRIAL PERSONS AND FOR RELATED PURPOSES, 2016

Sponsored by Senator Mohammed Shaaba Lafiagi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 1.-(1) There is established for the Federation a Prisons Service to
2 be known as the "Nigerian Prisons and Correctional Service" (in this Bill
3 referred to as "the Service").

Establishment of Prisons Service

4 (2) There shall be for the administration of the Service a Controller
5 General, Deputy Controllers-General and such other subordinates to the
6 Controller-General as may be necessary for the administration of the
7 Service.

8 (3) The National Headquarters of the Service shall be located at the
9 Federal Capital Territory, Abuja.

10 (4) The Controller General may establish Zonal Headquarters of
11 the Service and the State Command.

12 2.-(1) The Minister may, by order in a Federal Gazette, declare any
13 public building with requisite facilities in an appropriate location within
14 Nigeria, to be a prison and by the same or subsequent order specify the area
15 for which the Prison is established.

Establishment and classification of prisons

16 (2) Every prison shall include:

17 (a) the grounds and buildings within the prison enclosure; and

18 (b) any detention centre for the temporary detention or custody of

1 prisoners newly apprehended or under remand which is declared by the
2 Minister by order in the Federal Gazette to be part of the prison.

3 *First Schedule*

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

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

9 (a) designate every prison as a prison of a particular category;

10 (b) for the separation of different classes of prisoners in prison of any
11 category appropriate any part of the prison to particular classes of prisoners;
12 and

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

Appointment of
Controller General
of Prisons and
other Staff

18 3.-(1) The Controller-General and the Deputy Controllers-General
19 shall be appointed from amongst serving General Duty prison officers by the
20 President acting on the advice of the Board.

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

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

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

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

Establishment of
prisons service
board

29 4.-(1) There is Established for the Service, the prison Service Board
30 (in this Bill referred to as "the Board").

1 (2) Chairman and seven (7) other members (to be referred to as
2 Board Members). The Chairman of the Board to be appointed by the
3 President can be from any of these Retired Public Officers:

4 (i) a retired General Duty Prison Officer of not less than the rank of
5 Deputy Controller-General of Prisons with good track records and skilful on
6 prison duties;

7 (ii) a retired High Court Judge with not less than ten (10) years'
8 experience in the Bench.

9 (3) The other seven (7) members shall comprise:

10 (i) two(2) Retired Prison General Duty Officers from the rank of
11 Assistant Controller-General of Prisons and above with good track record of
12 Service;

13 (iii) a representative from the Ministry of Interior of not less than
14 the rank of a Director;

15 (iv) a representative from the Federal Ministry of Justice of not less
16 than the rank of a Director;

17 (v) a representative from the Nigerian Bar Association of the rank
18 of Senior Advocate of Nigeria (SAN) or Legal Aid Council of Nigeria of not
19 less than the rank of a Director;

20 (vi) a representative from the National Human Rights
21 Commission of Nigeria or Civil Society Organization;

22 (vii) the Controller-General of Prisons to be a sitting member on
23 advisory capacity.

24 (4)The Secretary of the Board shall be a serving General Duty
25 Prison Officer of not less than the rank of an Assistant Controller-General of
26 Prisons, with good track record of service.

27 (5) There shall be for the Service administrative, psychological,
28 educational, medical, technical, welfare and other officers as the Board may
29 consider necessary for efficient running of the Service.

30 (6) The officers of the Service shall subject to Subsection (1) of this

	1	section, be appointed and disciplined by the Board.
	2	(7) Notwithstanding the provisions of subsection (3), junior officers
	3	of the Service shall be appointed, promoted and disciplined by the Controller-
	4	General.
Tenure of Office	5	5.-(1) The Chairman of the Board shall have tenure of four (4) years
	6	which can be renewed for another term of four (4) years subject to good
	7	performance.
	8	(2)The tenure of the other seven (7) members shall be for five (5)
	9	years which can be renewed for another five (5) years subject to good
	10	performance.
	11	(3)The Secretary of the Board shall maintain Board's Secretariat and
	12	keep all records and proceedings of Board meetings.
Functions of the service board	13	6. In accordance with its enabling laws, the functions of the Board
	14	will include:
	15	(i) formulation of general policy guidelines for the Nigerian Prisons
	16	and Correctional Service and the administration of the ACT of the Service,
	17	subject to the general control of the Chairman;
	18	(ii) the Board shall exercise powers similar to those of the Federal
	19	Civil Service Commission as entrenched in the Constitution to appoint,
	20	promote and exercise disciplinary control over senior staff of the Nigerian
	21	Prisons and Correctional Service.
Cessation of membership	22	7. The office of a member of the Board shall become vacant if:
	23	(a) he resigns as a member of the Board by notice in writing under his
	24	hand addressed to the President and resignation shall take effect on the date of
	25	receipt by the President of such letter;
	26	(b) a member of the Board may be removed from office by the
	27	President if he is satisfied that it is not in the interest of the Board or the interest
	28	of the public that the member should continue in office.
Emolument, etc. of members	29	8. The Chairman and members of the Board shall be paid such
	30	emoluments, allowances and benefits in accordance with the existing

1 regulations on such payment.

2 9.-(1) Subject to subsection (2) of this section, every prisoner
3 confined in a prison shall be deemed to be in the legal custody of the Prison
4 Superintendent, and shall be subject to prison discipline and regulations
5 made under this Bill whether or not he is within the precincts of the prison.

Custody of
prisoners

6 (2) In the case of a prisoner under sentence of death, the Prison
7 Superintendent shall at such time on the day on which the sentence is to be
8 carried out as may be fixed by the sheriff, and from that time until the actual
9 carrying out of the sentence:

10 (a) the prisoner shall be in legal custody of the sheriff and;

11 (b) the sheriff shall have jurisdiction and control over that portion
12 of the prison where the prisoner is confined and the prison officer serving
13 therein so far as may be necessary for the safe custody of the prisoner during
14 that period and for the purpose relating to such custody.

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

21 (4) In the event that the prison has exceeded its maximum capacity,
22 the State Controller shall notify the Chief Judge of the State or the State
23 Criminal Justice Committee.

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

28 (6) Without prejudice to subsection (4), the State controller of
29 Prisons in consultation with the Prison Superintendent shall have the power
30 to reject more intake of prisoners where it is apparent that the prison in

- 1 question is filled to capacity.
- Report on
prisoner 2 **10.** When a person is sentenced, committed or transferred to prison,
3 the Service shall take reasonable steps to obtain, as soon as practicable:
- 4 (a) relevant information about the offence and the person's personal
5 history, including the person's psychosocial mental health status, economic,
6 criminal and young offenders history;
- 7 (b) any reason and recommendation relating to the sentencing or
8 committal that are given or made by the court that convicted, sentenced or
9 committed the person and any court that hears an appeal from the conviction,
10 sentence or committal;
- 11 (c) any report relevant to the conviction, sentence or committal that is
12 submitted to a court mentioned in the subparagraph (b);
- 13 (d) any other information relevant to administering the sentence or
14 committal, including existing information, from the victim impact, statement
15 and the transcript of any comments made by the sentencing judge regarding
16 serving the sentence.
- Prison labour 17 **11.-(1)** Subject to this section, the effect of a sentence of
18 imprisonment with Prison labour passed upon a prisoner shall be that the
19 prisoner shall be imprisoned for the period of the sentence and during his
20 imprisonment shall work at such labour as may be directed by Prison
21 Superintendent.
- 22 (2) The labour referred to in subsection (1) of this section shall take
23 place within or outside the prison, so far as practicable.
- 24 (3) The medical officer may order any prisoner to be excused from
25 labour or to perform light labour, and any prisoner ordered to perform light
26 labour shall be required to do work for which he is certified by the medical
27 officer to be fit.
- 28 (4) This section is without prejudice to any provision of this Bill or
29 regulations made there under providing for the remission of sentences.

1 **12.-(1)** The Controller-General or, if authorized in writing by the
2 Minister, any Prison Superintendent, may by order under his hand direct that
3 any person in the prison under ~~the~~ sentence of the court for offence
4 committed by him shall be removed from the prison in which he is confined
5 to another prison; and where a person is removed to a prison other than that
6 named in the warrant or order together with the order of removal (which may
7 be endorsed on or separate from the warrant or order), shall be sufficient
8 authority:

Removal of a
prisoner

9 (a) for the removal of the prisoner to the prison named in the order
10 of removal and his detention there; and

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

13 (2) Where it appears to the Controller-General:

14 (a) that the number of prisoners in a prison is greater than can
15 conveniently be kept there and that it is more convenient to transfer the
16 excess number of prisoners to another prison; or

17 (b) that by reason of the outbreak within the prison of a disease or
18 for any other reason it is desirable to provide for the temporary shelter and
19 safe custody of any prisoner;

20 (c) the Controller-General may by order under his hand direct that
21 as many of the prisoners as may be indicated in the order shall be kept and
22 detained in a building or place which is outside the prisons and specified in
23 the order and that building or place shall be deemed to form part of the prison
24 for the purposes of this Bill until the order is cancelled.

25 (3) Nothing in this Bill shall be construed as authorizing the:

26 (a) transfer or removal of a prisoner to a prison of a different
27 category from that in which he was previously confined; or

28 (b) ~~keeping or detaining~~ of a prisoner in a building or place in
29 which are confined prisoners of a different class from that to which he
30 belongs.

Production of
prisoner before a
court

1 13.-(1) Where the presence of a prisoner is required before a court, the
2 court may issue an order addressed to the Prison Superintendent requiring the
3 prisoner to be produced before the court in proper custody at the time and place
4 specified in the order, and by endorsement on the order require that person to be
5 brought up again at any adjourned hearing.

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

8 (3) If a prisoner charged with an offence is brought before a court
9 under this section, the same procedure shall be followed with respect to the
10 offence as would have been followed if he had been brought before the court on
11 a warrant.

12 (4) If the Controller General receives a request or subpoena that the
13 presence of a prisoner is required at any place in Nigeria he shall in writing
14 under his hand:

15 (a) order the prisoner to be taken to that place, in compliance with the
16 request after being satisfied that the request is in the public interest; or

17 (b) order the prisoner to be taken to that place forthwith, in the case of
18 a subpoena; and

19 (c) a prisoner taken from prison in pursuance of any such order shall
20 be kept in such custody and shall be deemed to be in lawful custody.

Medical check-up
on prisoner

21 14.-(1) Where it appears to the Prison Superintendent that a prisoner
22 undergoing a sentence of imprisonment or under sentence of death is of
23 unsound mind, he shall forthwith report the matter to the State Controller of
24 prisons who:

25 (a) shall appoint two or more qualified medical practitioners and
26 clinical psychologists (one of whom may be the medical officer of the prison)
27 to inquire into the prisoner's soundness of mind; and

28 (b) may if he thinks it necessary, order the removal of the prisoner
29 from the prison to another prison or to a hospital.

30 (2) The medical practitioners and clinical psychologists appointed

1 under subsection (1) of this section shall:

2 (a) forthwith examine the prisoner and inquire as to his soundness
3 of mind;

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

7 (3) Where a prisoner into whose soundness of mind an inquiry has
8 been made under Subsection (1) of this section is under sentence of death,
9 the following provisions shall apply:

10 (a) the Deputy Controller of Prisons shall as soon as possible report
11 the circumstances to the relevant authority who, on receipt of the report,
12 shall order the execution of the sentence to be suspended until the report of
13 the medical practitioners has been received;

14 (b) if the prisoner is certified to be of unsound mind, the relevant
15 authority shall order execution of the sentence of death to be stayed and may,
16 by order in writing directed to the superintendent direct that the prisoner be
17 sent to a suitable mental hospital;

18 (c) on the making of a removal order under paragraph (b) of this
19 subsection, the prisoner shall be sent to the mental hospital in question and,
20 subject to the mental health laws, be detained there (or in any other place to
21 which he may be transferred) during the relevant authority's pleasure;

22 (d) if a prisoner so detained is certified by two medical
23 practitioners to be no longer of unsound mind, the relevant authority shall
24 make such order as seems to him to be just or, if he is satisfied that it is proper
25 for him to do so, may by order in writing under his hand direct that the
26 prisoner be removed to prison to be dealt with according to law.

27 (4) Where a person other than a prisoner under sentence of death is
28 certified to be of unsound mind under subsection (2) of this section, the
29 following provisions apply:

30 (a) the Controller-General shall by order in writing under his hand

1 addressed to the State Controller, direct that the prisoner be removed to a
2 suitable mental hospital;

3 (b) the prisoner shall in pursuant to an order made under paragraph (a)
4 of this subsection and, subject to the mental health laws, be detained therein (or
5 in any other mental hospital to which he may be transferred) until he is certified
6 by two medical practitioners to be of sound mind or until the sentence of
7 imprisonment to which he is subject determines, whichever first occurs;

8 (c) if the prisoner is certified to be of sound mind, he shall by order in
9 writing under the hand of the Minister be removed to prison to serve so much of
10 his sentence as remains;

11 (d) if the prisoner is still detained in a mental hospital when his
12 sentence of imprisonment is about to be determine, the officer in charge of the
13 mental hospital shall give such information as may be necessary under the
14 mental health laws to secure consideration of the question whether the prisoner
15 shall be detained under those laws as a person of unsound mind till the date of
16 the determination of his sentence.

Removal of sick
prisoner to hospital

17 **15.-(1)** In case of the serious illness of a prisoner confined in a prison
18 in which there is no suitable accommodation for him, the State Controller, (or,
19 in an emergency, the Prison Superintendent, may on the certificate of the
20 medical officer by order under his hand, direct the removal of the prisoner to a
21 hospital specified in the order.

22 (2) So long as a prisoner removed to a hospital under subsection (1) of
23 this section remains in the hospital, the medical superintendent or other person
24 in charge of the hospital shall certify at the end of every month that it is in his
25 opinion necessary that the prisoner should remain in the hospital and shall
26 transmit this certificate to the Prison Superintendent.

27 (3) The medical officer or other person in charge of a hospital to which
28 a prisoner has been removed from a prison under subsection (1) of this section,
29 if in his opinion it is no longer necessary for the prisoner to remain in the
30 hospital shall forward to the Prison Superintendent a certificate to that effect

1 and the Deputy Controller of Prisons shall cause the prisoner to be returned
2 to the prison if the prisoner is still liable to be confined.

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

6 (5) All reasonable precautions shall be taken by the medical
7 officers and other officers of a hospital to prevent the escape of prisoners
8 removed there for treatment, and it shall be lawful for those officers to take
9 such measures for preventing the escape of prisoners as may be necessary:
10 Provided that nothing shall be done under this subsection which is likely to
11 be prejudicial to the health of a prisoner.

12 (6) Where in view of the gravity of the offence for which a prisoner
13 is in custody or for any other reason the Prison Superintendent considers it
14 desirable to take special measures for the security of the prisoner under
15 treatment in a hospital:

16 (a) the Deputy Controller of Prisons may give the prisoner into the
17 charge of fit and proper persons (not being less than two in number) one of
18 whom at least shall always be with the prisoner day and night, or he may
19 place the prisoner in the charge of a military guard; and

20 (b) any person or military guard in whose charge a prisoner has
21 been placed under paragraph (a) of this subsection, shall be vested with full
22 power and authority to do all things necessary to prevent the prisoner from
23 escaping and shall be answerable for his safe custody until he is handed over
24 to the Prison Superintendent on his discharge from the hospital or until his
25 sentence expires, whichever first occurs.

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

Awaiting Trial
Detention of
Persons

1 **16.** No person Awaiting Trial shall be remanded in prison for more
2 than 3 months if a prima facie case is established against an accused person, if:

3 (1) The offence is aailable offence.

4 (2) The accused can provide competent surety

5 (3) The accused is already on police.

A prisoner to be
sent back to his
usual place of
abode

6 **17.**-(1) Where it appears to the Controller-General that it is in the
7 public interest or in the interest of the prisoner that a prisoner undergoing a
8 sentence of imprisonment should on discharge be sent back to the area in
9 which he has his usual place of abode or the area in which the court which
10 passed sentence on him has jurisdiction, the Controller-General may, on the
11 expiry of the sentence, direct that the prisoner shall be sent back to either of
12 those areas, and may further direct that all necessary and proper precautions
13 shall be taken to ensure the ex-prisoner's arrival in the area in question.

14 (2) If a prisoner's sentence expires on a public holiday, he shall be
15 discharged on the immediately preceding day or, if the immediately preceding
16 day is also a public holiday, on the latest preceding day which is not a public
17 holiday.

18 (3) A prisoner who is under medical treatment when his sentence
19 expires shall not, except at his own request, be discharged unless the medical
20 officer certifies that in his opinion the discharge can be effected without danger
21 to the health of the prisoner.

22 (4) The State and FCT Controller shall render monthly returns to the
23 Chief Judge of the State or FCT of Prisoners who have been in custody
24 Awaiting Trial for a period longer than the maximum period of imprisonment
25 prescribed for the offences and such Chief Judge shall release such persons as
26 provided in the Constitution.

27 (5) Failure to comply with the provisions of subsection (1) of this
28 section the State Controller shall be liable on conviction to a fine of N100,000
29 (one hundred thousand naira) or two years imprisonment or both.

30 (6) The State Controller and FCT shall prepare a monthly report of all

1 detainees in his custody and provide such information to respective Chief
2 Judges and Attorney-General.

3 **18.-(1)** Subject to subsections (4) and (6) of this section, a prison
4 officer may use firearms, teargas or such other weapons against a prisoner
5 escaping or attempting to escape, but resort shall not be had to the use of
6 such weapons unless the officer has reasonable grounds to believe that he
7 could not otherwise prevent the escape.

Use of firearm by
prison officer

8 (2) Subject to subsections (5) and (6) of this section, a prison
9 officer may use weapons on any prisoner engaged in any combined outbreak
10 or in any attempt to force or break open the outside door or gate enclosure
11 wall of a prison, and may continue to use weapons so long as the combined
12 outbreak or attempt is being prosecuted.

13 (3) Subject to subsection (7) of this section, a prison officer may
14 use weapons against a prisoner using violence to the officer himself or to any
15 other prison officer or person if the officer using the weapons has reasonable
16 grounds to believe that he or that other officer or person, as the case may be,
17 is in danger of life or limb or that other grievous harm is likely to be caused to
18 him.

19 (4) Before using firearms against a prisoner under subsection (1) of
20 this section, a prison officer shall give warning to the prisoner that he is
21 about to fire.

22 (5) A prison officer in the presence of a superior officer may not use
23 weapons of any sort against a prisoner under subsection (3) of this section
24 except under the orders of the superior officer.

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

27 (7) A police officer who for the time being is serving as an escort
28 guard or as a guard in or around a prison for the purpose of ensuring the safe
29 custody of any prisoner in the prison shall have all the powers and privileges
30 granted to prison officers under this section.

1 (8) A prison officer may use weapons to ward off an attack on the
2 Prison or during escort duties where it becomes obvious to the officer that such
3 attacks are aimed at freeing the prisoners or endangering the life of the escorts.

Prison visitors
ex-officio

4 **19.-(1)** The following shall be prison visitors ex-officio:

5 (a) in relation to all prisons, the Chief Justice of Nigeria and other
6 Justices of the Supreme Court, the President and other Justices of the Court of
7 Appeal, the Chief Judge and other Judges of the Federal High Court, the
8 Chairman and other Council members of the National Human Rights
9 Commission, the President Nigeria Bar Association and other members of
10 National Bar Executive, the Resident Representative of Non-Governmental
11 Organizations working on Prisons and Penal Reform; and

12 (b) in relation to prisons in their areas of Jurisdiction:

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

14 (ii) the Grand Khadi and other Judges of the Shari a Court of Appeal
15 and the President and other Judges of Customary Court of Appeal exercising
16 jurisdiction in the State;

17 (iii) Magistrates and District Court Judges;

18 (iv) Area Court and Customary Court Judges;

19 (v) Justice of the Peace;

20 (vi) Zonal Co-coordinator, National Human Rights Commission;

21 (vii) State Chairman, Nigerian Bar Association;

22 (viii) State Chairman, Nigerian Medical Association;

23 (ix) Legal Aids Council;

24 (x) members of the legislature.

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

Medical officers,
prison, etc.

28 **20.-(1)** Where there is no medical officer appointed for a prison under
29 section 3 of this Bill, the functions of the medical officer of a prison shall be
30 performed by the medical officers in the Civil Service of the Federation or a

1 State as may be directed by the Minister of Health with the concurrence, in
2 the case of medical officers in the Civil Service of a State, of the State
3 authority.

4 (2) The Minister of Health, with the concurrence of the State
5 Authority, may authorize a health superintendent or health sister (or the
6 holder of any corresponding office) in the Civil Service of a State to attend to
7 matters pertaining to general sanitation in a prison and otherwise to assist the
8 medical officer thereof.

9 **21.**-(1) There shall continue to be the fund called the Prison
10 Officers' Reward Fund into which shall be paid all fines and forfeitures of
11 pay inflicted upon prison officers for offences against discipline under
12 regulations or standing orders made under this Bill.

Prison officers'
reward fund

13 (2) The Prison Officers' Reward Fund shall be administered by the
14 Controller-General in accordance with regulations made under this Bill and
15 shall be applied to the purposes of:

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

17 (b) providing comforts, conveniences and advantages for prison
18 officers which are not chargeable on the general revenues of the Federation;

19 (c) paying any compassionate gratuity, which may be granted
20 pursuant to regulations, made under section 15 of this Bill to the widow or
21 the family of a deceased prison officer.

22 (3) A prisoner serving more than six months in prison shall receive
23 such regular education or vocational training of his or her choice or as the
24 State Controller of Prisons shall direct.

25 **22.**-(1) Any person who:

Prohibited items
in the prisons

26 (a) brings, throws or otherwise introduces into a prison, or gives to
27 or takes from a prisoner, any alcoholic liquor, tobacco, intoxicating or
28 poisonous drug or article prohibited by regulations made under this Bill;

29 (b) communicates or attempts to communicate with a prisoner
30 without the permission of the Prison Superintendent;

1 (c) is found in possession of any article which has been supplied to a
2 prison officer for the execution of his duty or of any other prison property and
3 fails to account satisfactorily for his possession of the article, or without due
4 authority purchases or receives any property from a prison officer, or aids or
5 abets a prison officer to conceal or dispose of any property;

6 (d) by any means directly or indirectly procures or attempts to procure
7 or persuade a prisoner to desert, or aids, abets or is an accessory to the desertion
8 by a prisoner, or having reason to believe that a person is a deserting prisoner
9 harbours that person or aids in his concealment or rescue;

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

14 (f) knowingly harbours in his house or land or otherwise, or
15 knowingly employs any person under sentence of imprisonment who is
16 illegally at large;

17 (g) interferes with a prisoner working outside a prison, or allows such
18 a prisoner to enter any house, yard or other premises (unless it is at the request
19 of the prison officer or other person in charge of the prisoner), or assists such a
20 prisoner to absent himself or neglect his work, commits an offence and is liable
21 on conviction to a fine not exceeding N10,000 (ten thousand naira) or to
22 imprisonment for a period not exceeding 12 months, or both.

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

30 (3) The prison officer may arrest that person and hand him over as

1 soon as possible to a police officer.

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

4 **23.**-(1) There shall be for the Prisons Service money appropriated Prisons ration
5 for inmates feeding as provided for by the government.

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

8 **24.**-(1) A prison officer from whose lawful custody a prisoner Escape of a
9 escapes commits an offence unless he has taken adequate measures at all prisoner, etc. and
10 times to prevent such escape, and the burden of proving that such adequate penalty
11 measures were taken in the case lies on the prison officer concerned.

12 (2) Where the person who escaped from the custody of a prison
13 officer is under sentence of death or imprisonment for life or is charged with
14 or has been detained on suspicion of having committed an offence
15 punishable with death or imprisonment for life, the officer concerned
16 commits a felony and is liable on conviction to imprisonment for seven
17 years, in any other case the prison officer commits a felony and is liable on
18 conviction to imprisonment for five years.

19 (3) Where an inmate dies or suffers serious bodily injury, the State
20 Controller of Prisons shall investigate the incident and report to the
21 Controller-General who shall forthwith inform the Minister.

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

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

Regulations	1	25. -(1) The Controller-General of Prisons shall subject to the
	2	approval of the Minister and for the purpose of carrying into effect the
	3	provisions of this Bill, make regulations with respect to:
	4	(a) The organization and administration of prisons; and
	5	(b) Standing orders for the good, order, discipline and welfare of
	6	prisoners.
Standing orders	7	26. The Board may make standing orders relating to appointments to
	8	offices in the Service, promotion, transfer, dismissal and discipline of the staff
	9	of the Service.
Delegation of duties	10	27. -(1) Subject to this section:
	11	(a) The Minister may delegate any of his functions under this Bill to
	12	the Controller General of Prisons or;
	13	(b) as regards a state or offences committed under the laws of a state to
	14	the State Authority.
	15	(2) A delegation under subsection (1) of this section may be made
	16	subject to such conditions and limitations, if any as the Minister thinks fit.
	17	(3) The delegation of a function under subsection (1) of this section
	18	shall not prevent the Minister from continuing to exercise the function himself
	19	if he deems fit.
Repeal of Cap. P29 LFN 2004	20	28. -(1) The Prisons Act, Cap P29 Laws of the Federation of Nigeria,
	21	2004 is repealed.
	22	<i>Third Schedule.</i>
	23	(2) The savings and transitional provisions in the Third Schedule to
	24	this Act shall have effect notwithstanding any other provision of this Act.
Interpretation	25	29. In this Bill:
	26	"Board" means the Immigration and Prisons Service Board;
	27	"Awaiting Trial Persons" includes persons detained without bail in aailable
	28	offence and not lawfully sentenced;
	29	"Chief Judge" includes Chief Judge of the Federal High Court, Chief Judge of
	30	the Federal Capital Territory and the Chief Judge of a State;

1 "Controller-General" means the Comptroller General of Nigeria Prisons
2 Service;

3 "Function" includes power and duty;

4 "Medical Officer" in relation to a prison includes a person directed under
5 this Bill to perform the functions of a medical officer in respect of that
6 prison;

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

8 "Prison Officer" means an officer of whatever rank appointed pursuant to
9 this Bill;

10 "Prisoner" means any person lawfully committed to custody;

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

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

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

18 "State" means a State of the Federation and shall include the Federal Capital
19 Territory;

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

22 "Prisons Superintendent" means the prisons officer for the time being in
23 charge of the prison.

24 **30.** This Bill may be cited as the Nigerian Prisons and Correctional Citation
25 Services Bill, 2016.

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

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

THIRD SCHEDULE

SAVINGS AND TRANSITIONAL PROVISIONS

Section 23 (2)

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